

ORDINANCE NO. 2022-24
INTRODUCED BY: Mayor Bodnar

**AN ORDINANCE ADOPTING NEW MAYFIELD VILLAGE CODIFIED ORDINANCE
CHAPTER 907 DITCH ENCLOSURES**

WHEREAS, it is important for proper stormwater management that drainage ditches be properly maintained and any ditch enclosures are properly constructed and installed; and

WHEREAS, the Mayfield Village Council deems it in the best interest and for the health, safety and welfare of Mayfield Village and its residents to enact Chapter 907 of the Codified Ordinances as set forth below in order to require a permit for any work for the purpose of enclosing a ditch within the Village’s right of way or any drainage easement.

NOW, THEREFORE, BE IT ORDAINED by the Council of Mayfield Village, Cuyahoga County, State of Ohio, that:

SECTION 1. Chapter 907 of the Village’s Codified Ordinances is hereby enacted to read as fully set forth in Exhibit “A” attached hereto and incorporated herein by reference.

SECTION 2. Any sections of the Codified Ordinances in conflict herewith are hereby and herein repealed and amended accordingly. All other provisions of the Village Codified Ordinances not inconsistent herewith shall remain in full force and effect.

SECTION 3. The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the Codifier of Mayfield Village.

SECTION 4. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance shall take effect after adoption and at the earliest time allowed by law.



STEPHEN SCHUTT
Council President

First Reading: October 17, 2022

Second Reading: November 21, 2022

Third Reading: December 19, 2022

PASSED: December 19, 2022



BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:



DIANE A. CALTA,
Director of Law

ATTEST: 

MARY E. BETSA, MMC
Clerk of Council

EXHIBIT A

CHAPTER 907

DITCH ENCLOSURES

907.01 APPLICATION.

No person, firm or corporation shall commence any work for the purpose of enclosing a ditch within the Village's right of way or any drainage easement without first making application to the Building Commissioner or his or her designee; which application shall designate the location of the property; the ditch area to be enclosed; the name and address of the owner of such property; the name and address of the person or persons that will do such work; and such other information as may be required by the Village.

907.02 PERMIT REQUIRED.

(a) No person, firm or corporation shall commence any work for the purpose of enclosing a ditch within the Village's right of way or any drainage easement without first securing a permit to do so from the Building Commissioner or his or her designee. The cost of such permit shall be fifty dollars (\$50.00).

(b) The permit fee shall include the cost of one initial preconstruction inspection and one final inspection. Each additional reinspection is subject to a fee of thirty-five dollars (\$35.00).

(c) Reinspection fees shall be paid for at the time the inspection is scheduled or may be applied against the bond required in Section 907.04 at the discretion of the Building Commissioner.

907.03 PERMIT ISSUANCE.

The permit shall be issued upon the following conditions and failure to comply with any of such conditions shall be cause for revocation of such permit:

(a) Ditch enclosures shall be done according to the specifications set by the Village Engineer, which may be amended from time to time.

(b) The owners shall pay for the costs of the material and installation for the ditch enclosure.

(c) The owner shall complete the project within thirty (30) days after the commencing of construction.

907.04 BOND REQUIRED.

No person, firm or corporation shall commence any work for the purpose of enclosing a ditch within the Village's right of way or any drainage easement without first depositing a bond in the sum of one hundred dollars (\$100.00). The bond is to be returned after completion and approval of installation.

907.99 PENALTY.

(a) Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

(b) The imposition of one fine for any violation of this chapter shall not excuse the violation or permit it to continue. All persons shall be required to correct or remedy such violations or defects within a reasonable time.

(c) Unless otherwise specified, each day that such prohibited conditions are allowed to exist shall constitute a separate offense.