

**CITY OF SOUTH LEBANON
REGULAR MEETING OF CITY COUNCIL
AGENDA**

FEBRUARY 20, 2025, at 6:00 P.M.

1. Meeting Call to Order
2. Roll Call
3. Prayer/Pledge of Allegiance
4. Guests
5. Floor open to the public
6. New Business
 - Ordinance 2025-05, First Reading, adopting permanent appropriations for current expenses and other expenditures for the period January 1, 2025, through December 31, 2025
 - Emergency Ordinance 2025-06 Adopting and enacting American Legal Publishing's Ohio Basic Code, 2025 Edition, as the code ordinances for the City of South Lebanon
 - Emergency Resolution 2025-04, Authorizing a contract with the Warren County Engineer's Office for the purchase of road salt for the 2025-2026 winter season.
 - Emergency Resolution 2025-05 Approval of Setting a Public Hearing to Consider the Recommendation of the Planning Commission for a Zoning Text Amendment to change the fence height for private swimming pools.
 - Emergency Resolution 2025-06, Authorizing the law director to submit a "Complaint to the Warren County Board of Revisions" relative to the city-owned property at 706 Corwin Nixon Boulevard.
 - Motion to Approve Invoices
 - Approval of Meeting Minutes:
 - Regular Meeting – December 19, 2024
 - Regular Meeting – January 2, 20205
 - Regular Meeting – January 16, 2025
7. Old Business:
 - Ordinance 2025-03, Second Reading, Adopting Floodplain Regulations and repealing Ordinance 2010-15.

8. Communications and reports from City Officials and Committees

- | | |
|--------------------------|--------------------|
| a. Mayor | e. Law Director |
| b. Director of Finance | f. Sergeant |
| c. Administrator | g. Council Members |
| d. Public Works Director | |

9. Executive Session:

10. Adjournment

Members of the public may address the Council during the Open Forum segment of the agenda. Citizens desiring to address the Council must sign the visitor sheet and state their name and address prior to speaking. Comments are limited to three minutes. Large groups are encouraged to select no more than three spokespersons.

**CITY OF SOUTH LEBANON
MEMORANDUM**

To: Mayor & City Council
CC: Jerry Haddix, City Administrator
From: Tina Williams, Director of Finance
Date: February 18, 2025
Subject: Ordinance 2025-05 “Permanent” 2025 Appropriations

Attached is Ordinance 2025-05 approving “Permanent” Appropriations for fiscal year 2025. It will replace the “Temporary” appropriations previously adopted by Ordinance 2024-28 on December 19, 2024.

There will be a full presentation of the 2025 Operating and Capital Budget to the Council at the March 6, 2025 meeting.

Total appropriations for 2025 are \$14,701,042.72 compared to \$14,271,268.10 for 2024. Attached is a comparison of the proposed 2025 Permanent Appropriations to the 2024 Final Appropriations. The 2025 Budget includes over \$12.8 million in capital projects with grants funding \$1.6 million and debt funding \$7 million. Attached is the proposed 2025 Capital Budget.

The detailed 2025 Operating and Capital Budget document will be sent out to the Council on February 24, 2025.

The budget is scheduled to be adopted at the March 6, 2025, meeting and is required to be adopted by April 1st.

