

## **ORDINANCE 703-07-18**

### **AN ORDINANCE AMENDING SECTION 1342.07 OF THE CODIFIED ORDINANCES OF ROAMING SHORES VILLAGE BUILDING CODE, AND NOT DECLARING AN EMERGENCY**

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Roaming Shores, Ohio:

**SECTION 1.** Section **1342.02** of the Village Building Code, is hereby amended to read as follows:

#### **1347.02 CONSTRUCTION BONDS.**

- a) Prior to obtaining a zoning permit for new construction, , the owner of the property shall deposit with the Clerk-Treasurer of the Village, the sum of two thousand dollars (\$2,000.00) for the construction of a house; the sum of seven hundred fifty dollars (\$7500.00) for the construction of an addition to a house or garage and the sum of \$0.25 per square foot for an accessory building. for the purpose of insuring that the owner complies with the checklist attached hereto as exhibit A and as further bond for the damage to any public road or other private property.
- b) In the event that the Village Zoning Inspector determines that the construction damaged a public road, or other private property, or that the owner failed to complete items in the checklist, attached hereto, the Village Administrator shall so notify the owner by certificate of mail service with an estimate cost for the cleanup, and a demand to repair the damage or complete the checklist within thirty days. Upon receipt of the notice, the owner shall have ten days to file a written appeal to the Planning Commission. The Planning Commission shall hear the appeal within thirty days of receipt, and shall provide the owner with at least ten days notice of such hearing.
- c) In the event that the owner fails to appeal the Inspector's decision and fails to make the repairs or complete the check list as set forth in paragraph (b), the bond deposited shall be deemed to be forfeited and the Village may use the funds to repair the roadway,, and in the event the sum deposited shall not be sufficient to pay such costs and expense, the owner shall be liable to the Village of Roaming Shores for any balance.
- d) In the event that, in the course of such construction, mud, dirt, waste materials, rubbish or other debris are deposited on any dedicated or undedicated street or other public property and are not removed therefrom, within two hours after written notice to remove the same has been given by the Village Police Department to the permit holder, his contractor, agent or employee, then the Village may cause such substances to be removed, and the costs of such removal shall be deducted from the deposited funds. In the event that during the course of construction, the deductions made by the Village from the cash deposit, by reason of repairing any damage or removal of any substance, bring the amount of cash or deposit to less than the original deposit amount, then the Zoning/Building Inspector may demand that the permit holder replenish the deficiency in the amount of the cash deposit so that it shall again be in the original amount. Upon failure of the permit holder to replenish the funds within two days after such demand in writing by the Zoning/Building

Inspector, the latter may revoke the permit and may stop construction until such time as the permit holder has complied with the demand.

- e) In the event that the Zoning Inspector certifies that the owner completed the construction, with no damage to public roads or other private property, and has completed the checklist attached hereto, the Village Clerk shall immediately refund the bond deposit to the owner.
- f) By December 31 of each year, the Clerk Treasurer shall provide Council and the Mayor with an accounting of all funds deposited and withdrawn from the special trust account, including the names of persons depositing funds, amounts withheld by the Village and amounts returned to each owner.

**SECTION 3.** That it is hereby 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 those 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 4.** That this ordinance is not an emergency and shall not take effect until thirty (30) days after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jennie D'Amicone, Mayor

ATTEST:

\_\_\_\_\_  
Leeann Moses, Clerk/Treasurer

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Kyle B. Smith, Solicitor