

CHAPTER 1466
Landfill in Commercial and Industrial Districts

1466.01	Permit required; application.	1466.07	Effective period of permits; renewals.
1466.02	Permit approval and issuance; posting of permit required; limitation on depth of fill.	1466.08	Permit revocation.
1466.03	Fill material.	1466.09	Performance bond required.
1466.04	Hours of operation of trucks; removal of spillage; truck specifications.	1466.10	Enforcement by Building Inspector.
1466.05	Fill at or above grade prohibited.	1466.11	Violations.
1466.06	Bulldozing required.	1466.12	Restoration or landscaping of land required.
		1466.99	Penalty.

CROSS REFERENCES

Construction vehicles and equipment on streets; permit required - see TRAF. 440.12

Dumping - see GEN. OFF. 660.035; S.U. & P.S. 1068.04

Notice to fill lots, remove putrid substances - see GEN. OFF. 660.11

Garbage and rubbish collection and disposal - see S.U. & P.S. Ch. 1060

Building Inspector - see B. & H. 1440.02

Grading permit fees - see B. & H. 1444.15(e)

Grade levels - see B. & H. Ch. 1464

1466.01 PERMIT REQUIRED; APPLICATION.

No land located in a Commercial Service District, Limited Industrial District or General Industrial District, as set forth in the Zoning Code, which, in whole or in part, is below the natural or established grade of the street upon which it abuts, shall be filled in with any type of material, except as hereinafter set forth, unless the owner thereof shall first secure a permit to do so. Application for such a permit shall be made in writing to the Building Inspector on forms supplied by him or her, showing a sketch of the land to be filled in, together with a sketch of the entire parcel owned by the applicant, and also the parcels and the roads abutting on its boundary lines, with dimensions of and elevations for all lot lines and streets, before filling, the area desired to be filled in, with dimensions, showing the depth of fill from the street and the width thereof in relation to the side lines of the parcel of the applicant, and showing elevations of the proposed filled-in area, both before and after filling, and the slope of the fill on all sides which shall exceed two feet vertically for each three feet horizontally. Said application shall describe the route of the trucks to the applicant's property, the auditor's permanent parcel number for such land and such adjacent lands, the amount of material, in cubic yards, requested to be used as fill, the length of time requested for filling, and such other information as may be requested by the Building Inspector so that Council may understand the situation. In setting forth the elevations, the applicant, where a sketch is used, may approximate the number of feet below the natural or established grade of the street. Where any part of such land upon which said fill is to be deposited, or where any part of such adjacent land, is more than ten feet below such natural or established grade of the street, the applicant shall furnish the Building Inspector with a topographical survey of such land and such adjacent lands, prepared by a registered engineer, showing the same information as required by the sketch. Upon being satisfied that the application meets the requirements set forth herein, the Building Inspector shall forward the same to Council.

(Ord. 46-82. Passed 8-3-82.)

1466.02 PERMIT APPROVAL AND ISSUANCE; POSTING OF PERMIT REQUIRED; LIMITATION ON DEPTH OF FILL.

The Council shall examine an application, together with the information and data furnished to it by the Building Inspector, and the information, data, and opinion furnished to it by the Village Engineer, and, in the case of a renewal application, council shall examine the application for renewal, together with the above-stated information and the opinion furnished by the Village Engineer, as well as all information and opinions from the Cuyahoga County Board of Health, and, upon being satisfied that such fill will not devalue the properties in the neighborhood, that such fill will not cast water upon either adjacent lands or any other lands, or affect the natural drainage of water in the surrounding area thereof, the Council may, by ordinance, authorize the Building Inspector to issue a permit to fill in, in accordance with

the provisions herein set forth and any special requirements deemed necessary arising from the topography of such land and such adjacent lands, such special requirements to be set out in said ordinance. Before passing such ordinance and to aid the Council in the performance of its duty, the Council shall require the applicant, at his or her expense, to secure a report from a soil conservation service agency as to the effect such fill will have on the surrounding land in the area. The agency may be either governmental or private. Council may approve a permit to be effective for thirty days from the date of the permit's issuance by the Building Inspector, but in no event to become effective more than ninety days from the date of Council approval. Such permit so issued by the Building Inspector shall contain a statement that the applicant will conduct such fill in accordance with the provisions of this chapter, and if any special requirements are set forth in the ordinance passed by Council, the same shall be copied on the permit, or a certified copy of the ordinance shall be attached to such permit and so noted on the permit itself. Said permit shall be posted on the owner's property in a conspicuous location during the effective period of the permit.

Where the land to be filled in is part of a subdivision plat filed for record, or the same abuts upon a duly dedicated street without a subdivision of the lands abutting thereon, the dedicated plat of which has been filed for record, and the developer of such subdivision or dedicator of such street has done mass grading of the lands in such subdivision or of the lands abutting such street in accordance with a grading plan submitted to Council with such subdivision plat or street dedication, the depth of such fill at any point shall not exceed one foot. (Ord. 46-82. Passed 8-3-82.)

1466.03 FILL MATERIAL.

No fill material shall be deposited or permitted to remain on any land or any portion thereof, other than the following:

- (a) Natural material, but limited to natural earth and stone.
- (b) Artificial material, if composed of concrete, asphalt, brick, tile and similar material, but no organic material of any kind.

On special application to Council, the Council may issue a temporary permit for a specifically stated period, allowing the deposit of material from construction debris or from razed or demolished buildings, consisting mainly of rubble, stone, masonry and the incidental wood and fibrous material normally connected therewith and those materials exempt from Ohio and Federal solid waste laws.