	2024 <i>Final</i> Appropriations	2025 <i>Permanent</i> Appropriations
GENERAL FUND - 1000		
110 Police Enforcement		
Personal Services	6,000.00	6,000.00
Operating Expenses	805,232.91	853,765.00
Capital Outlay	208,250.00	40,250.00
	<u>1,019,482.91</u>	<u>900,015.00</u>
130 Street Lighting		
Operating Expenses	55,000.00	55,000.00
210 Health Services		
Operating Expenses	5,000.00	5,000.00
220 Human Services		
Operating Expenses	8,000.00	8,000.00
320 Parks and Recreation		
Operating Expenses	70,000.00	80,000.00
531 Administration-Public Utilities		
Personal Services	235,700.00	235,700.00
710 Council & Administration		
Personal Services	500,100.00	560,925.00
Operating Expenses	38,850.00	41,350.00
	<u>538,950.00</u>	<u>602,275.00</u>
720 Mayor's Court		
Personal Services	65,000.00	68,500.00
Operating Expenses	8,800.00	8,400.00
	<u>73,800.00</u>	<u>76,900.00</u>
725 Finance		
Personal Services	125,000.00	142,000.00
Operating Expenses	36,070.00	34,200.00
	<u>161,070.00</u>	<u>176,200.00</u>
730 Land and Buildings		
Operating Expenses	93,000.00	93,000.00
740 Property Tax Collection Fees		
Operating Expenses	23,800.00	8,000.00
750 Solicitor		
Personal Services	27,000.00	27,000.00
755 Income Tax		
Personal Services	100,000.00	135,000.00
Operating Expenses	102,450.00	79,350.00
	<u>202,450.00</u>	<u>214,350.00</u>
790 Other General Government		
Operating Expenses	318,400.00	335,200.00
800 Capital Improvements		
Capital Outlay	1,412,055.00	2,313,539.00
910 Transfer – Out to Debt Service	632,812.50	0.00
GENERAL FUND TOTAL	<u><u>4,876,520.41</u></u>	<u><u>5,130,179.00</u></u>

	2024 <i>Final</i> Appropriations	2025 <i>Permanent</i> Appropriations
STREET FUND - 2011		
690 Streets & Transportation		
Personal Services	60,900.00	60,900.00
Operating Expenses	130,200.00	131,600.00
	<u>191,100.00</u>	<u>192,500.00</u>
800 Capital Improvements		
Capital Outlay	544,850.00	580,000.00
850 Debt Service	17,212.10	17,212.10
STREET FUND TOTAL	<u><u>753,162.10</u></u>	<u><u>789,712.10</u></u>
WATER FUND - 5101		
531 Water		
Personal Services	380,300.00	393,500.00
Operating Expenses	875,200.00	955,200.00
	<u>1,255,500.00</u>	<u>1,348,700.00</u>
800 Capital Improvements		
Capital Outlay	595,947.00	521,652.00
850 Debt Service	7,040.72	7,040.72
WATER FUND TOTAL	<u><u>1,858,487.72</u></u>	<u><u>1,877,392.72</u></u>
SEWER FUND - 5201		
541 Sanitary Sewers & Sewage		
Personal Services	382,000.00	372,000.00
Operating Expenses	901,000.00	905,000.00
	<u>1,283,000.00</u>	<u>1,277,000.00</u>
800 Capital Improvements		
Capital Outlay	1,150,000.00	1,760,000.00
SEWER FUND TOTAL	<u><u>2,433,000.00</u></u>	<u><u>3,037,000.00</u></u>
SANITATION FUND - 5601		
561 Refuse Collection & Disposal		
Personal Services	17,000.00	17,000.00
Operating Expenses	525,000.00	579,200.00
SANITATION FUND TOTAL	<u><u>542,000.00</u></u>	<u><u>596,200.00</u></u>
PARK FUND - 2041		
320 Parks and Recreation		
Operating Expenses	10,000.00	12,500.00
800 Capital Improvements		
Capital Outlay	25,000.00	25,000.00
PARK FUND TOTAL	<u><u>35,000.00</u></u>	<u><u>37,500.00</u></u>

