

ORDINANCE AMENDING SECTIONS 901.03 and 903.07 OF THE MARION CITY CODE
AND DECLARING AN EMERGENCY

WHEREAS, the Council has been advised by Administrators responsible for the enforcement of the existing nuisance codes there are certain provisions which are in need of necessary updates, clarifications and enhancements, and

WHEREAS, the Council finds it to be in the best interests of the citizens of Marion to update the City Code, as follows, in order to eliminate unwanted nuisances and enhance the community,

BE IT ORDAINED by the Council of Marion, MarionCounty, Ohio:

Section 1. § 901.03 PERMIT REQUIRED; FEE. Now reading as:

(A) No person shall dig into or make any opening or excavation in any sidewalk, lawn or roadway of any street, alley, boulevard or public place or ground in the municipality for any purpose without first obtaining a written permit to do so from the City Engineer. A permit will also be required on private property for sewer excavations. The City Engineer may deny the issuance of a permit, for a period of six months, to any person who has violated any paragraph, portion or part of Chs. 901, 903 and 911.

(B) The fee schedule for the permit required in division (A) of this section can be obtained in the City Engineer's Office.

(C) Any person desiring to obtain a permit under this section shall be required to notify the Ohio Utilities Protection Service (OUPS). ('70 Code, § 901.03) (Ord. 67-1, passed 1-9-67; Am. Ord. 1982-10, passed 1-25-82) Penalty, see § 901.99

Shall be amended to read:

(A) No person shall dig into or make any opening or excavation in any sidewalk, lawn, roadway of any street, alley, boulevard or public place or ground in the municipality for any purpose without first obtaining a written permit to do so from the City Engineer. A permit will also be required on private property for sewer excavations **and driveways**. The City Engineer may deny the issuance of a permit, for a period of six months, to any person who has violated any paragraph, portion or part of Chs. 901, 903 and 911.

(B) The fee schedule for the permit required in division (A) of this section can be obtained in the City Engineer's Office.

(C) Any person desiring to obtain a permit under this section shall be required to notify the Ohio Utilities Protection Service (OUPS). ('70 Code, § 901.03) (Ord. 67-1, passed 1-9-67; Am. Ord. 1982-10, passed 1-25-82) Penalty, see § 901.99

903.07 shall be amended to read:

§ 903.07 CUTTING CURBS AND CONSTRUCTING DRIVEWAYS.

Any curbing cut out, taken up or otherwise disturbed, or any driveway or curb constructed, as herein provided, shall be done in accordance with plans and specifications approved by the City Engineer and on file in the City Engineer's office. However, any driveway constructed, whether the street has a curb and gutter or not, shall be constructed of at least an eight inch stone base and a two-inch blacktop surface or shall be constructed of concrete with a minimum slab thickness of *six inches within the right of way and four inch slab thickness beyond the right of way. In regard to new parking areas constructed within the city right of way, the Engineer shall permit either stone, asphalt or concrete depending on the pre existing neighboring parking areas in existence on the same block.*

Unless specifically ordered otherwise by the City Engineer, any person causing a driveway entrance to be installed from a pavement having no curb and gutter shall install a culvert with a minimum diameter of ten inches under the drive in such a manner as to allow for the free flow of water along the edge of the street. ('70 Code, § 903.07) (Ord. 65-122, passed 12-13-65)

Section4 . That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its inhabitants thereof: given the immediate need to eliminate unwanted nuisances and enhance the community; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective on the earliest date allowed by law.

Todd Schneider
President of Council

APPROVED:

Mayor Scott Schertzer

Attest;

Clerk of Council

