(Council President Umholtz)

CITY OF KIRTLAND

ORDINANCE NUMBER 02-O-33

AN ORDINANCE ESTABLISHING CODIFIED ORDINANCE CHAPTER 1294 OF THE ZONING CODE OF THE CITY OF KIRTLAND RELATING TO RIPARIAN SETBACKS, AND DECLARING AN EMERGENCY.

Whereas, flooding is a significant threat to property and public health and safety, and vegetated riparian areas lessen the threat from flooding by slowing the water velocity, enabling water to soak into the ground, and providing temporary storage of overbank flood flow; and

Whereas, streambank erosion is a significant threat to public health and safety and public and private property, and vegetated riparian areas stabilize streambanks and provide resistance to erosive forces both within streams and on adjacent lands;

Whereas, the woody debris from fallen, damaged, and cut trees increases flood levels and damage at bridges in Kirtland and neighboring communities; and

Whereas, sedimentation of eroded soil adversely affects the aquatic community and incurs dredging costs to downstream communities; and

Whereas, vegetated riparian areas filter and trap sediments, chemicals, septic discharge, and other pollutants from runoff and floodwaters, thus protecting surface and ground water quality; and,

Whereas, vegetated riparian areas can provide a dense tree canopy that helps to maintain and improve the stability of watercourse temperatures, thus protecting aquatic ecosystems, and helps to reduce the presence of aquatic nuisance species; and,

Whereas, the protection of riparian areas can result in a diverse and interconnected riparian corridor that provides habitat and migration paths to a wide array of wildlife; and,

Whereas, there is a watershed-wide effort to minimize flooding and streambank erosion in the Chagrin River watershed and to protect and enhance the water resources of the Chagrin River and its tributaries and Kirtland recognizes its obligation as a part of this watershed to minimize flooding and streambank erosion by controlling runoff within its borders; and,

Whereas, the East Branch of the Chagrin River, including that portion which flows through Kirtland has been designated as an "Ohio Scenic River" in recognition of the fact that its watershed harbors an extraordinary array of wildlife, including fish, freshwater mussels, birds, mammals, reptiles, and amphibians; and,

Whereas, the Kirtland Comprehensive Plan Advisory Committee recognizes the natural watercourses of Kirtland as being a significant community asset; and.

Whereas, the Chagrin River Watershed Partners, Inc.; the Cuyahoga Soil and Water Conservation District; the Geauga Soil and Water Conservation District; the Lake County Soil and Water Conservation District; the Natural Resource Conservation Service of the U.S. Department of Agriculture; the Northeast Ohio Areawide Coordinating Agency; the Ohio Department of Natural Resources, Division of Natural Areas and Preserves; the Ohio Environmental Protection Agency; and the U.S. Environmental Protection Agency recommend riparian setbacks as a valuable tool in an overall management program for flood risk reduction, erosion control, water quality control, and aquatic habitat protection; and,

Whereas, studies undertaken by, and reviewed by, the Ohio Environmental Protection Agency and other independent scientific bodies recommend the minimum widths for riparian setbacks; and,

Whereas, the Kirtland Planning and Zoning Commission has reviewed and adopted the recommendations of the above government agencies, and the Kirtland Planning and Zoning Commission finds and recommends to the Kirtland City Council that in order to minimize encroachment on watercourses and the need for costly engineering solutions to protect structures and reduce property damage and threats to the safety of watershed residents; to protect and enhance the scenic beauty of Kirtland; and to preserve the character of Kirtland, the quality of life of the residents of Kirtland, and corresponding property values, it is necessary and appropriate to regulate structures and uses within a riparian setback along the banks of designated watercourses in Kirtland**;** and,

Whereas, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the peace, health, safety, and general welfare of its citizens; and,

Whereas, 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, require designated communities, including Kirtland**,** to develop a Storm Water Management Program to address the quality of storm water runoff during and after soil disturbing activities.

NOW THEREFORE BE IT ORDAINED by the Council of the City of Kirtland**,** County of Lake, State of Ohio, that:

SECTION 1: Codified Ordinance Chapter 1294 Riparian Setbacks, is hereby adopted to read in total as follows:

CHAPTER 1294
RIPARIAN SETBACKS

1294.01: PUBLIC PURPOSE

A. It is hereby determined that the system of rivers, streams, and other natural watercourses within Kirtland contributes to the health, safety, and general welfare of the residents of Kirtland. The specific purpose and intent of this regulation is to regulate uses and developments within riparian setbacks that would impair the ability of riparian areas to:

1. Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow.

2. Assist in stabilizing the banks of watercourses to reduce bank erosion and the downstream transport of sediments eroded from watercourse banks.