	2024 Final Appropriations	2025 Permanent Appropriations
PERMISSIVE TAX FUND - 2101		
610 Street Construction		
Operating Expenses	40,000.00	40,000.00
800 Capital Improvements		
Capital Outlay	125,000.00	125,000.00
PERMISSIVE TAX FUND TOTAL	165,000.00	165,000.00
AMERICAN RESCUE ACT FUND - 2152		
800 Capital Outlay	8,564.75	0.00
MAYOR'S COURT SPECIAL PROJECTS FUND - 2906		
720 Mayor's Court		
Operating Expenses	2,000.00	2,000.00
RIVER'S CROSSING TIF FUND - 2907		
740 Development Incentives		
Operating Expenses	517,855.00	592,840.00
850 Debt Service	705,880.00	707,160.00
RIVER'S CROSSING TIF FUND TOTAL	1,223,735.00	1,300,000.00
RIVERSIDE TIF FUND - 2909		
740 Development Incentives		
Operating Expenses	304,289.00	360,104.30
850 Debt Service	601,710.50	689,895.70
RIVERSIDE TIF FUND TOTAL	905,999.50	1,050,000.00
MUNICIPAL BUILDING NOTES - 3902		
850 Debt Service	632,812.50	0.00
MASON MORROW MILLGROVE IMPROVEMENTS- 4904		
800 Capital Outlay	212,780.23	9,533.77
FOREST AVENUE IMPROVEMENTS- 4906		
800 Capital Outlay	445,342.00	0.00
MORROW ROAD RECONSTRUCTION - 4907		
800 Capital Outlay	0.00	519,244.00
UTILITY MAINTENANCE AND IMP FUND - 5761		
800 Capital Outlay	125,000.00	135,000.00
DEPOSIT TRUST FUND - 5781		
599 Utility Services		
Operating Expenses	50,000.00	50,000.00
UNCLAIMED MONIES FUND - 9101		
General Government		
Operating Expenses	1,863.89	2,281.13
TOTAL APPROPRIATED FUNDS 2025	14,271,268.10	14,701,042.72

City of South Lebanon - Capital Budget 2025

Dept	Description	Estimated Cost	General Fund	Funding Source(s)				
				Street	Water	Sewer	Grants	Other Funds
Admin	Community Center Improvements	1,015,997.00	203,200.00				812,797.00	
Sheriff	Flock Cameras (Annual Subscription Fees)	28,250.00	28,250.00					
Streets	Morrow Road Reconstruction Phase 1	950,102.00	335,042.00		95,816.00		519,244.00	
Streets	King Avenue Repaving - CDBG Project	158,301.00					125,331.00	32,970.00
Streets	Hobart Street Improvements - CDBG Project	123,205.00					113,205.00	10,000.00
Water	Utility Distribution System - Emergency Repairs	50,000.00			50,000.00			
Sewer	Utility Distribution System - Emergency Repairs	50,000.00				50,000.00		
	COMMITTED PROJECTS	2,375,855.00	566,492.00	-	145,816.00	50,000.00	1,570,577.00	42,970.00
Admin	99 High Street / Design Renovation	50,000.00	50,000.00					
Admin	Admin Building - Design & Building Security	10,000.00	10,000.00					
Admin	Tax Office - Customer Counter	10,000.00	10,000.00					
Devel	Downtown Revitalization Comprehensive Plan	50,000.00	50,000.00					
Devel	Downtown Light Poles/Banner Poles	30,000.00	30,000.00					
Devel	Sidewalk Main Street to Bike Trail	25,000.00	25,000.00					
Devel	Blighted Property Maintenance	50,000.00	50,000.00					
Parks	Oeder's Park Playground	100,000.00	75,000.00				25,000.00	
Parks	Park Utilization Study	20,000.00	20,000.00					
Parks	Veteran's Park Restroom	75,000.00	75,000.00					
PW	Design Public Works Facility and Salt Barn	300,000.00	150,000.00		75,000.00	75,000.00		
Streets	Electronic Bill Board Mobile Signs (2)	36,000.00	36,000.00					
Sheriff	Solar Speed Display Signs (2)	12,000.00	12,000.00					
Streets	Tractor with bushhog and mower	80,000.00	40,000.00	40,000.00				
Streets	Install Radar Units on Mason Morrow at SR 48	40,000.00		40,000.00				
Streets	Annual Street Resurfacing Program	450,000.00		350,000.00				100,000.00
Streets	Annual Road Restriping	50,000.00		50,000.00				
Streets	Vacant Lot Stabilization Project	100,000.00	100,000.00					
Streets	Morrow Road Reconstruction - Engineering	3,800.00	2,964.00		836.00			
Water	GCWW Interconnection PRV	200,000.00			200,000.00			
Water	Extend Water Line on Zoar Rd - Phase II	100,000.00			100,000.00			
Water	Radio readers for meters; 108 per year	22,000.00			11,000.00	11,000.00		
Water	Water meters replacement	20,000.00			10,000.00	10,000.00		
Sewer	West Pike St Sewer Extension	75,000.00				75,000.00		
Sewer	River Corridor Sewer Lift Station	8,500,000.00				1,500,000.00		7,000,000.00
Sewer	Mckinley Lift Station Generator Switch	60,000.00				60,000.00		
		12,844,655.00	1,302,456.00	480,000.00	542,652.00	1,781,000.00	1,595,577.00	7,142,970.00
	Other Funding {Grants/Reimbursements}		1,051,333.00	100,000.00			(1,151,333.00)	
	TOTAL 2025 CAPITAL BUDGET	12,844,655.00	2,353,789.00	580,000.00	542,652.00	1,781,000.00	444,244.00	7,142,970.00

