

**AN ORDINANCE**

**AMENDING SECTIONS 911.02(d) AND 911.12 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS TO AMEND THE DISTANCE REQUIREMENTS FOR MANDATORY CONNECTION TO PUBLIC SEWER AND TO PROVIDE A MEANS FOR APPEAL.**

WHEREAS, pursuant to Chapter 9 of the Codified Ordinances of the Village of Chagrin Falls, owners of houses, buildings or properties used for human occupancy are required to provide suitable toilet facilities and to connect such facilities to the proper public sewer; and

WHEREAS, the Village Administrator has recommended that Section 911.02(d) of the Codified Ordinances of the Village of Chagrin Falls be amended to require property owners to connect to public sewers when the public sewer is within 200 feet of the foundation wall of the house or residential building at issue; and

WHEREAS, the Village Administrator has recommended that Section 911.12 of the Codified Ordinances of the Village of Chagrin Falls be amended to provide for appeals to the Board of Zoning Appeals where it is cost prohibitive for a property owner to connect his/her property to the public sewer and requiring such connection would create a hardship; and

WHEREAS, this Council desires to amend Sections 911.02(d) and 911.12 of the Codified Ordinances and believes that such amendments promote the health, safety and welfare of the Village and its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That Section 911.02(d), Use of Public Sewers Required, of the Codified Ordinance of the Village of Chagrin Falls, be and is hereby amended as follows:

**“911.02 USE OF PUBLIC SEWERS REQUIRED.**

\* \* \*

(d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Municipality and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary sewer of the Municipality, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within ninety days after the date of official notice to do so, provided that such public sewer is within 200-100 feet of the foundation wall-property line.

Nothing in this subsection shall be deemed to obviate the requirement of toilet facilities for residences and other buildings as provided in Section 1343.01 of the Building Code, irrespective of the proximity of sanitary sewers.”

SECTION 2. That Section 911.12, Hearing Board, of the Codified Ordinance of the

Village of Chagrin Falls, be and is hereby amended as follows:

~~“911.12 APPEALS HEARING BOARD.~~

~~Appeals to any provision of Chapter 9 shall be heard by the Board of Zoning Appeals pursuant to Section 1111.03 and subject to the standards set forth in Section 1111.07. A decision of the Board of Zoning Appeals rendered pursuant to this provision shall be final and appealable to the court of common pleas. A Hearing Board shall be appointed by Council as needed for arbitration of differences between the Superintendent and sewer users on matters concerning interpretation and execution of the provisions of this chapter by the Superintendent. The cost of the arbitration will be divided equally between the Municipality and the sewer user.~~

~~One member of the Board shall be a registered professional engineer and three members shall be appointed by Council.”~~

SECTION 3. That existing Sections 911.02(d) and 911.12 of the Codified Ordinances of the Village of Chagrin Falls, and any other ordinance in conflict herewith, be and the same are hereby repealed.

SECTION 4. All actions authorized by the Utility Hearing Board prior to the passage of this ordinance which are consistent with the standards set forth in this ordinance are hereby ratified.

SECTION 5. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 6. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 7. That this Ordinance shall take effect and be in force after the earliest period allowed by law.

PASSED: April 27, 2015

  
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Council President

Submitted to the Mayor for  
his approval on this  
28 day of April, 2015

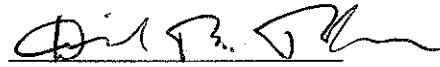
Approved by the Mayor  
April 28, 2015

  
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Mayor

ORDINANCE NO.: 2015- 13  
INTRODUCED BY: MR. PATTON

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I hereby certify that Ordinance No. 2015- 13 was duly enacted on the 27 day of April, 2015, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council