

ORDINANCE NO: 31 -2018  
INTRODUCED BY: Mayor Roche

**AN ORDINANCE AMENDING SECTIONS 1165.99, 1195.99(a), and 1196.99(a), OF THE PLANNING AND ZONING CODE AND SECTION 1319.99 OF THE BUILDING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF RICHMOND HEIGHTS TO PROVIDE FOR ENHANCED CODE ENFORCEMENT; AND DECLARING AN EMERGENCY.**

WHEREAS, Council has reviewed the penalty provisions within the Planning and Zoning Code and the Building Code and determined that certain provisions thereof be amended to provide for enhanced enforcement and greater penalties for violations of the Planning and Zoning Code and the Building Code.

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

SECTION 1. Section 1165.99, "Penalty", of Chapter 1165 "Gasoline Service and Filling Stations", in Part Eleven, "Planning and Zoning Code", of the City's Codified Ordinances is hereby amended as follows:

**"1165.99 PENALTY .**

Whoever violates any of the provisions of this chapter ~~shall be fined not more than five hundred dollars (\$500.00)~~ **is guilty of a misdemeanor of the first degree for each offense.** Each and every day during which the violation continues shall constitute a separate offense."

SECTION 2. Section 1195.99(a), "Penalty", of Chapter 1195 "Erosion and Sediment Control", in Part Eleven, "Planning and Zoning Code", of the City's Codified Ordinances is hereby amended as follows:

**"1195.99 PENALTY.**

(a) Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the ~~third first~~ **first** degree **for each offense** and ~~shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days, or both, for each offense.~~ A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

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SECTION 3. Section 1196.99(a), "Penalty", of Chapter 1196 "Comprehensive Stormwater Management", in Part Eleven, "Planning and Zoning Code", of the City's Codified Ordinances is hereby amended as follows:

**1196.99 PENALTY.**

(a) Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the ~~third~~ **first** degree **for each offense** and ~~shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days, or both, for each offense.~~ A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

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SECTION 4. Section 1319.99, "Penalty", of Chapter 1119 "Compost Piles", in Part Thirteen, "Building Code", of the City's Codified Ordinances is hereby amended as follows:

**"1319.99 PENALTY.**

Whoever violates this section ~~shall not be fined more than one hundred dollars (\$100.00)~~ **is guilty of a misdemeanor of the first degree for each offense.** Each day that such violation continues shall constitute a separate offense."

SECTION 5. Existing Sections 1165.99, 1195.99(a), 1196.99(a) in Part Eleven, "Planning and Zoning Code", and Section 1319.99 in Part Thirteen, "Building Code", of the City's Codified Ordinances and any and all ordinances or parts thereof in conflict herewith are repealed.

SECTION 6. 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 7. This Ordinance is declared to be an emergency measure necessary for the preservation of the public health, safety and general welfare of the citizens of the City of Richmond Heights, and for the further reason that it is necessary to immediately amend the penalty provisions of the Planning and Zoning Code and Building Code to provide for enhanced enforcement of the Planning and Zoning Code and Building Code within the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: April 10, 2018

  
David H. Roche, Mayor

APPROVED: April 10, 2018

ATTEST: Betsy Traben  
Betsy Traben  
Clerk of Council

  
Eloise Cotton-Henry  
President of Council