**CITY OF SOUTH LEBANON, OHIO
ORDINANCE 2025-05**

AN ORDINANCE TO MAKE “PERMANENT” APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF SOUTH LEBANON, OHIO, FOR THE PERIOD OF JANUARY 1, 2025 THROUGH DECEMBER 31, 2025

WHEREAS, City Council adopted Ordinance 2024-28 on December 19, 2024, making “Temporary” appropriations for current expenses and other expenditures for the period of January 1, 2025 through March 31, 2025, or until permanent appropriations are adopted; and,

WHEREAS, the Director of Finance has recommended permanent appropriations the City Council now desires to adopt.

Be it **ORDAINED** by the Council of the City of South Lebanon, Ohio:

Section 1. That, to provide for the current expenses and other expenditures of the City of South Lebanon, for the period of January 1, 2025 to December 31, 2025, the following sums are hereby set aside and appropriated as follows:

GENERAL FUND - 1000

110 Police Enforcement

Personal Services	6,000.00
Operating Expenses	853,765.00
Capital Outlay	40,250.00
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	900,015.00

130 Street Lighting

Operating Expenses	55,000.00
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210 Health Services

Operating Expenses	5,000.00
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220 Human Services

Operating Expenses	8,000.00
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320 Parks and Recreation

Operating Expenses	80,000.00
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531 Administration-Public Utilities

Personal Services	235,700.00
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710 Council & Administration

Personal Services	560,925.00
Operating Expenses	41,350.00
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	602,275.00

Ordinance 2025-05 Permanent Appropriations

720	Mayor's Court		
	Personal Services	68,500.00	
	Operating Expenses	8,400.00	
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		76,900.00	
725	Finance		
	Personal Services	142,000.00	
	Operating Expenses	34,200.00	
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		176,200.00	
730	Land and Buildings		
	Operating Expenses	93,000.00	
740	Property Tax Collection Fees		
	Operating Expenses	8,000.00	
750	Solicitor		
	Personal Services	27,000.00	
755	Income Tax		
	Personal Services	135,000.00	
	Operating Expenses	79,350.00	
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		214,350.00	
790	Other General Government		
	Operating Expenses	335,200.00	
800	Capital Improvements		
	Capital Outlay	2,313,539.00	
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	GENERAL FUND TOTAL	5,130,179.00	<hr/> <hr/>

STREET FUND - 2011

690	Streets & Transportation		
	Personal Services	60,900.00	
	Operating Expenses	131,600.00	
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		192,500.00	
800	Capital Improvements		
	Capital Outlay	580,000.00	
850	Debt Service	17,212.10	
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	STREET FUND TOTAL	789,712.10	<hr/> <hr/>

