

ORDINANCE NO. 103-13

BY: **ALLAN DIVIS**
(By Request – Building Commissioner)

AN ORDINANCE TO AMEND SUBSECTION (b) OF SECTION 1109.03 “APPLICABILITY, COMPLIANCE AND VIOLATIONS” AND SUBSECTION (c) OF SECTION 1111.03 “APPLICABILITY, COMPLIANCE, AND VIOLATIONS” OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That subsection (b) of Section 1109.03 “Applicability, Compliance and Violations” of the Codified Ordinances of the City of Parma, which presently reads as follows:

“1109.03 APPLICABILITY, COMPLIANCE AND VIOLATIONS.

. . .

(b) Any person who shall violate any section of these regulations shall be guilty of a misdemeanor of the fourth degree and, upon conviction thereof, shall be subject to punishment as provided in Section 1123.99 of the Planning and Zoning Code and shall be required to restore the wetland and the wetland setback through a restoration plan approved by the community. In addition, the City shall have the authority to enforce the provisions in Section 1123.09 of the Planning and Zoning Code which includes, in addition to other recourse provided by law, the power to institute a suit for an injunction to prevent, remove, abate, enjoin, or terminate a violation of the regulations within this chapter.”

is hereby amended to read as follows:

“1109.03 APPLICABILITY, COMPLIANCE AND VIOLATIONS.

. . .

(b) Any person who shall ~~violate~~ **VIOLATES** any section of these regulations, **IN ADDITION TO BEING SUBJECT TO THE PENALTY SET FORTH** ~~shall be guilty of a misdemeanor of the fourth degree and, upon conviction thereof, shall be subject to punishment as provided in Section 1123.99 of the Planning and Zoning Code, and shall be required to restore the wetland and the wetland setback through a restoration plan approved by the community. In addition, the City shall have the authority to enforce the provisions in Section 1123.09 of the Planning and Zoning Code which includes, in addition to other recourse provided by law, the power to institute a suit for an injunction to prevent, remove, abate, enjoin, or terminate a violation of the regulations within this chapter.”~~

Section 2. That subsection (c) of Section 1111.03 “Applicability, Compliance, and Violations” of the Codified Ordinances of the City of Parma, which presently reads as follows:

“1111.03 APPLICABILITY, COMPLIANCE, AND VIOLATIONS.

. . .

(c) Any person who shall violate any section of these regulations shall be guilty of a misdemeanor of the fourth degree and upon conviction thereof, shall be subject to punishment as provided in Section 1123.99 of the Planning and Zoning Code and shall be required to restore the riparian area through a restoration plan approved by the community. In addition, the City shall have the authority to enforce the provisions in Section 1123.09 of the Planning and Zoning Code which includes, in addition to other recourse provided by law, the power to institute a suit for an injunction to prevent, remove, abate, enjoin, or terminate a violation of the regulations within this chapter.”

Pg. 2 of L-103-13 Ord. to amend subsection (b) of Section 1109.03 "Applicability, Compliance and Violations" and subsection (c) of Section 1111.03 "Applicability, Compliance and Violations" of the Codified Ordinances of the City of Parma, and declaring an emergency

is hereby amended to read as follows:

"1111.03 APPLICABILITY, COMPLIANCE, AND VIOLATIONS.

...

(c) Any person who ~~shall violate any section of these regulations, shall be guilty of a misdemeanor of the fourth degree and upon conviction thereof, shall be subject to punishment as provided~~ **IN ADDITION TO BEING SUBJECT TO THE PENALTY SET FORTH** in Section 1123.99 of the Planning and Zoning Code, ~~and shall be required to restore the riparian area through a restoration plan approved by the community. In addition, the City shall have the authority to enforce the provisions in Section 1123.09 of the Planning and Zoning Code which includes, in addition to other recourse provided by law, the power to institute a suit for an injunction to prevent, remove, abate, enjoin, or terminate a violation of the regulations within this chapter."~~

Section 3. That only that portion of subsection (b) of Section 1109.03 "Applicability, Compliance and Violations" and that portion of subsection (c) of Section 1111.03 "Applicability, Compliance, and Violations" of the Codified Ordinances of the City of Parma, as they existed heretofore, are hereby repealed.

Section 4. That 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 the 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.

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that this measure is necessary in order to make these amendments to be consistent with Section 1123.99 "Penalty" of the Codified Ordinances of the City of Parma, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____ PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
CLERK OF COUNCIL

FILED WITH
THE MAYOR: _____ MAYOR, CITY OF PARMA, OHIO