

ORDINANCE NO.: 11-2015  
INTRODUCED BY: Alexander

AN ORDINANCE AMENDING SECTIONS 1321.03, 1321.04, 1321.05, 1321.07, 1321.09, AND 1325.06 OF THE BUILDING CODE RELATED TO GRADING REQUIREMENTS AND FEES.

WHEREAS, the Building Commissioner has proposed amendments to Sections 1321.03, 1321.04, 1321.05, 1321.07, 1321.09, and 1325.06 of the Building Code related to grading requirements and fees; and

WHEREAS, the Planning and Zoning Committee of Council approved the proposed amendments at their meeting of February 3, 2015 and voted to send them to the full Council for adoption; and

WHEREAS, this Council wishes to adopt the Building Commissioner's proposed amendments to Sections 1321.03, 1321.04, 1321.05, 1321.07, 1321.09, and 1325.06 of the Building Code related to grading requirements.

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

Section 1: Section 1321.03, "Proper Rough Grading," Section 1321.04, "Inspection of Rough Grade," Section 1321.05, "Fee to Cover Inspections of Rough Grade," Section 1325.07, "Installation of Final Landscaping," Section 1321.09, "Deposit to Cover Approval of Landscaping Plans and Inspection," Chapter 1321, "Grading and Landscaping," and Section 1325.06, "Contractor's Insurance and Cash Bond Deposit," of Chapter 1325 "Permits and Fees," of Part Thirteen, "Building Code," of the Codified Ordinances of the City of Richmond Heights, Ohio be amended to read in its entirety as follows:

**"1321.03 PROPER ROUGH AND FINAL GRADING.**

(a) The developer or builder of any parcel, lot, structure, driveway or road within the City shall properly rough grade the lot or land so that positive drainage is maintained in conformity with the approved grading plan, during and after the construction period. For the purposes of this chapter, "rough grade" means the grading and leveling of the property, after backfilling of the below-grade foundation walls, but prior to any landscaping or grass planting. "Rough grade" also means the elevation approximately four to six two to three inches below the finish grade in planting areas, and finish grade minus depth of paving in areas to receive paving.

(b) The developer or builder of any parcel, lot, or structure within the City shall install the final grade upon the lot, parcel or land being developed or upon which a structure is being erected. The "finished grade" or "final grade" means the elevation of the finished surface of the ground on all areas of the lot and adjoining the building, walks and drives after the normal settlement of the rough grade and the placement and the final grading of the topsoil.

## **1321.04 INSPECTION OF ROUGH AND FINAL GRADE.**

The applicant for a building permit shall make arrangements with the Building Department for the following grading inspections prior to the issuance of an occupancy permit:

(a) Immediately after excavation of the basement, and before backfilling, the City Engineer shall inspect the construction site and verify that the elevations for the top of footings conform to the elevations shown on the approved grading plan. If the elevations do not conform, the City Engineer shall advise the Building Inspector, who shall instruct the applicant to stop further construction until the elevations are corrected, or a revised grading plan is approved by the City Engineer.

(b) After backfilling and rough grading, ~~but not less than thirty days before applying for an occupancy permit~~, the City Engineer shall again inspect the construction site and verify that the rough grading conforms to the approved grading plan. If the rough grading does not conform, the City Engineer shall advise the Building Inspector, who ~~shall~~may, at his discretion, either instruct the applicant to stop further construction until the rough grades are corrected, or require that a revised grading plan is be approved by the City Engineer.

(c) After any required final adjustments to the rough grade, the removal of all construction debris and rocks/stones, and the placement of a minimum of 2-inches of topsoil the City Engineer shall again inspect the construction site. At that time the City Engineer shall verify that the final grading conforms to the approved grading plan and shall inspect the seeding and the covering with mulch of the graded areas and the installation of any trees required by the approved subdivision plot plan. NOTE: The requirements of this section are in addition to the placement of grass or seed for the purposes of erosion control or rough grade stabilization required by the terms of Section 1195 of the Codified Ordinances in regards to Storm Water Management.

~~(e)~~ (d) For good cause shown the Building Inspector or the City Engineer may waive either any of the above required inspections, however that waiver shall be in writing and a copy shall be preserved in the files of the Building Inspector.

~~(e)~~ (e) Notice shall be given to the property owner, if the lot is owned by other than the builder, of the grading and landscaping requirements of this chapter, and the builder shall provide to the property owner copies of all approved grading plans and required inspections.

In the event the builder is the owner of the lot, he shall be required to inform any subsequent purchaser of the grading requirements of this chapter, and to provide the purchaser with copies of the approved grading plan and all required inspections.

## **1321.05 FEE TO COVER INSPECTIONS OF ROUGH AND FINAL GRADE GRADES.**

The applicant for a building permit shall pay a grade permit fee to the Building Department as required in Chapter 1325 to cover the cost and expense of the City Engineer's professional fees for review and approval of the grading plan and subsequent inspections and the cost to the Building Department of processing the application. Fees due in any amount over and above the amount charged for the inspection of grades shall be deducted from the contractor's construction bond.

### **1321.07 INSTALLATION OF FINAL LANDSCAPING WITHIN SIX MONTHS.**

The property owner ~~shall~~ may arrange for the installation of ~~final~~ additional landscaping ~~within six months~~ after the date of issuance of the occupancy permit. ~~and shall obtain approval of the landscaping installation within thirty days after completion of the landscaping. However, said additional landscape installation shall be supplementary and shall not impact the installation of topsoil and seed which is required prior to the approval of the final grade.~~

### **1321.09 DEPOSIT TO COVER APPROVAL OF LANDSCAPING PLANS AND INSPECTION. REVIEW, APPROVAL AND INSPECTION OF FINAL GRADE**

(a) For other than single-family homes, the owner shall deposit with the Building Department the sum of three hundred dollars (\$300.00) to cover the cost and expense of the City Landscape Architect and the City Engineer to approve and inspect the landscaping and final grading.

