

ORDINANCE NO. 2016-66
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE AMENDING SECTION 1385.16 OF THE BUILDING AND HOUSING CODE AND DECLARING AN EMERGENCY

WHEREAS, a rain barrel is a system that collects and stores rainwater from a roof that would have otherwise be discharged into a storm drain; and

WHEREAS, there are many benefits to rain barrels as they decrease the flow to municipal wastewater treatment centers, decrease the energy consumption required to collect and treat wastewater, decrease water bills, and promote gardening; and

WHEREAS, the Northeast Ohio Regional Sewer District has implemented a program to charge for the control and disposal of stormwater; and

WHEREAS, the Sewer District has proposed a Stormwater Fee credit to users of the system who install a system of rain barrels; and

WHEREAS, the City desires to cooperate with said installation, and to reduce the cost thereof while maintaining the aesthetics of the city. Now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYN DHURST, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. Section 1385.16 of the Codified Ordinances regarding Maintenance of Roofs, Gutters and Downspouts is hereby amended to read as follows: (new material appears like THIS: deleted material appears like this):

MAINTENANCE OF ROOF, GUTTERS AND DOWNSPOUTS.

- (A) All roofs of every dwelling structure shall be maintained weather-tight and shall be equipped with gutters and downspouts connected to a public storm sewer, or a combined storm and sanitary sewer, or other method of conveying runoff which, in the opinion of the building commissioner, creates no excessive erosion, water damage or a nuisance to common areas or other properties, public or private.
- (1) As an alternative to the requirements set forth in section (a), above, one or more downspouts may be diverted into an approved rain barrel provided that overflow from such appurtenance is directed back into the downspout. Rain barrels shall be covered at all times and shall not cause a public or private nuisance. Rain barrels shall not be installed in the front or side yard setbacks, ~~but are to be located only on the rear yard downspouts, excepting that rain barrels may be placed in a side yard setback if~~ UNLESS it can be demonstrated to the satisfaction of the building commissioner that due to the configuration of the structure or the existence of landscaping the rain barrel would not be visible from the public right of way or cause a public or private nuisance. Rain barrels are to be positioned adjacent to ~~the rear of~~ the dwelling structure so as to not be visible from the public right of way. A LANDSCAPING PLAN MAY BE NECESSARY IF THE RAIN BARREL(S) NEED TO BE SCREENED FROM VIEW FROM THE PUBLIC RIGHT OF WAY. ~~Only one rain barrel may be installed at each rear yard downspout.~~

(2) A rain barrel is to be composed of HDPE plastic or equivalent, as determined by the Building Department, minimum size of 30 gallons, maximum size of 55 gallons, with a secure top. Rain barrel installations require the review and approval of the building commissioner or his/her authorized representative. Plans submitted for review and approval shall include a site plan drawn to scale, showing the structure in relation to the property lines and the location of the downspout(s) proposed to be used for the rain barrels, along with details of the type and size of the rain barrel and the method of connecting the overflow back to the downspout. ~~A landscaping plan may be necessary if the rain barrel(s) need to be screened from view from the public right of way.~~

(3) ANY DETERMINATION BY THE BUILDING COMMISSIONER PURSUANT TO THIS SECTION MAY BE APPEALED BY ANY AGGRIEVED PARTY TO THE BOARD OF ZONING APPEALS. IN LIGHT OF THE ENVIRONMENTAL BENEFITS OF RAIN BARREL INSTALLATION, AS WELL AS THE COSTS OF SAME, NO APPLICATION FEE SHALL BE REQUIRED FOR SUCH APPEAL.

SECTION 2. Any and all provisions of Section 1385.16 of the Codified Ordinances of the City inconsistent herewith are hereby repealed and all other provisions of Section 1385.16 of the Codified Ordinances shall remain in full force and effect.

SECTION 3. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City of Lyndhurst for the reason that it is necessary to institute the aforesaid change to the Codified Ordinances immediately and without delay to protect the safety, sanitation and health of the residents of the City. Therefore this Ordinance shall take effect immediately upon the affirmative vote of not less than five members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: September 6, 2016

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on September 15, 2016 and September 22, 2016.

Clerk of Council

First Reading: September 6, 2016

Second Reading: Suspended

Third Reading: Suspended