3. Reduce pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in watercourses.

4. Reduce pollutants in watercourses by filtering, settling, and transforming pollutants in runoff before they enter watercourses.

5. Provide watercourse habitats with shade and food.

6. Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system.

7. Provide habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation.

8. Benefit Kirtland economically by minimizing encroachment on watercourse channels and the need for costly engineering solutions such as dams, retention basins, and rip rap to protect structures and reduce property damage and threats to

the safety of watershed residents; and by contributing to the scenic beauty and environment of Kirtland, and thereby preserving the character of Kirtland, the quality of life of the residents of Kirtland, and corresponding property values.

B. The following regulation has been enacted to protect these services of riparian areas by providing reasonable controls governing structures and uses within a riparian setback along designated watercourses in Kirtland.

1294.02: APPLICABILITY & COMPLIANCE

A. This regulation shall apply to all lands that are within the jurisdiction of Kirtland and that border designated watercourses as defined in 1294.05 of this regulation.

B. No approvals or permits shall be issued by Kirtland without full compliance with the terms of this regulation where applicable.

1294.03: CONFLICTS WITH OTHER REGULATIONS & SEVERABILITY

A. Where this regulation imposes a greater restriction upon land than is imposed or required by any other provision of law, regulation, contract, or deed, the provisions of this regulation shall control.

B. This regulation shall not limit or restrict the application of other provisions of law, regulation, contract, or deed, or the legal remedies available thereunder, except as provided in 1294.03(A) of this regulation.

C. If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, validity of the remainder shall not be affected thereby.

1294.04: DEFINITIONS

For the purpose of this regulation, the following terms shall have the meaning herein indicated:

A. DAMAGED OR DISEASED TREES: Trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a structure.

B. DESIGNATED WATERCOURSE: A watercourse that is contained within, flows through, or borders Kirtland and meets the criteria set forth in 1294.05 of this regulation.

C. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The agency with

overall responsibility for administering the National Flood Insurance Program.

D. IMPERVIOUS COVER: Any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, and sidewalks.

E. KIRTLAND: Throughout this regulation, this shall refer to the City of Kirtland, it's designated representatives, boards, or commissions.

F. NOXIOUS WEED: Any plant species defined by the Ohio Department of Agriculture as a "noxious weed" and listed as such by the Department. For the purposes of this regulation, the most recent version of this list at the time of application of this regulation shall prevail.

G. 100-YEAR FLOODPLAIN: Any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year.

H. OHIO ENVIRONMENTAL PROTECTION AGENCY: Referred throughout this regulation as the "Ohio EPA."

I. ORDINARY HIGH WATER MARK: The point of the bank or shore to which the presence and action of surface water is so frequent as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. The ordinary high water mark defines the bed of a watercourse.

J. RIPARIAN AREA: Naturally vegetated land adjacent to watercourses that, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of this regulation.

K. RIPARIAN SETBACK: Those lands in Kirtland that fall within the area defined by the criteria set forth in 1294.05 of this regulation.

L. SOIL AND WATER CONSERVATION DISTRICT: An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employees.

M. SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

N. SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would be equal to, or

would exceed, 50% of the market value of the structure before the damage occurred.

O. WATERCOURSE: Any natural brook, channel, creek, river, or stream.

P. WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 CFR 232, as amended).

1294.05: ESTABLISHMENT OF DESIGNATED WATERCOURSES & RIPARIAN SETBACKS

A. Designated watercourses shall include those watercourses meeting any ONE of the following criteria:

1. All watercourses draining an area greater than ½ square mile, OR

2. All watercourses draining an area less than ½ square mile and having a defined bed and bank. In determining if watercourses have a defined bed and bank, the Zoning Inspector may consult with representatives of the Lake County SWCD or other technical experts as necessary. Any costs associated with such consultations may be assessed to the applicant.

B. Riparian setbacks on designated watercourses are established as follows:

1. A minimum of 120 feet on either side of all watercourses draining an area greater than 20 square miles.

2. A minimum of 75 feet on either side of all watercourses draining an area greater than ½ square mile and up to 20 square miles.

3. A minimum of 25 feet on either side of all watercourses draining an area less than ½ square mile and having a defined bed and bank as determined in 1294.05(A)(2) of this regulation.

C. Riparian Setback Map. The Planning and Zoning Commission shall create a map identifying designated watercourses and their riparian setbacks. The following shall apply to the Riparian Setback Map:

1. It shall be published as a reference document and the information contained therein shall be believed to be accurate.

2. It shall be a guide only.

3. Nothing herein shall prevent the Planning and Zoning Commission from making additions, amendments, or deletions to the Riparian Setback Map.

