

1 ORDINANCE NO. 2019-109

2
3 SPONSOR Ms. Shapiro

4
5 DATE April 1, 2019 COMMITTEE Public Works

6
7 **An Ordinance amending Section 942.11 of the Codified Ordinances of the County of**
8 **Summit, entitled “Appeal Procedure; Hearing and Decision,” to clarify the appeal**
9 **procedure set forth therein, for the Engineer, and declaring an emergency.**

10
11 WHEREAS, this Council previously adopted Ordinance No. 2017-282, which enacted
12 Chapter 942 of the Codified Ordinances, entitled “Surface Water Management District,” to
13 comprehensively address surface water management, which is a concern to the residents and
14 businesses of Summit County, because unregulated surface water can damage the real and
15 personal property of said residents and businesses; and

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17 WHEREAS, the Bath Township Board of Trustees adopted Township Resolution 2017-
18 39 on December 4, 2017 requesting that the unincorporated territory of Bath Township become a
19 Service Area of the Surface Water Management District, as those terms are defined in Chapter
20 942; and;

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22 WHEREAS, this Council subsequently adopted Ordinance No. 2018-014, which
23 established the unincorporated territory of Bath Township as a Service Area in the Summit
24 County Surface Water Management District pursuant to Section 942.03 of the Codified
25 Ordinances of the County of Summit, and further set a rate of \$4.00 per Equivalent Rate Unit per
26 month for the Surface Water Management Service Charge for the Bath Township Service Area,
27 in accordance with Section 942.06 of the Codified Ordinances, beginning July 1, 2018, in
28 Council Districts 4 and 5; and

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30 WHEREAS, this Council has adopted Ordinance No. 2018-149, clarifying the definition
31 of dwelling unit and requiring certain disclosures at the time of sale and transfer of real property
32 subject to the Surface Water Management District Service Charge; and

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34 WHEREAS, this Council adopted Resolution No. 2018-168, establishing the manner and
35 method of billing for the Surface Water Management District, and adopted Ordinance No. 2018-
36 392 which enacted Appendix A of Chapter 942, entitled “Summit County Surface Water
37 Management District Rules and Regulations”; and

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39 WHEREAS, the County Engineer recommends that Section 942.11 of the Codified
40 Ordinances of the County of Summit, entitled “Appeal Procedure; Hearing and Decision,” be
41 amended to clarify that any person filing an appeal may request a hearing or file necessary
42 documents relating to the appeal in writing; and

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44 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
45 that it is necessary and in the best interest of the County of Summit to amend Section 942.11 for
46 the aforementioned reasons; and

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48 NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State
49 of Ohio, that:

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1 ORDINANCE NO. 2019-109

2 PAGE TWO

3
4 SECTION 1

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6 Section 942.11 of the Codified Ordinances of the County of Summit, entitled "Appeal
7 Procedure; Hearing and Decision," is hereby amended as set forth in Exhibit A, attached hereto
8 and incorporated herein as if fully restated.

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10 SECTION 2

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12 This Ordinance is hereby declared an emergency in the interest of the health, safety, and
13 welfare of the residents of Summit County and for the further reason that it is necessary to
14 immediately amend Section 942.11 in order to address the issues set forth above for property
15 owners in the Summit County Surface Water Management District Service Area.

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17 SECTION 3

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19 Provided this Ordinance received the affirmative vote of eight members, it shall take
20 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
21 effect and be in force at the earliest time provided by law.

22
23 SECTION 4

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25 It is found and determined that all formal actions of this Council concerning and relating
26 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all
27 deliberations of this Council and of any of its committees that resulted in such formal action,
28 were in meetings open to the public, in compliance with all legal requirements, including Section
29 121.22 of the Ohio Revised Code.

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32 INTRODUCED March 18, 2019

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34 ADOPTED April 1, 2019

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38 _____
39 CLERK OF COUNCIL

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44 PRESIDENT OF COUNCIL

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46 APPROVED April 2, 2019

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49 _____
50 EXECUTIVE

51 ENACTED EFFECTIVE April 2, 2019

Voice Vote: YES - 11-0 Dickinson, Donofrio, Feeman, Hamilton,
Koehler, McKenney, Prentice, Rodgers, Schmidt, Walters, Wilhite