

RECORD OF ORDINANCES

Ordinance No. 2011-06

Passed December 20, 2011

AN ORDINANCE ESTABLISHING REGULATIONS FOR MAINTENANCE OF DETENTION BASINS, RETENTION PONDS AND OTHER DRAINAGE IMPROVEMENTS IN THE CITY OF BROOKVILLE, OHIO.

WHEREAS, in Section 1183.18 of the Code of Ordinances, the City of Brookville has adopted standards for the construction of drainage improvements in subdivisions of the City of Brookville to provide for adequate disposal of subsurface and surface water and maintenance of natural drainage courses; and

WHEREAS, maintenance of these drainage improvements is necessary to insure that the drainage improvement continues to provide adequate disposal of subsurface and surface water disposal; and.

WHEREAS, the Council of the City of Brookville has determined that it is necessary and proper to adopt this ordinance to provide standards for proper maintenance of drainage improvements, and to provide for enforcement of these standards in the event the owner of the drainage improvement fails to maintain the drainage improvement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION I: The Council of the City of Brookville hereby adopts the following regulations for maintenance of detention basins, retention ponds and other drainage improvements in the City of Brookville:

SECTION 1353.09: MAINTENANCE OF DETENTION BASINS, RETENTION PONDS, AND OTHER DRAINAGE IMPROVEMENTS

(a) The owner of any lot which contains a detention basin, retention pond or other drainage improvement shall maintain that drainage improvement to provide for adequate disposal of subsurface and surface water. Maintenance shall be required when the detention basin, retention pond or other drainage improvement is not adequately disposing of subsurface and surface water, and is not operating as originally designed and approved pursuant to the subdivision design criteria of the City of Brookville. Maintenance of the detention basin, retention pond or other drainage improvement shall include the following items:

- (1) Erosion control of the slopes of the detention basin or retention pond to maintain the original slope design;
- (2) Removal of any trash or debris from the detention basin or retention pond;
- (3) Management of vegetation and mowing of grass adjacent to detention basin or retention pond;
- (4) Inspection and cleaning of any inlet or outlet pipes or concrete channel;
- (5) Removal of algae or other vegetation growth from the surface of the water;
- (6) Removal of sedimentation in the detention basin or retention pond or other drainage improvement;
- (7) Maintenance of any mechanical pumps, fountains, or other mechanical equipment that were included in the original design of the detention basin, retention pond or other drainage improvement.

(b) Any detention basin, retention pond, or other drainage improvement that is not properly maintained in accordance with the standards set forth in 1353.09(a) shall be deemed to be a nuisance, and the Property Maintenance Officer may take action to seek abatement of the nuisance pursuant to the procedure set forth in 1353.10.

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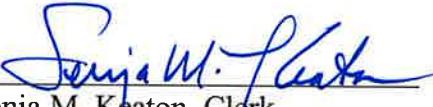
(c) The City shall keep an itemized account of expenses incurred for abatement of any nuisance arising from the failure to maintain any detention basin, retention pond or other drainage improvement. The total cost incurred for administration, labor, personnel, materials and equipment in abatement of the nuisance may be collected by the Finance Director by one of the following methods of collection:

- (1) The Finance Director may commence civil litigation against the property owner to collect the costs; or
- (2) The Finance Director may assess the costs to the owner of the property where the detention basin, retention pond, or other drainage improvement is located, and the property owner shall have thirty (30) days after the receipt of the proposed assessment to pay the assessment directly to the City. In the event the assessment remains unpaid after thirty (30) days, the Finance Director may certify the costs to the County Auditor to be placed upon the tax duplicate of the property to be a lien upon the property and to be collected as other property taxes and returned to the City, with the effect that the total cost of the work constitutes a lien on the property which has priority ahead of any and all mortgages and other liens on the property; or
- (3) In the event that an association of owners is legally required to maintain a detention basin, retention pond, or other drainage improvement, and the association of owners has failed to pay the costs incurred for abatement of the nuisance, then the Finance Director may assess the costs to all property owners of lots in the recorded subdivision plat in which the detention basin, retention pond or drainage improvement is located. This cost shall be divided equally between all lots in the subdivision, and the property owners of the lot shall be responsible for payment of the assessed cost for each lot. The Finance Director shall provide written notice to each property owner of the proposed assessment, and the property owners shall have thirty (30) days after receipt of the notice of proposed assessment to pay the assessment directly to the City. In the event the assessment remains unpaid after thirty (30) days, the Finance Director may certify the costs to the County Auditor to be placed upon the tax duplicate of the property to be a lien upon the property and to be collected as other property taxes and returned to the City, with the effect that the assessment constitutes a lien upon the property which has priority ahead of any and all mortgages and other liens on the property.

SECTION II: Sections 1353.09-1353.16 of the Code of Ordinances shall be renumbered as 1353.10-1353.17.

SECTION III: This Ordinance shall take effect thirty (30) days after passage by Council pursuant to the Charter of the City of Brookville.

PASSED this 20th day of December 2011.


Sonja M. Keaton, Clerk


David E. Seagraves, Mayor

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CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2011-06 passed by the Council of the City of Brookville, Ohio, on the 20th day of December 2011.


Sonja M. Keaton, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2011-06 as posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 21st day of December 2011 to the 21st day of January 2012, both days inclusive.


Sonja M. Keaton, Clerk