

## ORDINANCE 2011-36

### AN ORDINANCE ENACTING TITLE THREE UNDER PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY OF WAPAKONETA AND ENACTING CHAPTER 1230 UNDER SAID TITLE THREE ESTABLISHING RULES AND REGULATIONS FOR EROSION AND SEDIMENT CONTROL.

FIRST READ	SECOND READ	THIRD READ		SUSPEND    ADOPT			
				YES	NO	YES	NO
			J NEUMEIER				
			D, LEE				
			B WURST				
			D GRAF				
			W WELLS				
			S WALTER				
			T FINKLEMEIER				
			TOTAL				

**WHEREAS**, soil is most vulnerable to erosion by wind and water during soil disturbing activities and this eroded soil necessitates repair of sewers and ditches and dredging of rivers, harbors, and lakes; accelerates downstream bank erosion and damage to public and private property; damages water resources and wetlands by reducing water quality; and causes the siltation of aquatic habitat; and

**WHEREAS**, communities throughout the watershed(s) in which the city of Wapakoneta is located have experienced and continue to experience costs associated with inadequate erosion and sediment control and increased State and Federal regulations; and

**WHEREAS**, there are watershed-wide efforts to reduce sedimentation in the Auglaize river and to protect and enhance the unique water resources and wetlands of the Auglaize River watersheds; and

**WHEREAS**, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to adopt rules to abate soil erosion and water pollution by soil sediments.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Wapakoneta, County of Auglaize, State of Ohio, to-wit:

### SECTION ONE

**That**, under Part Twelve of the Codified Ordinances, entitled "Planning and Zoning Code", a new Title Three, entitled "Erosion and Sediment Control" and Chapter 1230 under said Title Three are hereby enacted to read as follows:

### **TITLE THREE – EROSION AND SEDIMENT CONTROL**

#### **CHAPTER 1230 Erosion and Sediment Control**

#### **1230.01                    PURPOSE AND SCOPE**

- (a) The purpose of this regulation is to establish technically feasible and economically reasonable standards to achieve a level of erosion and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the health and safety of the citizens of Wapakoneta:
- (b) This regulation will:
  - (1) Allow development while minimizing increases in erosion and sedimentation.
  - (2) Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.
- (c) This regulation applies to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways, underground cables,

**1230.15****APPEALS**

Any person aggrieved by an order, requirement, determination, or any other action or inaction by the City of Wapakoneta in relation to this regulation may appeal to the Court of Common Pleas.. Such an appeal shall be made in conformity with Ohio Revised Code. Written notice of appeal shall be served on the City of Wapakoneta.

**1230.16****PENALTY**

- (a) Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation of noncompliance occurs or continues.
- (b) The imposition of any other penalties provided herein shall not preclude the City of Wapakoneta from instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the City of Wapakoneta.

**SECTION TWO**

**That** this Ordinance shall be in full force from and take effect from and after the earliest period allowed by law.

Attest:

Passed this \_\_\_\_\_ day of

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_, 2011

\_\_\_\_\_  
President of Council

Approved:

Approved as to form:

\_\_\_\_\_  
Mayor\_\_\_\_\_  
City Law Director

THIS IS TO CERTIFY THAT THE FOREGOING ORDINANCE/RESOLUTION WAS PUBLISHED IN THE WAPAKONETA DAILY NEWS, A NEWSPAPER OF GENERAL CIRCULATION IN AUGLAIZE COUNTY, OHIO AND APPEARED IN ITS ISSUES OF \_\_\_\_\_ AND \_\_\_\_\_.

\_\_\_\_\_  
CLERK OF COUNCIL