4. If any discrepancy is found at the time of application of this regulation between the Riparian Setback Map and the criteria for designated watercourses or riparian setbacks as set forth in 1294.05 (A) and (B) of this regulation, 1294.05 (A) and (B) shall prevail.

D. The following conditions shall apply in riparian setbacks:

1. Riparian setbacks shall be measured in a horizontal direction outward from the ordinary high water mark of each designated watercourse.

2. Except as otherwise provided in this regulation, riparian setbacks shall be preserved in their natural state.

3. Where the 100-year floodplain is wider than a riparian setback on either or both sides of a designated watercourse, the riparian setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by FEMA. If a FEMA defined floodplain does not exist for a designated watercourse, the Zoning Inspector may require a site-specific floodplain delineation in conformance with standard engineering practices and approved by the Planning and Zoning Commission. Any costs associated with reviewing this site-specific floodplain delineation may be assessed to the applicant.

4. Where wetlands are identified within a riparian setback, the minimum riparian setback width shall be extended to the outer boundary of the wetland. Wetlands shall be delineated by a site survey approved by the Planning and Zoning Commission using delineation protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of application of this regulation. If a conflict exists between the delineation protocols of these two agencies, the delineation protocol that results in the most inclusive area of wetland shall apply. Any costs associated with such a delineation may be assessed to the applicant.

E. The applicant shall be responsible for delineating riparian setbacks, including any expansions or modifications as required by 1294.05(D)(3) and (D)(4) of this regulation, and identifying these setbacks on all subdivisions, land development plans, and/or zoning permit applications submitted to the Zoning Inspector. This delineation shall be shown on the Lake County Geographic Information System base map and shall be submitted to the Zoning Inspector as an AutoCad drawing in both electronic and paper copy formats. This delineation shall be subject to review and approval by the Planning and Zoning Commission. Any costs associated with such review may be assessed to the applicant.

F. Prior to any soil disturbing activity, riparian setbacks shall be clearly delineated by the

applicant on site, and such delineation shall be maintained throughout soil disturbing activities.

G. No approvals or permits shall be issued by the Zoning Inspector prior to delineation of riparian setbacks in conformance with this regulation.

1294.06: USES PERMITTED IN RIPARIAN SETBACKS

A. By Right Uses Without A Permit. Open space uses that are passive in character shall be permitted in riparian setbacks, including, but not limited to, those listed in 1294.06(A)(1) through (A)(3) of this regulation. No use permitted under this regulation shall be construed as allowing trespass on privately held lands.

1. Recreational Activity. Passive recreational uses, as permitted by federal, state, and local laws, such as hiking, fishing, hunting, picnicking, and similar uses.

2. Removal of Damaged or Diseased Trees. Damaged or diseased trees may be removed.

3. Revegetation and/or Reforestation. Riparian setbacks may be revegetated and/or reforested with native, noninvasive plant species.

B. By Conditional Use Permit Granted by the Planning and Zoning Commission. When granting Conditional Use Permits for the following uses, the Planning and Zoning Commission may, for good cause, attach such conditions as it deems appropriate. Permits issued under 1294.06(B) are issued to the applicant only, shall not be transferred, and shall be void if not implemented within one (1) year of issuance.

1. Streambank Stabilization/Erosion Control Measures. Streambank stabilization/ erosion control measures may be allowed provided that such measures are ecologically compatible and substantially utilize natural materials and native plant species where practical and available. Such streambank stabilization/erosion control measures shall only be undertaken upon approval of a Streambank Stabilization/Erosion Control Plan by the Planning and Zoning Commission. Any costs associated with review of Streambank Stabilization/Erosion Control Plans may be assessed to the applicant.

2. Crossings: Crossings of designated watercourses through riparian setbacks may only be allowed upon approval of a Crossing Plan by the Planning and Zoning Commission. Such crossings shall minimize disturbance in riparian setbacks and shall mitigate any necessary disturbances. Any costs associated with review of Crossing Plans may be assessed to the applicant.

3. Historic Building Reconstruction: Reconstruction of historic buildings within

riparian setbacks may only be allowed upon approval of a Historic Building Reconstruction Plan by the Planning and Zoning Commission. Such reconstruction shall be limited to the historic areas outlined in 1222.07 of this Zoning Code, shall minimize disturbance in riparian setbacks, and shall mitigate any necessary disturbances. Any costs associated with review of Historic Building Reconstruction Plans may be assessed to the applicant.