Ordinance 2025-05 Permanent Appropriations

WATER FUND - 5101

531	Water		
	Personal Services	393,500.00	
	Operating Expenses	955,200.00	
		<u>1,348,700.00</u>	
800	Capital Improvements		
	Capital Outlay	521,652.00	
850	Debt Service	7,040.72	
	WATER FUND TOTAL	<u><u>1,877,392.72</u></u>	

SEWER FUND - 5201

541	Sanitary Sewers & Sewage		
	Personal Services	372,000.00	
	Operating Expenses	905,000.00	
		<u>1,277,000.00</u>	
800	Capital Improvements		
	Capital Outlay	1,760,000.00	
	SEWER FUND TOTAL	<u><u>3,037,000.00</u></u>	

SANITATION FUND - 5601

561	Refuse Collection & Disposal		
	Personal Services	17,000.00	
	Operating Expenses	579,200.00	
	SANITATION FUND TOTAL	<u><u>596,200.00</u></u>	

PARK FUND - 2041

320	Parks and Recreation		
	Operating Expenses	12,500.00	
800	Capital Improvements		
	Capital Outlay	25,000.00	
	PARK FUND TOTAL	<u><u>37,500.00</u></u>	

Ordinance 2025-05 Permanent Appropriations

PERMISSIVE TAX FUND - 2101

610	Street Construction	
	Operating Expenses	40,000.00

800	Capital Improvements	
	Capital Outlay	125,000.00

PERMISSIVE TAX FUND TOTAL	165,000.00
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MAYOR'S COURT SPECIAL PROJECTS FUND - 2906

720	Mayor's Court	
	Operating Expenses	2,000.00

RIVER'S CROSSING TIF FUND - 2907

740	Development Incentives	
	Operating Expenses	592,840.00

850	Debt Service	707,160.00
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RIVER'S CROSSING TIF FUND TOTAL	1,300,000.00
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RIVERSIDE TIF FUND - 2909

740	Development Incentives	
	Operating Expenses	360,104.30

850	Debt Service	689,895.70
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RIVERSIDE TIF FUND TOTAL	1,050,000.00
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MASON MORROW MILLGROVE IMPROVEMENTS- 4904

800	Capital Outlay	9,533.77
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MORROW ROAD RECONSTRUCTION - 4907

800	Capital Outlay	519,244.00
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UTILITY MAINTENANCE AND IMP FUND - 5761

800	Capital Outlay	135,000.00
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Ordinance 2025-05 Permanent Appropriations

DEPOSIT TRUST FUND - 5781

599 Utility Services

Operating Expenses

50,000.00

UNCLAIMED MONIES FUND - 9101

General Government

Operating Expenses

2,281.13

TOTAL APPROPRIATED FUNDS 2025

14,701,042.72

Section 2. That the legal level of budgetary control shall be established at each fund's department or program level and, within each, the amount appropriated for personal services, operating expenses, capital outlay and debt service.

Section 3. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 4. That the Director of Finance be and is hereby authorized to draw warrants on the City Treasury or Depository for payments from any of the foregoing appropriations upon receiving proper approval in accordance with the Charter, the Ohio Revised Code, the Administrative Code, or other Ordinances of the City of South Lebanon.

Section 5. That it is found and determined that all formal actions of the City Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of City Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. That this measure shall take effect immediately upon passage pursuant to Section 4.06(C) of the Charter of the City of South Lebanon.

Adopted this ____ day of _____, 2025.

Linda S. Burke, Mayor

Attest: _____
Jennifer O'Brien, Clerk of Council

Ordinance 2025-05 Permanent Appropriations

Rules Suspended: _____ (if applicable)

First Reading: _____

Second Reading: _____

Vote: _____ Yeas
 _____ Nays

Effective Date: _____

Fiscal Review:

Tina Williams
Director of Finance

By: _____
Date: _____

Prepared by and approved as to form:

Andrew P. Meier
Law Director
South Lebanon, Ohio

By: _____
Date: _____

ORDINANCE NO. 2025-06

AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2025 EDITION, AS THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF South Lebanon, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the present general and permanent ordinances of the municipality are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs.

