

**ORDINANCE NO. 2016 -96
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE ADOPTING CHAPTER 1335 OF
THE CODIFIED ORDINANCES OF THE CITY OF
LYNDHURST TITLED “EROSION AND SEDIMENT
CONTROL” TO ESTABLISH POLICIES AND
PROCEDURES REGARDING EROSION AND
SEDIMENT CONTROL IN THE CITY, REPEALING
CURRENT CHAPTER 1335 IN ITS ENTIRETY, AND
DECLARING AN EMERGENCY**

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 by reducing water quality; and causes the siltation of aquatic habitat; and

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

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

WHEREAS, the United States Environmental Protection Agency has approved a Total Maximum Daily Load for Bacteria, habitat, nitrogen, phosphorus, total suspended solids and Dissolved Oxygen in the Euclid Creek and Chagrin River Watersheds;

WHEREAS, 40 C.F.R. Parts 9, 122, 123 and 124, referred to as NPDES Stormwater Phase II, require designated communities, including the City of Lyndhurst, to develop and implement a Stormwater Management Program to address, among other components, erosion and sediment control during soil disturbing activities; 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; and

WHEREAS, Best Management Practices (BMP) will from now on be referred to as Stormwater Control Measures (SCM). Now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST,
CUYAHOGA COUNTY, OHIO, STATE OF OHIO, THAT:**

SECTION 1. Chapter 1335 entitled “Erosion and Sediment Control” be and the same is hereby adopted in its entirety as set forth in the attached Exhibit A, which is incorporated herein by this reference.

SECTION 2. Current Chapter 1335 is hereby rescinded, effective on the effective date of this Ordinance.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage 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 actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Lyndhurst, the immediate emergency being the necessity to continue erosion and sediment control measures without interruption. Therefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of not less than five (5) members elected to Council and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: December 5, 2016

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on December 15, 2016 and December 22, 2016.

Clerk of Council

First Reading: December 5, 2016

Second Reading: Suspended

Third Reading: Suspended

Passed 12-5-2016