4. Landscaping: The removal of natural vegetation within a riparian setback and the subsequent cultivation of lawns, landscaping, shrubbery, or trees may be allowed provided that such cultivation is done in conformance with a Landscaping Plan approved by the Planning and Zoning Commission. Any costs associated with review of Landscaping Plans may be assessed to the applicant. Landscaping Plans shall meet the following criteria:

   i. Maintain trees in the riparian setback larger than nine (9) inches in caliper (diameter) as measured fifty-four inches above the ground to the maximum extent possible.

   ii. Maintain trees, shrubbery, and other non-lawn, woody vegetation in the riparian setback to the maximum extent possible.

1294.07: USES PROHIBITED IN RIPARIAN SETBACKS

Any use not authorized under this regulation shall be prohibited in riparian setbacks. By way of example, the following uses are specifically prohibited, however, prohibited uses are not limited to those examples listed here:

A. Construction. There shall be no structures, except as permitted under 1294.06 of this regulation.

B. Dredging or Dumping. There shall be no drilling, filling, dredging, or dumping of soils, spoils, liquids, yard wastes, or solid materials, except for noncommercial composting of uncontaminated natural materials and except as permitted under 1294.06 of this regulation.

C. Roads or Driveways. There shall be no roads or driveways, except as permitted under 1294.06 of this regulation.

D. Motorized Vehicles: There shall no use of motorized vehicles, except for the use of lawn mowers, tractors, and other mechanized vehicles or equipment necessary to mow, trim, cut, cultivate, plant, or maintain vegetation or to remove damaged or diseased trees, all as permitted in riparian setbacks under 1294.06 of this regulation, or as needed to eradicate invasive species or noxious weeds.

E. Disturbance of Natural Vegetation: There shall be no disturbance of natural vegetation within riparian setbacks except for the following:

1. Maintenance of lawns, landscaping, shrubbery, or trees existing at the time of passage of this regulation.

2. Cultivation of lawns, landscaping, shrubbery, or trees in accordance with an approved Landscaping Plan submitted in conformance with 1294.06 (B)(3) of this regulation.

3. Conservation measures designed to remove damaged or diseased trees or to control noxious weeds or invasive species.

F. Parking Lots. There shall be no parking lots.

G. New Surface and/or Subsurface Sewage Disposal or Treatment Areas. Riparian setbacks shall not be used for the disposal or treatment of sewage, except as necessary to repair or replace an existing home sewage disposal system and in accordance with recommendations by the Lake County General Health District.

1294.08: NON-CONFORMING STRUCTURES OR USES IN RIPARIAN SETBACKS

Non-conforming structures and uses are defined in Chapter 1282.

A. A non-conforming use, existing at the time of passage of this regulation and within a riparian setback, that is not permitted under this regulation may be continued but shall not be changed or enlarged unless changed to a use permitted under this regulation.

B. A non-conforming residential or commercial structure, existing at the time of passage of this regulation and within a riparian setback, that is not permitted under this regulation may be continued or replaced. Such structures may also be enlarged provided such enlargement remains a minimum distance from the ordinary high water mark of the designated watercourse of no less than the distance between the ordinary high water mark and the foundation of the existing residential or commercial structure at its nearest point to the designated watercourse.

C. A nonconforming accessory structure, existing at the time of passage of this regulation and in the riparian setback, that is not permitted under this regulation may be continued or replaced but shall not have the existing building footprint or roofline expanded or enlarged.

D. A non-conforming structure or use, existing at the time of passage of this regulation and within a riparian setback, that has substantial damage and that is discontinued, terminated, or abandoned for a period of one (1) year or more may not be revived,

restored, or re-established.

1294.09 VARIANCES WITHIN RIPARIAN SETBACKS

A. The Planning and Zoning Commission may grant a variance to this regulation as provided herein. In granting a variance, the following conditions shall apply:

1. In determining whether there is unnecessary hardship with respect to the use of a property or practical difficulty with respect to maintaining the riparian setback as established in 1294.05 of this regulation, such as to justify the granting of a variance, the Planning and Zoning Commission shall consider the potential harm or reduction in riparian functions that may be caused by a proposed structure or use.

2. The Planning and Zoning Commission may not authorize any structure or use in a Zoning District other than those authorized in the Zoning Code.

3. Variances shall be void if not implemented within one (1) year of the date of issuance.

B. In making a determination under 1294.09(A) of this regulation, the Planning and Zoning Commission may consider the following:

1. The natural vegetation of the property as well as the percentage of the parcel that is in the 100-year floodplain. The criteria of Chapter 1446 Flood Damage Prevention may be used as guidance when granting variances in the 100-year floodplain.

2. The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback. This determination shall be based on sufficient technical and scientific data.

