

ORDINANCE NUMBER 2022-12

AN ORDINANCE PROHIBITING THE FILLING IN OF STORMWATER DRAINAGE DITCHES, WITH LIMITED ALTERATIONS PERMITTED UPON PETITION, AND THEREBY AMENDING ORDINANCES 1996-10 AND 2018-5, AS CODIFIED IN §152.002 OF THE CODE OF ORDINANCES OF THE VILLAGE OF APPLE CREEK, OHIO, AND REPEALING PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS.

WHEREAS, the Council of the Village of Apple Creek, Ohio ("Village") passed ordinance 1996-10 in order to prohibit covering, filling in, or altering stormwater drainage ditches in Apple Ridge and Spring Run allotments in the village; and

WHEREAS, ordinance 2018-5 permitted limited alteration of ditches on Shannon Drive only if plans are submitted and preapproved by the Village; and

WHEREAS, due to continuing water run-off issues within the village limits which have negatively impacted residents' property interests, Village Council has determined that a uniform policy against the filling in of stormwater drainage ditches village wide, with limited alterations, is in the best interests of the health, public safety, property maintenance and general welfare of all the Village's residents; and

WHEREAS, Village Council now desires to amend the aforementioned ordinances;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Apple Creek, Ohio, as follows:

SECTION ONE:

Ordinances 1996-10 and 2018-5, as codified in §152.002 of the Code of Ordinances of the Village of Apple Creek, Ohio are amended as follows:

(A) *No alteration.*

(1) No person shall cover, fill in, apply weed killer or other herbicides to, or in any way alter any stormwater drainage ditch situated within any public right-of-way in the village.

(2) *Retroactive application.* This division (A) shall be given retroactive application.

(B) *Limited alteration.*

(1) Upon petition by a property owner, limited alteration of storm water drainage ditches may be permitted by the village if plans are submitted in advance to the village and preapproved by village council. The village shall consult with the Village Engineer, whose review and approval of the submitted plans shall be required prior to any authorization to make such limited alterations.

(2) Storm water drainage ditch alterations shall be limited to the installation of geotextiles and appropriately sized riprap, as so determined and approved by the Village Engineer. In no event shall said ditches be filled or altered so as to materially affect the ditch's depth or storm water run-off flow rates and volume.

SECTION TWO:

Any person, firm, or corporation violating any of the provisions of this Ordinance is committing an unlawful act and shall be subject to the penalties §152.999.

SECTION THREE:

All prior Ordinances and Resolutions, and parts of Ordinances and Resolutions, which conflict with the provisions of this ordinance are hereby repealed to the extent that they are in conflict herewith.

All remaining provisions of said prior Ordinances and Resolutions shall remain intact and unaffected.

SECTION FOUR:

This Ordinance shall be posted or published in the newspaper of general circulation and shall be in full force and effect upon its passage and publication, as provided by law.

PASSED:	First Reading	_____
	Second Reading	_____
	Third Reading	_____

ATTEST:

President of Council

Fiscal Officer

APPROVED:

Rodney Mackey, Mayor