WHEREAS, American Legal Publishing publishes a Code of Ordinances suitable for adoption by municipalities in Ohio.

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE MUNICIPALITY OF South Lebanon, OHIO:

- Section 1.** American Legal Publishing's Ohio Basic Code, 2025 Edition, as reviewed and approved by the Legislative Authority, is hereby adopted and enacted. Any prior version of the Ohio Basic Code which may have been previously adopted by the municipality is hereby repealed as obsolete and is hereby replaced in its entirety by this Ohio Basic Code, 2025 Edition.
- Section 2.** One copy of American Legal Publishing's Ohio Basic Code, 2025 Edition, certified as correct by the Mayor and Clerk of the Legislative Authority, as required by Ohio Revised Code § 731.23, shall be kept in its initial form on file in the office of the Clerk of the municipality and retained as a permanent ordinance record of the municipality. The Clerk of the municipality is authorized and directed to publish a summary of all new matters contained in the Code of Ordinances as required by Ohio Revised Code § 731.23. Such summary is attached hereto and marked as "Exhibit A".
- Section 3.** All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the Ohio Basic Code, 2025 Edition, as adopted in Section 1 hereof, are hereby repealed as of the effective date of this ordinance, except as follows:
- (A) The enactment of the Ohio Basic Code, 2025 Edition, shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.

(B) The repeal provided above shall not affect:

- (1) The grant or creation of a franchise, license, right, easement or privilege;
- (2) The purchase, sale, lease or transfer of property;
- (3) The appropriation or expenditure of money or promise or guarantee of payment;
- (4) The assumption of any contract or obligation;
- (5) The issuance and delivery of any bonds, obligations or other instruments of indebtedness;
- (6) The levy or imposition of taxes, assessments or charges;
- (7) The establishment, naming, vacating or grade level of any street or public way;
- (8) The dedication of property or plat approval;
- (9) The annexation or detachment of territory;
- (10) Any legislation enacted subsequent to the adoption of this ordinance.
- (11) Any legislation specifically superseding the provision of the Ohio Basic Code.

Section 4. Whenever reference is made in any documents, publications, or signs of the municipality, including but not limited to traffic tickets and traffic-control signs, to a section as it existed in a former edition of the Ohio Basic Code, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered.

Section 5. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

Date

Passed: _____

Attest:

Mayor Linda S. Burke

Approved as to form:
ANDREW P. MEIER
LAW DIRECTOR
CITY OF SOUTH LEBANON, OHIO

Clerk of the Legislative Authority
Jennifer O'Brien
Clerk of Council

By: _____
Date: _____

Exhibit A

OHIO BASIC CODE, 2025 EDITION — SUMMARY OF CONTENTS

Notice is hereby given that on the 20th day of February, 2025, there was enacted by the Legislative Authority of the Municipality of South Lebanon, Ohio, an ordinance entitled "An Ordinance Approving, Adopting and Enacting American Legal Publishing's Ohio Basic Code, 2025 Edition, as the Code of Ordinances for the Municipality of South Lebanon, Ohio."

A summary of the subjects, including all new matters contained in the Code of Ordinances, as adopted, are as follows. The majority of Basic Code provisions are based directly on state law.

TITLE I: GENERAL PROVISIONS

Chapter 10: General Provisions

Section	
10.01	Short titles
10.02	Definitions
10.03	Rules of construction
10.04	Revivor; effect of amendment or repeal
10.05	Construction of section references
10.06	Conflicting provisions
10.07	Severability
10.08	Reference to offices
10.09	Errors and omissions
10.10	Ordinances repealed
10.11	Ordinances unaffected
10.12	Ordinances saved
10.13	Application to future ordinances
10.14	Interpretation
10.15	Amendments to code; amendatory language
10.16	Statutory references
10.17	Preservation of penalties, offenses, rights and liabilities
10.18	Determination of legislative intent
10.99	General penalty

