

ORDINANCE NO: 144 -2017 (Revised 03/13/18)
INTRODUCED BY: Mayor Roche

AN ORDINANCE AMENDING SECTION 1103.03, "INSPECTIONS; DEPOSIT FUND", OF THE CODIFIED ORDINANCES OF THE CITY OF RICHMOND HEIGHTS, OHIO REGARDING DEPOSITS FOR ENGINEERING SERVICES.

WHEREAS, upon the recommendation of the Building Commissioner, Council has reviewed Section 1103.03 "Inspection Deposit Fund," of the Planning and Zoning Code and determined that this section should be amended to include a process to ensure the payment and replenishing of deposits for engineering services and to permit the City to recoup its costs for engineering services rendered for which the property owner has failed to make the required deposit.

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

SECTION 1. Section 1103.03, "Inspection Deposit Fund", in Part Eleven, "Planning and Zoning Code", of the City's Codified Ordinances is hereby amended as follows:

"1103.03 INSPECTIONS; DEPOSIT FUND.

The Engineer shall ~~check~~ review and approve all plans, profiles, cross-sections, specifications and other pertinent work details before any pavement, water, sewer, or utility construction is has begun, and shall periodically field inspect such construction in progress. The owner, contractor, developer or utility, prior to ~~commencing~~ the commencement of any construction hereunder, shall deposit with the ~~Finance~~ Director of Finance an amount equal to the estimated cost of review and inspections, or a minimum amount of five hundred dollars (\$500.00) to cover review and inspection costs, unless such minimum deposit is reduced by written approval of the Engineer due to the size of the project. Whenever the balance of the deposit such ~~Inspection Deposit Fund~~ is reduced below three hundred dollars (\$300.00), to pay the cost of the Engineer's review and inspections, an additional ~~two hundred dollars (\$200.00)~~ deposit ~~must~~ shall be made by such owner, contractor, developer, or utility.

~~During the period of completion of such projects the Engineer shall report in appropriate form, as may be determined by his office and the Finance Department, the hours of work performed in such inspections each payroll period, and a transfer shall then be made from the Inspection Deposit Fund to the General Fund at the rate provided in Section 1325.20 of these Codified Ordinances.~~

During construction projects reviewed and/or inspected by the Engineer, the Engineer shall submit a monthly report on a form deemed appropriate by the Engineer and the Director of Finance of all the hours of professional services performed by the Engineer for the project, including the hours spent performing inspections. The Director of Finance shall maintain records of professional services rendered by the Engineer, including all invoicing. When the project is

completed, the Engineer shall submit a final invoice indicating the complete engineering costs associated with the project to the Director of Finance.

Upon receiving written notification of completion of the project from the owner, contractor, developer or utility and only after obtaining approval from both the Engineer and the Commissioner of Building, Zoning and Housing, the Director of Finance shall refund any unused portions of the deposit.

In the event that the necessary funds are not submitted as herein described for the review and inspection services set forth above, or in cases where the cost of the Engineer's review and inspections has exceeded the deposited amount, the Commissioner of Building, Zoning and Housing shall cause an invoice for services rendered to be served upon the owner of record via regular, first-class mail in the amount reported by the Engineer, plus a charge of \$75.00 for the administrative costs incurred by the Division of Building, Zoning and Housing, the Department of Finance, and various legal costs for each invoice so served. The Commissioner shall also report all unreimbursed engineering and inspection expenses and administrative charges to Council at an appropriate time.

Upon the receipt of the statement of unreimbursed costs incurred and administrative charges, Council shall make written notice to the Fiscal Officer of Cuyahoga County of the City's action under the preceding subsection with a statement of the unreimbursed costs for the Engineer's services and any administrative charges under this section and a proper description of the premises for the purpose of making the same a lien upon the lands and to be collected as other taxes and returned to the City to be deposited in the City's Inspection Deposit Fund and/or the General Fund."

SECTION 2. Existing Section 1103.03 in Part Eleven, "Planning and Zoning Code", of the City's Codified Ordinances and any and all ordinances or parts thereof in conflict herewith are repealed.

SECTION 3. 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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: March 13, 2018

APPROVED: March 13, 2018

ATTEST: Betsy Traben
Betsy Traben
Clerk of Council

David H. Roche
David H. Roche, Mayor

Eloise Cotton-Henry
Eloise Cotton-Henry
President of Council