(b) For single-family homes, ~~the owner shall deposit with the Building Department the sum of one hundred dollars (\$100.00) to cover the cost and expense of the Building Inspector or City Engineer to approve and inspect~~ no deposit shall be required for the inspection and approval of the landscaping and final grading.

(c) The cost and expenses shall be paid from such deposit upon itemized statements rendered by the City Engineer and/or City Landscape Architect. In case such expenditures exceed such deposit, the excess shall be borne by the applicant. In case the deposit exceeds such expenditures, the balance will be refunded to the applicant within a reasonable time after the final inspections.

(d) For good cause shown the Building Inspector may waive ~~either~~ of the above deposits and/or inspections, however, that waiver shall be in writing and a copy shall be preserved in the files of the Building Department.

### **1325.06 CONTRACTOR'S INSURANCE AND CASH BOND DEPOSIT.**

(a) Contractor's Insurance and Contractor's Cash Bond Deposit. Before any building permit shall be issued the applicant shall deposit with the Building Commissioner an insurance policy, issued by a company authorized to write insurance in all of the State of Ohio, designating the City as the insured therein, by the terms of which the City is saved harmless from any and all claims for bodily injury within the limits of one hundred thousand dollars (\$100,000) for each person and three hundred thousand dollars (\$300,000) for each accident and for property damage claims in the amount of fifty thousand dollars (\$50,000) for each accident arising or growing out of the street opening or removal of the surface of any sidewalk or opening in any sidewalk or the prosecution of the work for which the permit is obtained or in any manner arising or growing out of the work necessary or incident to the issuance of the permit or that may be occasioned by reason of any opening or anything else done pursuant to a permit.

(b) Contractor's Bond Deposit. Prior to the issuance of any building permit, a contractor's bond deposit in the form of a cash surety bond or certified cashier's check shall be deposited with the Commissioner of Building as follows:

- (1) Residential (one, two, three family residential)
  - A. Additions and alterations

1.	Less than 200 square feet of gross floor area (GFA)	\$200.00
2.	More than 200 square feet but less than 500 square feet of GFA	500.00
3.	More than 500 square feet of GFA	1,000.00
B.	New construction	2,500.00
(2)	Other than one, two and three family residential	
A.	Two percent (2%) of the cost of the project but not less than	2,500.00

Such deposit shall be a guarantee that the applicant will repair or replace any damage or destruction to the any publicly-accessible sidewalk, curb, street or tree lawn; the construction and maintenance of the temporary drive; the proper site grading; the installation and completion of the final grade including the installation of topsoil and seed and the covering of such with mulch, the cleaning of the premises and tree lawn of all dirt, debris, refuse, rubbish and material and the cleaning of the public streets, catch basins and/or sewers of the accumulation of any mud, filth or debris which may have been accumulated there as a result of the delivery of material, supplies and other things to such premises; and for the completion of sidewalk, lot pins and compliance in all respects to the applicable building and zoning codes of the City.

If the provisions of this Building and Zoning Code and the orders of the Commissioner of Building pertaining thereto are complied with, the deposit shall be refunded as soon after final inspection of the final grade and installation of grass seed as can be conveniently done upon written request.

(c) Use of Contractor's Bond Deposit. An order to correct any condition or remove any substance shall be complied with within the time period as supplied by the Commissioner of Building. Upon failure to obey such order within the time period supplied by law, the Commissioner of Building shall cause the same to be done at the expense of the permit holder and the Bond Fund shall be subjected to the payment of the expense thereof. In addition, any charges incurred over and above the fee set forth in Section 1325.02(c)(15)(D) for the inspection of the footer grade, rough grade and final grade due to the contractor's failure to comply with approved plans shall be deducted from the contractor's bond deposit. If such deposits are insufficient to fully pay for such expenses, then the permit holder shall be liable for the additional amount in excess of the Bond Fund, which coverage shall be collected by the Director of Law in a court of competent jurisdiction.

The deposit shall be subject to payment of all unpaid inspection and re-inspection charges established herein.

(d) Re-inspection Charge. When an inspection is requested and is made and the work is found to be incomplete, faulty or not in conformance with the building and/or zoning code, or at variance with the plans or specifications, a notification of rejection (red tag) shall be issued. On completion of work, a charge of twenty-five dollars (\$25.00) shall be assessed against the contractor's bond deposit for each notification or rejection (red tag) issued during construction when a re-inspection was found necessary.”

Section 2: Section 1321.03, “Proper Rough Grading,” Section 1321.04, “Inspection of Rough Grade,” Section 1321.05, “Fee to Cover Inspections of Rough Grade,” Section 1325.07, “Installation of Final Landscaping,” Section 1321.09, “Deposit to Cover Approval of Landscaping Plans and Inspection,” Chapter 1321, “Grading and Landscaping,” and Section 1325.06, “Contractor’s Insurance and Cash Bond Deposit,” of Chapter 1325 “Permits and Fees,” of Part Thirteen, “Building Code,” of the Codified Ordinances of the City of Richmond Heights, Ohio, as they existed prior to the effective date of this Ordinance, be, and the same hereby 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: \_\_\_\_\_

\_\_\_\_\_  
David H. Roche, Mayor

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Eloise Cotton-Henry

ATTEST: \_\_\_\_\_  
Betsy Traben

\_\_\_\_\_  
President of Council  
Clerk of Council