



Legislation Text

File #: 2686-2020, Version: 1

This ordinance amends Title 11, Chapter 1145, Section 1145.97 of the Columbus City Code.

The proposed amendment authorizes the City to notify property owners for failure to maintain stormwater control practices, provide a timeframe to the property owner to remedy maintenance deficiencies and enter the property to maintain stormwater control practices in instances where owners of such practices fail to do so. The proposed amendments require that owners reimburse the City for costs incurred by the City to maintain a stormwater control practice owned by a property owner.

FISCAL IMPACT: No fiscal impact

To amend Title 11, Chapter 1145, Section 1145.97 of the Columbus City Code to expand the definition of a public nuisance regarding stormwater control practices and the requirements for remedying such nuisances.

WHEREAS, it is necessary to amend City Code Section 1145.97 to expand the definition of public nuisance regarding stormwater control practices; and

WHEREAS, the Director may notify a property owner of its failure to maintain post-construction stormwater control practices; and

WHEREAS, if the deficiencies are not cured within the designated time, the city may enter upon the property and perform the necessary maintenance; and

WHEREAS, all costs incurred by the city for necessary maintenance shall be charged to the property owner; and

WHEREAS, this entry is not considered a trespass; however, if actual damage is done to the property, the city shall pay the reasonable value of the damage to the property owner; and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Utilities to amend the section listed above for the public health, safety and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That existing Section 1145.97 is hereby amended as follows:

1145.97 - Public nuisance.

(A) _____ Any violation of the provisions of this chapter is hereby declared a public nuisance and may be corrected or abated by the Director. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying such nuisances.

(B) _____ The Director may notify a property owner of its failure to maintain Post-construction Stormwater Control Practices in accordance with stormwater regulations and procedures. The notification shall identify the specific maintenance deficiencies and shall provide a reasonable time for compliance. The time for compliance will be based on

the seriousness of the deficiency and the threat of harm to health, safety, and the environment. If the deficiencies are not cured within the designated time, the city may enter upon the property and perform the necessary maintenance. All costs incurred by the city to remedy the deficiencies shall be charged to the property owner. A final action of the Director pursuant to this subsection 1145.97(B) is appealable in accordance with Section 1145.94.

(C) The Director shall have the right to enter the premises of any person to perform the maintenance work required pursuant to 1145.97(B) after notification and expiration of the time for compliance. This entry is not a trespass. No person shall forbid the Director, or the Director's duly authorized representatives to enter, or interfere with their entry upon the property for those purposes. If actual damage is done to the property, the city shall pay the reasonable value of the damage to the property owner.

SECTION 2. That existing section 1145.97 of the Columbus City Code is hereby repealed.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.