

ORDINANCE NO. 2010-33

INTRODUCED BY: Mayor Rinker and Council as a Whole

**AN EMERGENCY ORDINANCE
ENACTING CHAPTER 1389 "RAIN BARREL SYSTEMS"
AND TO AMEND A PORTION OF CHAPTER 1309
TO INCLUDE A FEE FOR
RAIN BARREL SYSTEMS IN VILLAGE**

WHEREAS, a rain barrel is a system that collects and stores rain water from a roof that would otherwise run off of a roof and/or be diverted into a storm drain; and

WHEREAS, there are many benefits to rain barrels as they decrease the flow of rain water to storm sewers and streams, decrease water bills and promote gardening; and

WHEREAS, Mayfield Village recognizes the importance of stormwater management, water conservation efforts and desires citizens to do what they can to help with conservation in the community; and

WHEREAS, this new Chapter of the Codified Ordinances of Mayfield Village will enable citizens to engage more actively in water conservation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF MAYFIELD VILLAGE, OHIO, THAT:

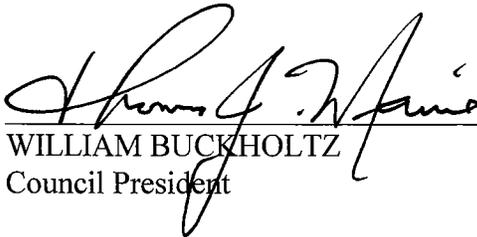
SECTION 1. That Chapter 1389 "Rain Barrel Systems" of the Codified Ordinances of Mayfield Village is hereby enacted to read as more fully set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. That a portion of Section 1309 be amended to add 1309.24 Rain Barrel Systems permit fee as set forth below:

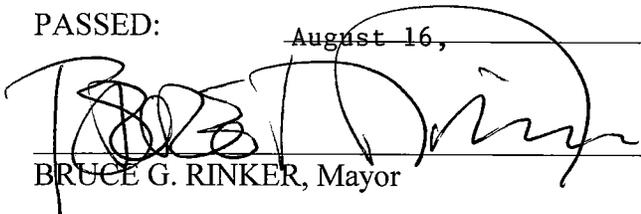
A permit is required to be obtained by the resident for installation of a rain barrel or storage container at the cost of \$5.00 per address or system.

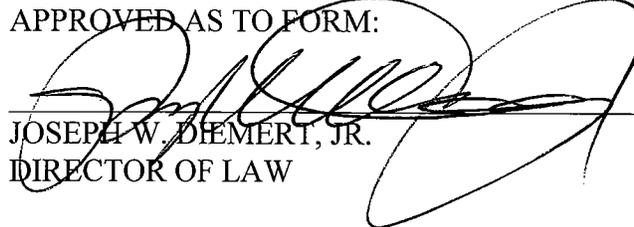
SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the health, safety and welfare of the residents of Mayfield Village, Ohio. It shall, therefore, take effect immediately upon the passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.


WILLIAM BUCKHOLTZ
Council President

First Reading: August 16, 2010
Second Reading: Suspended 2010
Third Reading: Suspended 2010
PASSED: August 16, 2010


BRUCE G. RINKER, Mayor

APPROVED AS TO FORM:

JOSEPH W. DIEMERT, JR.
DIRECTOR OF LAW

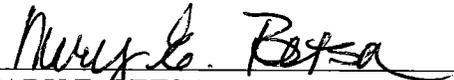
ATTEST: 
MARY E. BETSA,
Clerk of Council

EXHIBIT A
RAIN BARREL SYSTEMS
CHAPTER 1389

- 1389.01 Definitions.
- 1389.02 Permit Required.
- 1389.03 Design and Construction Requirements.
- 1389.04 Maintenance of Rain Barrel Systems.
- 1389.05 Appeals.
- 1389.99 Penalty.

1389.01 DEFINITIONS.

“Rain Barrel” means an above-ground prefabricated storage receptacle with an automatic overflow diversion system that collects and stores storm water runoff from a roof of a structural design that would have been otherwise routed into a storm drain.

1389.02 PERMIT REQUIRED.

The installation of rain barrels or other structural storage containers shall be limited to residentially zoned property shall conform to the standards established by the Village for such devices and shall be subject to the review and approval of the Building Department to ensure that they are correctly installed. A permit is required to be obtained by the resident for installation of a rain barrel or storage container at the cost set forth in 1309.24 per address or “system.”

Notwithstanding the above, rain barrels or other structural storage containers may be installed on commercially zoned property under limited circumstances so long as in conformity with the standards and requirements established by the Village and approved by the Building Department. Approvals for rain barrels and other structural storage containers on commercially zoned properties shall be given on a case by case basis and subject to the complete discretion of the Building Commissioner.

1389.03 DESIGN AND CONSTRUCTION REQUIREMENTS.

- a) One or more downspouts in the rear or side of a residential dwelling may be directed into an approved rain barrel or other structural container with a maximum capacity of 80 gallons.
- b) Such storage containers or rain barrels must be placed at least 3 feet away from the property line and may not be placed in the front of a home.
- c) Rain barrels must be of a solid color- green, white, blue, and earth tone colors are all acceptable colors. When possible the color choice shall substantially blend with the exterior color of the structure and nearby surroundings. Color choice shall take into consideration the view from the road right-of-way so as to make the rain barrel as inconspicuous as possible. Whenever practicable, rain barrels located in sideyard areas that

are visible from the street shall be screened by plantings of sufficient height and area to obscure the view of the barrel.

- d) The overflow from such devices must be directed away from the dwelling's foundation, must not cause excessive erosion or water damage, and must be diverted into the public storm sewer or other approved location.

1389.04 MAINTENANCE OF RAIN BARREL SYSTEMS.

- a) Rain barrels or other structural storage containers must be covered at all times and shall not cause a public or private nuisance.
- b) Occasional cleaning to remove debris, such as leaves, coming off the drainage area must be performed as needed.
- c) Rain barrels are required to be drained and thoroughly cleaned at least once annually to disinfect and to avoid freezing in winter temperatures.

1389.05 APPEALS.

Any person affected by any order or decision of the Village Building Commissioner pursuant to this Chapter 1389 may request and shall be granted a hearing before the Board of Zoning Appeals ("BZA"). Such appeal shall be requested in writing within ten days of the date of ruling. The BZA shall have the power to reverse or affirm in whole or in part, or modify such order or decision when, upon presentation of evidence, it clearly appears:

- a) That the order or decision is not consistent with the provisions of this chapter;
or
- b) That by reason of special condition, undue hardship shall result from a literal application of the provisions of this chapter.

1389.99 PENALTY.

Whoever violates any of the provisions of this Chapter 1389 shall be guilty of a minor misdemeanor.