

RECORD OF ORDINANCES

Ordinance No. 2026-7

Passed January 21, 20 26

SPONSOR: STREETS

AN ORDINANCE AMENDING CHAPTER 153 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE, ENTITLED “EROSION AND SEDIMENT CONTROL”, 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 Cuyahoga River watershed 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 the Cuyahoga River and to protect and enhance the unique water resources of the Cuyahoga River watershed; and

WHEREAS, the Village desires to reduce sedimentation and to protect water quality by controlling soil disturbing activities within its borders; and

WHEREAS, 40 C.F.R. Parts 122, 123, and 124, and Ohio Administrative Code 3745-39 require designated communities, including the Village, to develop a Stormwater Management Program that, addresses, 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, Chapter 153 of the Village’s Codified Ordinances, entitled “Erosion and Sediment Control” currently provides for the aforementioned regulation within the Village; and

WHEREAS, the Village Engineer has recommended numerous revisions to Chapter 153 of the Village’s Codified Ordinances; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and it the best interest of the Village to amend Chapter 153 of the Village’s Codified Ordinances, entitled “Erosion and Sediment Control” as recommended by the Village Engineer.

NOW, THEREFORE BE IT ORDAINED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

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SECTION 1: This Council hereby amends Chapter 153 of the Village's Codified Ordinances, entitled "Erosion and Sediment Control" as set forth on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediately revising the aforementioned Chapter for the preservation of the Cuyahoga River watershed and the fulfillment of the Village's legal obligations, and, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

Michael Raddish 1-21-26  
President of Council Date

Michael Raddish 1-21-26  
Mayor Date

Attest:

[Signature]  
Clerk-Treasurer