(Ord. 62-86. Passed 8-12-86.)

1466.04 HOURS OF OPERATION OF TRUCKS; REMOVAL OF SPILLAGE; TRUCK SPECIFICATIONS.

(a) Trucks carrying material to a fill shall operate Monday through Saturday only, between the hours of 8:00 a.m. and 5:00 p.m. Any spillage from such trucks shall be swept up and removed from the streets within twelve hours after notice is given by any member of the Police Department, the Service Director or the Building Inspector to the owner, the same to be done by the person doing the trucking or the permittee.

(b) All such trucks shall be limited to two axles per truck, and no truck with a load shall exceed ten and one-half tons. However, the Council, in consideration of the route traveled, the conditions of the streets of such route, or the time of the year during which such filling is to be performed, may set a lower tonnage if, in the opinion of the Village Engineer and Council, a lower tonnage is deemed advisable.

(Ord. 59-86. Passed 8-5-86.)

1466.05 FILL AT OR ABOVE GRADE PROHIBITED.

(a) No fill material shall be deposited, maintained or suffered or permitted to remain on any land or any portion thereof if such material is level with or higher than the natural or established grade of the abutting street.

(b) The permittee, in filling such land, as he or she progresses, shall maintain a grade for such fill the same as the natural or established grade of the abutting street, or within five degrees of such grade, but at no time shall the grade of such fill be above such natural or established grade. When such land has been filled in to the extent that the area of such land so filled comprises a building lot for the district in which it is located, then the permit for such fill shall become void and any subsequent filling shall be unlawful.

(Ord. 59-86. Passed 8-5-86.)

1466.06 BULLDOZING REQUIRED.

A permittee shall bulldoze such fill to the grade set forth in Section 1466.05 at least once in every thirty days.

(Ord. 59-86. Passed 8-5-86.)

1466.07 EFFECTIVE PERIOD OF PERMITS; RENEWALS.

All permits authorized to be issued under this chapter shall be effective for a period of 120 days, and upon termination of such period, such permits shall become void, and any filling after the expiration of said 120 days shall be unlawful. Where a permit has been issued and the permittee determines that the requested fill cannot be made within said 120 day period, said permittee may make a subsequent application for a renewal permit for an additional 120 days. More than one renewal application may be made by the permittee if filed with the Building

Inspector within the 120 days of a prior permit. Such renewal application shall be made to the Building Inspector on the same form as the original application, but the same shall recite the date of the issuance of the original permit, and the original application, the survey, if made, the date and information in connection with the original permit shall be incorporated by reference on such subsequent application. The permittee shall also be responsible for providing to Council and the Building Inspector any and all information or opinions required from the Cuyahoga County Board of Health. Such renewal application shall be forthwith presented to the Council, and the Council, being satisfied that the permittee has conducted the fill in accordance with the provisions of this chapter and the special requirements copied on the prior permit, may authorize a renewal permit by motion. Such permit so authorized shall likewise be limited to 120 days and shall be on the same terms and conditions as set forth in the original or last subsequent permit, as the case may be. Where the Council desires to add terms and requirements therein not set forth, which become necessarily apparent because of the operation of the fill, then instead of a motion authorizing such subsequent or renewal permit, the same shall be done by ordinance, so as to incorporate such new terms and requirements.

(Ord. 21-94. Passed 3-1-94.)

1466.08 PERMIT REVOCATION.

All permits, whether original or subsequent, shall be revocable at the pleasure of the Council. Action revoking a permit shall be done by ordinance, and after a certified copy of such ordinance has been served upon the permittee, either by the Police Department or by certified mail, any filling in after such service shall be unlawful. In any event, each and every permit issued under the provisions of this chapter by the Council shall automatically expire six months from the date of issuance.

(Ord. 59-86. Passed 8-5-86.)

1466.09 PERFORMANCE BOND REQUIRED.

Any person, firm, or corporation receiving an approved fill permit shall post a one thousand dollars (\$1,000) cash bond with the Village for fill of up to 5,000 cubic yards, and a five thousand dollars (\$5,000) cash bond for fill in excess of 5,000 cubic yards.

(Ord. 40-92A. Passed 5-19-92.)

1466.10 ENFORCEMENT BY BUILDING INSPECTOR.

The Building Inspector shall be primarily vested with the responsibility of enforcement of and compliance with the terms of this chapter, and shall have the authority to issue an order stopping all fills if the terms of a permit are not complied with.

(Ord. 21-94. Passed 3-1-94.)

1466.11 VIOLATIONS.

No person shall violate or fail to comply with any of the provisions of this chapter, or with any requirement attached to a permit issued under this chapter, or with any provision of such a permit.
(Ord. 65-72. Passed 10-17-72.)

1466.12 RESTORATION OR LANDSCAPING OF LAND REQUIRED.

When the filling of any land has been completed, or when a permit has expired or been revoked, then, within a reasonable period of time, but in no event longer than six months, the permittee shall either return the land to a natural wooded state or shall landscape the filled land with sod, seed or other horticultural material.
(Ord. 102-00. Passed 11-8-00.)

1466.99 PENALTY.

(a) Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, 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.

(b) Notwithstanding the penalty provided in subsection (a) hereof, the Village may, without invoking such criminal procedure, invoke and maintain any remedy provided by law or equity, including, but not limited to, remedies to enjoin or abate any violation. The institution of any criminal or civil proceedings by the Village shall in no way prohibit an owner specially damaged by the violation from seeking such remedies as the law or equity may provide.
(Ord. 65-72. Passed 10-17-72.)

