

COUNCIL CHAMBER

City of Berea, Ohio

Ordinance No. 2015-2

By Nick Haschka Sponsored By Mayor Cyril M. Kleem;
Councilman Nick Haschka

AN ORDINANCE

FINDING AND DECLARING THE EXISTENCE OF A NUISANCE CONDITION AT THE SANDSTONE RIDGE SUBDIVISION, BEREA, OHIO, AUTHORIZING AND DIRECTING THE ABATEMENT OF THE SAME, AND DECLARING AN EMERGENCY.

WHEREAS, due to a rain event occurring May 12, 2014, the City of Berea learned of flooding occurrences in numerous homes within the Sandstone Ridge Subdivision, and further learned that the storm water retention basin designed and built to control storm water in that subdivision had not been built as designed and specified; and

WHEREAS, pursuant to Codified Ordinance Section 1321.01, the Chief Building Official and the Engineer of the City have investigated and inspected an area within the Sandstone Ridge Subdivision in the City of Berea and have determined, found and declared the condition in that area to be a nuisance condition in a letter to the owner dated June 23, 2014 (copy attached as Exhibit "A" and incorporated herein) and;

WHEREAS, the Chief Building Official and the Engineer have found that the condition existing in and upon an area in the Sandstone Ridge Subdivision constitutes a nuisance condition that currently does or will become a blighting or deteriorating factor in the neighborhood, or will impair or adversely affect the value of homes and properties within the subdivision; and

WHEREAS, the Chief Building Official and the Engineer are reporting such facts to this Council and are requesting Council, pursuant to Codified Ordinance Section 1321.01, to declare said area in the Sandstone Ridge Subdivision to be a nuisance and to specify the repair, remedy or maintenance necessary to abate such nuisance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. This Council, after considering the letter of June 23, 2014 and the report of the Chief Building Official and Engineer of the City made before Council, and considering all other matters brought forward for consideration by Council, expressly finds and determines that a nuisance condition exists in and upon the storm water retention basin area located within the Sandstone Ridge Subdivision, Berea, Ohio, in that it was not built to the size specified in its approved plans and that it was not built with the required and approved spillway and that it is of insufficient size and construction to afford appropriate protection to the properties within the subdivision.

SECTION 2. This Council further finds that after receipt of the letter of June 23, 2014, the property owner responded on July 2nd and 3rd, 2014, proposing some alternative proposals for resolution and abatement of the condition and that on August 5, 2014, the City Engineer approved one of those proposed plans, but that no work in furtherance of the approved plan has been undertaken to date.

SECTION 3. This Council hereby orders and directs the property owner(s) to abate the nuisance condition consistent with the proposal submitted by them and approved by the City Engineer on August 5, 2014, and further authorizes and directs the Director of Public Service to cause such remedial measures to be completed promptly in the event the property owner(s) fails or refuses to perform said remedial measures beginning within 30 days of the effective date of this Ordinance, and completing such work within 120 days of the effective date of this Ordinance, and in such event, all costs incurred by the City in abating said nuisance conditions shall be assessed upon the property or properties for collection with other real estate taxes; and further that the property owner(s) may be criminally prosecuted for failure to abate said nuisance condition.

COUNCIL CHAMBER

City of Berea, Ohio

Ord. 2015-2 No. 2015-2

By Haschka Sponsored By Mayor Kleem Mc. Haschka

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

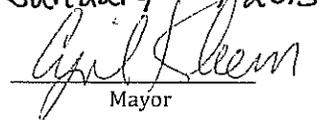
SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that abatement of the nuisance condition is immediately necessary to preserve the neighborhood and property values and prevent further harm to properties within the subdivision. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: January 12, 2015



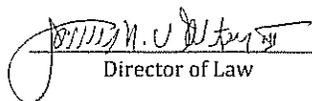
President of Council

ATTEST: Alyssa Esson
Clerk of Council

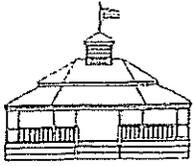
APPROVED: January 14, 2015


Mayor

Approved as to Form:



Director of Law



CITY OF BEREA

"The Grindstone City"

Cyril M. Kleem
Mayor

11 Berea Commons
Berea, Ohio 44017
(440) 826-5800
website: www.bereaohio.com

June 23, 2014

Sandstone Ridge Homeowners Association, Inc.
Mr. Gregory M. Sponseller
43 E. Bridge Street #101
Berea, OH 44017

Re: Sandstone Ridge North Subdivision - Retention Basin
Notice of Violation

Dear Mr. Sponseller:

The City of Berea recently reviewed the retention basin for the northern section of the Sandstone Ridge Subdivision and discovered it is not in conformance with the improvement plans approved by the City in 2003. The following deficiencies were found:

1. The emergency spillway was not installed per plan. A 12" pipe was installed instead of the grass spillway that was approved.
2. It appears that the retention basin was installed smaller than the size that was approved.

As a result of these deficiencies, the subdivision is in violation of Chapter 320A Construction Site Soil Erosion, Sediment, and Other Wastes and Storm Water Runoff; and Chapter 320B Post Construction Water Quality Runoff of the Berea Codified Ordinances. According to Chapter 320A.99 and 320B.99, whoever violates or fails to comply with any provision of these regulations is guilty of a misdemeanor of the first degree and shall be fined no more than one thousand dollars (\$1000.00) or imprisoned for no more than one hundred eighty (180) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

The following corrective actions, and corresponding deadlines, need to take place in order to bring the subdivision into compliance:

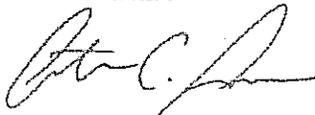
1. Perform an as-built survey of the current retention basin including the emergency spillway and outlet structure and provide a copy of the survey results to the City within 14 days of receipt of this letter.
2. Install emergency spillway per the plans approved by the City in November 2003 within 60 day of receipt of this letter.
3. If the retention basin size is determined to be different than the approved plans, excavate as necessary to correct the basin size within 90 days of receipt of this letter. During this work, any silt that has settled in the basin shall be removed and disposed of properly. This work shall also include performing an as-built survey of the corrected retention basin including the emergency spillway and outlet structure. All side slopes shall be stabilized within 14 days after final grade is approved.

4. Provide the City with a long term maintenance plan that is in compliance with Chapter 320B.07 of the Berea Codified Ordinances within 120 days of receipt of this letter.

A plan of action must be submitted to the City indicating how the above stated corrective actions will be executed. A failure to meet any of the above stated deadlines will result in further violation of Chapter 320A and Chapter 320B of the Berea Codified Ordinances with the same penalties as stated above.

If you should have any questions, please contact me at (440) 826-5814.

Yours truly,
CITY OF BEREA



Antonio (Tony) C. Armagno, P.E.
City Engineer

cc: Ferris Kleem
Barry Barnett
Daniel J. Neff, P.E.