

ORDINANCE NO. 08-42 AC CMS

AN ORDINANCE AMENDING SECTION 1191.03 OF THE CODIFIED ORDINANCES OF THE CITY OF OBERLIN, OHIO, PERTAINING TO FLOOD DAMAGE PREVENTION

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That Section 1191.03 of the Codified Ordinances of the City of Oberlin, Ohio, are hereby amended to read as set forth in Exhibit A attached hereto and incorporated herein by reference.

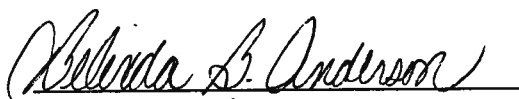
SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading – June 16th, 2008
2nd Reading- July 7th, 2008 (E)
3rd Reading-

Suspend the rules requiring three readings and elevated to an emergency for flood damage prevention.

ATTEST:



Belinda B. Anderson
CLERK OF COUNCIL



David E. Sonner
PRESIDENT OF COUNCIL

POSTED: 07/08/08

EFFECTIVE DATE: 07/07/08

Exhibit A

1191.03 GENERAL PROVISIONS.

(a) Lands to Which This Chapter Applies. This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City as identified by the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development referenced in Section 1191.03(b), including any additional areas of special flood hazard annexed by the City.

(b) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "*Flood Insurance Study Lorain County, Ohio and Incorporated Areas*" effective August 19, 2008. This study, with accompanying "*Flood Insurance Rate Map Lorain County, Ohio and Incorporated Areas*" effective August 19, 2008 (and any additional areas of special flood hazard annexed by the City of Oberlin) and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at 85 South Main Street.

(c) Compliance. Unless specifically exempted from filing for a development permit as stated in Section 1191.04(b), no structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter.

(d) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes. Where a provision of this chapter may be in conflict with a State law, such State law shall take precedence over the chapter.

(f) Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 01-80AC. Passed 9-4-01.)

Belinda Andersen



Ohio Department of Natural Resources

TED STRICKLAND, GOVERNOR

SEAN D. LOGAN, DIRECTOR

Deborah F. Hoffman, Chief

Division of Water

July 23, 2008

Mr. Eric Norenberg, City Manager
City of Oberlin
85 South Main Street
Oberlin, Ohio 44074

07-28-08P02:04 RCVD

Re: Flood Damage Reduction Regulations Approval: Ordinance #2136

Dear Mr. Norenberg:

This letter is in regard to the adopted amendment to the *City of Oberlin Flood Damage Reduction Regulations: Chapter 1191 of the Codified Ordinances* adopted as Ordinance #08-42 on July 7, 2008. In accordance with Section 1521.18 of the Ohio Revised Code, our office has reviewed the adopted regulations for compliance with minimum National Flood Insurance Program (NFIP) standards as authorized under the National Flood Insurance Act of 1968. The adopted regulations are **compliant** with minimum NFIP standards. With this letter, I will forward your compliant regulations with ODNR approval to FEMA Region V offices to complete your ordinance update process.

Feel free to contact me at (614) 265-6781 or by e-mail at Kimberly.Bitters@dnr.state.oh.us with any questions.

Respectfully,

A handwritten signature in cursive script that reads "Kimberly M. Bitters".

Kimberly M. Bitters, CFM
Environmental Specialist
Floodplain Management Program
Division of Water

cc: Jennifer Scholl, FEMA Region V
Jeffrey J. Baumann, Public Works Director / Floodplain Administrator