

ORDINANCE NO.:
SPONSOR:
INTRODUCED:

2009-1 (Amended April 14, 2009)
COUNCIL MEMBERS MANWARING AND SMOLE
JANUARY 27, 2009

PLANNING

AN ORDINANCE REPEALING SECTION 1286.08(O)(13) OF GREEN'S CODIFIED ORDINANCES, AND ENACTING SECTION 1286.08(Q) REGARDING THE TERM OF A CONDITIONAL USE CERTIFICATE, RENEWAL OF A CONDITIONAL USE CERTIFICATE, AND REMEDIES FOR VIOLATION(S) OF THE TERMS OF A CONDITIONAL USE CERTIFICATE, AND DECLARING AN EMERGENCY.

WHEREAS, Section 1286.08(o)(13) of Green's Codified Ordinances sets forth the proposed terms of a Conditional Use Certificate issued regarding mining, soil, sand and gravel removal and processing, as well as terms for the renewal of a Conditional Use Certificate, and the remedies for the violation(s) of a Certificate; and

WHEREAS, City Council desires to strengthen the Codified Ordinances to increase the penalties and to give the City and City Council more authority to revoke or suspend a Conditional Use Certificate which does not comply with the City of Green's Zoning Code and/or the conditions set forth in the Conditional Use Certificate.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

Section 1286.08(o)(13) of Green's Codified Ordinances is repealed:

~~(13) — The conditional certificate is to be issued for a period not in excess of twelve consecutive months, subject to renewal for a twelve consecutive month period, provided that the Planning and Zoning Commission is satisfied that no detriment to persons or property is happening. The renewal fee is two hundred fifty dollars (\$250.00). Should at any time the Planning and Zoning Commission find that operations are being pursued in a detrimental way, Council shall notify the appellant to take remedial action, and if the condition is not remedied by the expiration of thirty days, Council shall order cessation of operations until corrections are made.~~

SECTION TWO:

The following provisions are enacted to replace former Section 1286.08(o)(13) and shall apply to all Conditional Use Certificates.

SECTION 1286.08(Q). A CONDITIONAL USE CERTIFICATE ISSUED PURSUANT TO SECTION ~~1286.06(O)~~ 1286.08(O) SHALL BE ISSUED FOR A PERIOD OF NO LESS THAN SIX MONTHS NOR MORE THAN TWELVE CONSECUTIVE MONTHS, SUBJECT TO RENEWAL FOR AN ADDITIONAL SIX TO TWELVE MONTH PERIOD, PROVIDED THAT THE MAYOR AND/OR CITY COUNCIL IS SATISFIED THAT THE HOLDER OF THE CONDITIONAL USE CERTIFICATE IS COMPLYING WITH THE CITY OF GREEN'S ZONING CODE, AND WITH ALL CONDITIONS SET FORTH IN THE

CONDITIONAL USE CERTIFICATE. THE RENEWAL FEE SHALL BE TWO HUNDRED FIFTY DOLLARS (\$250.00).

REGARDING ALL CONDITIONAL USE CERTIFICATES ISSUED PURSUANT TO SECTION ~~1286.06~~ 1286.08, IF EITHER THE MAYOR OR CITY COUNCIL DETERMINES THAT THE HOLDER OF THE CONDITIONAL USE CERTIFICATE IS VIOLATING THE ZONING CODE OR ANY OF THE CONDITIONS SET FORTH IN THE CONDITIONAL USE CERTIFICATE, THE MAYOR OR CITY COUNCIL MAY AUTHORIZE THE LAW DIRECTOR TO IMMEDIATELY NOTIFY THE CERTIFICATE HOLDER OF THE VIOLATION(S) AND DEMAND THE CERTIFICATE HOLDER TO REMEDY THE VIOLATION(S) WITHIN TEN (10) CALENDAR DAYS OF THE DATE OF THE NOTICE. THE MAYOR AND CITY COUNCIL SHALL ALSO HAVE THE AUTHORITY TO REQUEST THE LAW DIRECTOR TO IMMEDIATELY INSTITUTE LEGAL ACTION FOR A TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION AGAINST THE CERTIFICATE HOLDER TO CEASE OPERATIONS UNTIL SUCH TIME THAT THE CERTIFICATE HOLDER PROVES THAT THEY ARE CONDUCTING OPERATIONS IN COMPLIANCE WITH THE CITY OF GREEN'S ZONING CODE AND ANY CONDITIONS SET FORTH IN THE CONDITIONAL USE CERTIFICATE.

IN ADDITION TO THE RIGHT TO SEEK INJUNCTIVE RELIEF, THE CITY OF GREEN MAY ALSO ASSESS A FINE IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) FOR EACH DAY A VIOLATION OF THE CONDITIONAL USE CERTIFICATE EXISTS AND/OR CONTINUES UP TO A MAXIMUM FINE OF TEN THOUSAND DOLLARS (\$10,000.00).

SECTION THREE:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION FOUR:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: April 14, 2009
Molly Stevens
Molly Stevens, Clerk

David France
David France, President

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APPROVED: April 14, 2009

Richard G. Norton, Mayor

ENACTED EFFECTIVE: April 14, 2009

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LAW FIN MAY PLAN FIRE

ON ROLL CALL: Colopy -yea Croce -yea France -yea Manwaring -yea
Reed -yea Ridgeway -yea Smole -yea Adopted 7-0

Suburbanite publication on April 19 and April 26, 2009

Molly Stevens
Molly Stevens, Clerk

1/20/2009 11:50 AM Approved as to form and content by Stephen J. Pruneski, Law Director

4/3/09