3. The degree of hardship, with respect to the use of a property or the degree of practical difficulty with respect to maintaining the riparian setback as established in 1294.05 of this regulation, placed on the landowner by this regulation and the availability of alternatives to the proposed structure or use.

4. Soil-disturbing activities permitted in the riparian setback through variances should be implemented to minimize clearing to the extent possible and to include

Best Management Practices necessary to minimize erosion and control sediment.

5. The presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the riparian setback compromises its benefits to Kirtland. Variances should not be granted for asphalt or concrete paving in the riparian setback. Variances may be granted for gravel driveways when necessary.

6. Whether a property, otherwise buildable under the ordinances of Kirtland, will be made unbuildable because of this regulation.

C. In order to maintain the riparian setback to the maximum extent possible, the Planning and Zoning Commission may consider granting variations to other area or setback requirements imposed on a property by the Zoning Code.

D. In granting a variance under 1294.09, the Planning and Zoning Commission, for good cause, may impose such conditions that it deems appropriate to maintain the purposes of this regulation as outlined in 1294.01.

1294.10: PROCEDURES FOR VARIANCES & APPEALS

A. Any applicant seeking a variance to the conditions imposed under this regulation or an appeal to an administrative decision made under this regulation, other than a decision by the Planning and Zoning Commission, may apply to or appeal to the Planning and Zoning Commission. The following conditions shall apply:

1. When filing an application for an appeal to an administrative decision, the applicant shall file a notice of appeal specifying the grounds therefor with the administrative official within 20 days of the administrative official's decision. Upon determining that the application is complete and upon receipt of the required fee of $100, the administrative official shall transmit to the Planning and Zoning Commission the application and a transcript constituting the record from which the administrative decision subject to appeal was based. This transmission shall occur no less than fourteen (14) days prior to a regularly scheduled meeting of the Planning and Zoning Commission in order to be placed on the agenda for that meeting.

2. When applying for a variance, the applicant shall file a variance request with the Planning and Zoning Commission.

3. Applications for appeals or variances made under 1294.10(A)(1) or (A)(2) of this regulation shall contain the following information:

   i. The name, address, and telephone number of the applicant;

   ii. Proof of ownership or authorization to represent the property owner.

   iii. The location of the property, including street address and permanent parcel number.

   iv. The current zoning of the property.

   v. A description of the project for which the appeal or variance is sought.

   vi. A description of the administrative decision being appealed or the conditions of the regulation from which a variance is sought.

   vii. Names and addresses of each property owner within 500 feet as shown in the current records of the Lake County Auditor typed on gummed labels.

4. Applications for variances or appeals of administrative decisions shall not be resubmitted to the Planning and Zoning Commission within one (1) year of the date of a final decision by the Planning and Zoning Commission on the original application, unless the applicant shows the Planning and Zoning Commission either of the following:

   i. Newly discovered evidence that could not have been presented with the original submission, or

   ii. Evidence of a substantial change in circumstances since the time of the original submission.

B. A decision by the Planning and Zoning Commission in response to an application for a variance request or an appeal of an administrative decision filed pursuant to 1294.10(A) of this regulation shall be final.

1294.11: INSPECTION OF RIPARIAN SETBACKS

A. The delineation of riparian setbacks shall be inspected by the Zoning Inspector:

1. Prior to soil disturbing activities authorized by the Planning and Zoning Commission under a subdivision, land development plan, and/or zoning permit. The applicant shall provide the Zoning Inspector with at least two (2) working days notice prior to starting such soil disturbing activities.

2. Prior to activities authorized by the Planning and Zoning Commission under 1294.06(B) of this regulation. The applicant shall provide the Zoning Inspector with at least two (2) working days notice prior to starting such activities.

B. Riparian setbacks shall also be inspected at any time evidence is brought to the attention of the Zoning Inspector that uses or structures are occurring that may reasonably be expected to violate the provisions of this regulation.

1294.99 PENALTY

A. Any person who shall violate any section of this regulation shall be guilty of a misdemeanor of first degree and, upon conviction thereof, shall be subject to punishment as provided in Chapter 1262 and shall be required to restore the riparian setback through a restoration plan approved by the Planning and Zoning Commission.

B. The imposition of any other penalties provided herein shall not preclude Kirtland 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 Zoning Inspector.

SECTION II:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed 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 actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that the construction season has started therefor posing an increased risk of damage to the

functions of the riparian areas; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading:
Second Reading:
Third Reading:

DATE PASSED:

President of Council

Submitted to the Mayor for his
Approval on this_____day of
_____, 2002.

ATTEST:

Approved by the Mayor, this_____day
of_____2002.

Clerk of Council

Mayor Edward J. Podojil