

1 ORDINANCE NO. 2019-267

Late Filing

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3 SPONSORS Ms. Shapiro, Mr. Wilhite and Ms. McKenney and Council of the Whole

4  
5 DATE June 24, 2019

COMMITTEE Public Works

6  
7 **An Ordinance amending Chapter 942 of the Codified Ordinances of the County of Summit,**  
8 **entitled “Surface Water Management District,” to treat agricultural property similar to**  
9 **Conventionally Developed Residential Property for the purpose of calculating the**  
10 **appropriate surface water management charge for agricultural property, for the Council**  
11 **and Executive, and declaring an emergency.**

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13 WHEREAS, this Council previously enacted Chapter 942 of the Codified Ordinances of  
14 the County of Summit, entitled “Surface Water Management District,” to create an opt-in  
15 voluntary surface water management district (“District”) for the townships and municipalities in  
16 the County; and

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18 WHEREAS, Bath Township has opted to join the District, and the County Engineer is  
19 currently operating the District within Bath Township; and

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21 WHEREAS, Chapter 942 currently provides that all Conventionally Developed  
22 Residential Property, as that term is defined in the Chapter, will be assessed one Equivalent Rate  
23 Unit, which is the primary measure of the calculation of the surface water management charge  
24 levied against the owners of property within the District; and

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26 WHEREAS, all property other than Conventionally Developed Residential Property,  
27 including property used for agricultural purposes, is assessed a surface water management charge  
28 which is calculated on one Equivalent Rate Unit for every 3,000 square feet of impervious  
29 surface on the property; and

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31 WHEREAS, several owners of agricultural property in Bath Township have appealed to  
32 this Council to amend Section 942 to treat agricultural property similar to Conventionally  
33 Developed Residential Property; and

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35 WHEREAS, this Council has determined that there are significant justifications for  
36 treating agricultural property similar to Conventionally Developed Residential Property,  
37 including the generally low level of impervious surface on most agricultural property, the  
38 comparatively large number of fields and other pervious surfaces on most agricultural property,  
39 and the fact that property used for agricultural property is less intensive and keeps property from  
40 being developed and creating additional strain on surface water systems in the District; and

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42 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
43 that it is necessary and in the best interest of the County to amend Section 942 to treat  
44 agricultural property similar to Conventionally Developed Residential Property;

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

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1 RESOLUTION NO. 2019-267

2 PAGE TWO

3  
4 SECTION 1

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6 Chapter 942 of the Codified Ordinances of the County of Summit, entitled "Surface  
7 Water Management District," is hereby amended as set forth on Exhibit A, attached hereto and  
8 incorporated herein by reference.

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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 the County of Summit, and for the further reason that it will  
14 immediately revise the surface water management charge levied against agricultural properties  
15 within the District.

16  
17 SECTION 3

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19 Provided this Ordinance receives 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.

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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 June 17, 2019

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34 ADOPTED June 24, 2019

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38 CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

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41 APPROVED June 25, 2019

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45 EXECUTIVE

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48 ENACTED EFFECTIVE June 25, 2019

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Voice Vote 10-0 - YES: Dickinson, Donofrio, Feeman, Hamilton,  
Koehler, Prentice, Rodgers, Schmidt, Walters, Wilhite  
ABSENT: McKenney