TITLE III: ADMINISTRATION

Chapter 30: General Provisions

Section	
30.01	Application of Title III
30.02	Qualifications; oaths
30.03	Bonds of officers and employees; amount
30.04	Additional bond; where bonds recorded and kept
30.05	Approval of bonds
30.06	Sufficiency of form of bond
30.07	Filling vacancies in offices
30.08	Public records available
30.09	Records Commission
30.10	Meetings of public bodies to be open; exceptions; notice
30.11	Municipal officers may attend conference or convention; expenses
30.12	Residency requirements prohibited; exceptions

Chapter 31: Executive Authority

Section	
	<i>General Provisions</i>
31.001	Executive power; where vested

Mayor

- 31.015 Term of Mayor; power and duties
- 31.016 General duties of the Mayor
- 31.017 Communications to the Legislative Authority
- 31.018 Protest against excess of expenditures
- 31.019 Supervision of conduct of officers
- 31.020 Annual report to the Legislative Authority
- 31.021 Mayor to file charges against delinquent officers
- 31.022 Vacancies in office of Mayor
- 31.023 Disposition of fines and other moneys

Clerk

- 31.040 Election, term, qualifications of the Clerk
- 31.041 Powers and duties of Clerk
- 31.042 Books and accounts; merger of offices
- 31.043 Seal of Clerk
- 31.044 Combined offices of Clerk and Treasurer; Fiscal Officer

Treasurer

- 31.060 Election, term, qualifications of the Treasurer
- 31.061 Accounts of Treasurer
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This summary of contents has been verified and authorized for publication by the Legislative Authority of the Municipality of South Lebanon, Ohio.

Signed:

Mayor Linda S. Burke

Clerk of the Legislative Authority
Jennifer O'Brien
Clerk of Council

CERTIFICATION OF CODIFIED ORDINANCES

We, Linda S. Burke, Mayor, and Jennifer O'Brien, Clerk of the Legislative Authority, of the Municipality of South Lebanon, Ohio, pursuant to Ohio Revised Code §§ 731.23 and 731.42, hereby certify that the general and permanent ordinances of the Municipality, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes and titles are correct as and constitute the Code of Ordinances for the Municipality of South Lebanon, Ohio.

Mayor Linda S. Burke

Clerk of the Legislative Authority
Jennifer O'Brien
Clerk of Council

**CITY OF SOUTH LEBANON
MEMORANDUM**

To: Mayor & City Council
CC: Tina Williams, Director of Finance
From: Jerry Haddix, City Administrator
Date: February 18, 2025
Subject: Purchase of Road Salt for the 2025-2026 Season

Attached is a resolution re: the County Engineer's cooperative salt purchasing program for the 2025-26 winter season. The County bids out the contract and we would order directly with the awarded vendor. This locks everything in early and we don't have to procure salt. The Engineer's Office is wanting this back by March 7th which is why it is presented as an emergency resolution.

Let me know if you have any questions.

**CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2025-04**

**A RESOLUTION AUTHORIZING CONTRACT WITH THE WARREN COUNTY
ENGINEER'S OFFICE FOR THE PURCHASE OF ROAD SALT FOR THE 2025-2026
WINTER SEASON, AND DECLARING AN EMERGENCY**

WHEREAS, the City of South Lebanon desires an agreement to purchase road salt through the Warren County Engineer's Office Cooperative Purchasing Program; and

WHEREAS, the Warren County Engineer's Office meets all applicable State and local requirements through the competitive bidding process for purchasing road salt; and,

WHEREAS, in order to save money and expedite the bidding process, it benefits the City of South Lebanon to enter into an agreement with the Board of Warren County Commissioners to participate with the Warren County Engineer's Office for road salt for the 2025-2026 winter season; and,

WHEREAS, immediate action is required to meet the deadline of March 7, 2025, to submit this resolution to the Warren County Engineer's Office, and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of South Lebanon, at least two-thirds of all members elected thereto concurring:

