

1 ORDINANCE NO. 2023-220

2

3 SPONSOR Executive Shapiro

4

5 DATE August 7, 2023

COMMITTEE Public Works

6

7 **An Ordinance amending Chapter 942 of the Codified Ordinances, entitled “Surface Water**
8 **Management District,” to correct Section 942.03 titled “Jurisdiction,” to clarify the**
9 **regulations related to excavation, grading and filling permits and to set application fees for**
10 **such permits, and to authorize the Engineer to enforce the regulations in conjunction with**
11 **the Prosecutor, for the Executive and Engineer, and declaring an emergency.**

12

13 WHEREAS, this Council previously adopted Ordinance No. 2022-191, which amended
14 Chapter 942 of the Codified Ordinances, entitled “Surface Water Management District,” to
15 comprehensively address surface water management, which is a concern to the residents and
16 businesses of Summit County, because unregulated surface water can damage the real and
17 personal property of said residents and businesses; and

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19 WHEREAS, Rules and Regulations addressing excavation, grading, and filling activities
20 were enacted to provide controls over detrimental changes to properties; and

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22 WHEREAS, those Rules and Regulations need to be clarified to ease administration of
23 the permitting requirements for excavation, grading and filling activities, exceptions to those
24 requirements, and bonding requirements; and

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26 WHEREAS, the application and permitting fees for excavation, grading and filling
27 activities require adjustment to reflect the costs of review and inspection of said activities; and

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29 WHEREAS, the Engineer requires certain enforcement authorities to issue orders and
30 notices of violation related to the Rules and Regulations; and

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32 WHEREAS, Section 942.03 titled “Jurisdiction,” requires amendment to remove the
33 Village of Clinton and the Village of Boston Heights from the Service Area; and

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35 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
36 it is necessary and in the best interest of the County of Summit to amend Chapter 942 for the
37 aforementioned reasons; and

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

41

42 SECTION 1

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44 Chapter 942 of the Codified Ordinances, entitled “Surface Water Management District,”
45 is hereby amended as set forth in Exhibit A, attached to this Ordinance and incorporated herein
46 as if fully restated.

47

48 SECTION 2

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50 This Ordinance is hereby declared an emergency in the interest of the health, safety, and
51 welfare of the residents of Summit County and for the further reason that it is necessary to
52 immediately amend Chapter 942 in order to clarify the regulations related to excavation, grading

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2 PAGE TWO

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4 SECTION 2 (Continued)

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6 and filling permits and to set application fees for such permits

7

8 SECTION 3

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

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14 SECTION 4

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16 It is found and determined that all formal actions of this Council concerning and relating
17 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all
18 deliberations of this Council and of any of its committees that resulted in such formal action,
19 were in meetings open to the public, in compliance with all legal requirements, including Section
20 121.22 of the Ohio Revised Code.

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23 INTRODUCED August 7, 2023

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25 ADOPTED August 21, 2023

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27 DocuSigned by:
28 hauwen maush
29 F8D2DB132BE041B...
30 CLERK OF COUNCIL

DocuSigned by:
Veronica R Sim
C65A946FE4BA42A...
PRESIDENT OF COUNCIL

31

32 APPROVED August 21, 2023

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34 DocuSigned by:
35 Steve Shapiro
36 C8D33549B207472...
37 EXECUTIVE

38

39 ENACTED EFFECTIVE August 22, 2023

Voice Vote – YES: 10 – 0: Darrow, DeVitis, Dickinson, Donofrio, McKenney, Schmidt, Sims,
Walters, Wiedie Higham, Wilhite
Absent: Rodgers