ORDINANCE NO.___2022-191_____

SPONSOR ____Executive Shapiro_____

DATE__June 27, 2022_____   COMMITTEE_____Public Works_____

An Ordinance enacting Chapter 942 of the Codified Ordinances of the County of Summit entitled "Surface Water Management District,", for the Engineer and the Executive, and declaring an emergency.

WHEREAS, this Council, by Resolution No. 2019-283, established the Stormwater Management Committee, in recognition of the importance of handling issues related to stormwater runoff as well as water quality impact resulting therefrom; and

WHEREAS, this Council previously approved Resolution No. 2021-347, enacting Chapter 944 of the Codified Ordinances of the County of Summit entitled "Illicit Discharge Detection and Elimination Program," as set forth in Exhibit A to permit the Engineer to regulate non-stormwater discharges to the storm water drainage system of the County; and

WHEREAS, as a result of meetings of that committee and the implementation of the Illicit Discharge Detection and Elimination Program, further work has been done by the Engineer and the Executive to determine the best way to regulate and fund activities and projects related to water quality, surface water in general and stormwater runoff specifically; and

WHEREAS, the Ohio Revised Code authorizes the County to acquire, construct, establish, enlarge, improve, maintain, own, operate, and contract for the operation of a public enterprise to furnish service to the County and its residents and property owners to address water quality as required under phase II of the storm water program of the national pollutant discharge elimination system established in 40CFR Part 122; and

WHEREAS, the Engineer and the Executive have determined that the adoption of an ordinance that provides for guidelines and standards for the operation of a countywide Surface Water Management District in the unincorporated political subdivisions of the County and in those incorporated political subdivisions that have adopted legislation authorizing participation under this Chapter is in the best interest of the County and in furtherance of the work of the Stormwater Management Committee; and

WHEREAS, the City of Reminderville, Village of Lakemore, Village of Clinton, and the Village of Boston Heights are requesting to be included in the Service Area pursuant to legislation adopted by each municipality and such approval by this Council is included in the attached Ordinance; and

WHEREAS, upon adoption of this Chapter, the Executive and the Engineer will begin to assess potential projects and establish a prioritized list of projects that can be completed to accomplish the goals of the Chapter and which can be funded initially with monies available to the County through the American Rescue Plan Act of 2021, ("ARPA") section 9901, Pub.LNo.117-2 codified at 42 U.S.C. section 802 et seq., one purpose of which is to provide funds to support stormwater related infrastructure projects, and which will thereafter be funded by assessments received pursuant to the Ordinance; and

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WHEREAS, upon adoption of this Chapter, the Executive and the Engineer will also begin to work with Summit Soil and Water and participating communities to implement the Illicit Discharge Detection and Elimination Program and carry out the requirements of the County's MS4 permit, issued by the Ohio Environmental Protection Agency; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the County of Summit to enact Chapter 942 of Codified Ordinances for the reasons set forth above;

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of Ohio, that:

SECTION 1

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

SECTION 2

The participation of the City of Reminderville, Village of Lakemore, Village of Clinton, and the Village of Boston Heights in the District is hereby explicitly approved.

SECTION 3

This Ordinance is hereby declared an emergency in the interest of the health, safety, and welfare of the residents of the County of Summit and for the further purpose of immediately enacting Chapter 942 in order to permit the Sheriff to provide the required reports to Council at the time the Sheriff makes a budget presentation.

SECTION 4

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

SECTION 5

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 this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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INTRODUCED_____June 13, 2022_____

ADOPTED__June 27, 2022_____

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CLERK OF COUNCIL   PRESIDENT OF COUNCIL
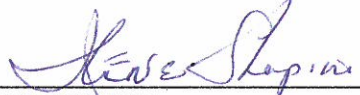
APPROVED__June 28, 2022_____

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EXECUTIVE

ENACTED EFFECTIVE__June 28, 2022____

Voice Vote - YES: 9-2: Darrow, Dickinson, Donofrio, Rodgers,
Schmidt, Sims, Walters, Wiedie Higham, Wilhite

NO: DeVitis, McKenney