Section 1. That the City of South Lebanon does hereby enter into an agreement with the Board of Warren County Commissioners to participate with the Warren County Engineer's Office for the bidding and purchase of up to 400 tons of road salt for the 2025-2026 winter season; and

Section 2. That the City of South Lebanon has allocated its own storage space to receive and store salt that is bid and awarded in this contract; and

Section 3. That the City Administrator of the City of South Lebanon is hereby authorized to file and sign all documents associated herewith including the forwarding of the estimated salt needed for purchase as prepared by the Public Works Director; and

Section 4. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 5. That it is found and determined that all formal actions of the Council concerning and relating to passing this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Resolution No. 2025-04

Page 2

Section 6. That this Resolution is hereby declared to be an emergency measure in accordance with Section 731.30 of the Ohio Revised Code for the immediate preservation of the public peace, health, safety and general welfare; and, this Resolution shall be in full force and effective immediately upon its passage.

Adopted this ____ day of _____, 2025.

Linda S. Burke, Mayor

Attest: _____
Jennifer O'Brien, Clerk of Council

Rules Suspended: _____ (if applicable)

First Reading: _____

Second Reading: _____

Vote - ____ Yeas
____ Nays

Effective Date: _____

Prepared by and approved as to form:

Andrew P. Meier
Law Director
City of South Lebanon, Ohio

By: _____
Date: _____

**CITY OF SOUTH LEBANON
MEMORANDUM**

To: Mayor & City Council
From: Jerry Haddix, City Administrator
Date: February 18, 2025
Subject: Pool Fence Height Text Amendment Public Hearing

On February 13th, the City Planning Commission recommended the denial of the zoning text amendment re: pool fence height which the Council initiated. The next step is to schedule a public hearing. Based on the timeframes prescribed in the Zoning code and advertising deadlines, the best date is March 27, 2025.

If you have any questions or need additional information, please contact me.

RECOMMENDATION TO CITY COUNCIL
ZONING TEXT AMENDMENT
SWIMMING POOL FENCES

FROM: City Planning Commission

On November 7, 2024, per Resolution No. 2024-37 (see attached), the South Lebanon City Council initiated the zoning text amendment to reduce the fence height requirement for private swimming pools to four (4) feet in accordance with Section 15.7.3(1) of the City Zoning Code.

On February 13, 2025, the City Planning Commission reviewed said zoning text amendment and unanimously voted to recommend denial of said amendment.

The proposed amendment to Sec. 15.11.7 is as follows:

Sec 15.11.7 Private Swimming Pools.

No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet, or of a farm pond, shall be allowed in any residential district or commercial district except as an accessory use, and shall comply with the following requirements:

- 1. The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.*
- 2. The pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than twelve (12) feet to any property line or easement.*
- 3. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than **FOUR (4)** ~~six (6)~~ feet in height, and it shall be maintained in good condition with a gate and lock. ~~In the event that a retractable pool cover is to be installed, the required fence may be reduced to no less than four (4) feet in height.~~*

Per Sec. 15.7.8 of the City Zoning Code, the next step in the Zoning Map Amendment process is for the City Council shall schedule a public hearing at the next regular meeting following receipt of the Planning Commission report.

**CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2025-05**

**A RESOLUTION SETTING A PUBLIC HEARING ON THURSDAY, MARCH 27, 2025,
AT 6:00 P.M. AT THE CITY MUNICIPAL BUILDING TO CONSIDER THE
RECOMMENDATION OF THE PLANNING COMMISSION IN ACCORDANCE WITH
ZONING REGULATIONS SECTION 15.7.7 FOR A ZONING TEXT AMENDMENT TO
CHANGE THE FENCE HEIGHT FOR PRIVATE SWIMMING POOLS, AND
DECLARING AN EMERGENCY**

WHEREAS, the City Planning Commission, in accordance with Section 15.7.7 has certified to the Council a proposed Zoning Text Amendment, a copy of which is attached hereto and made a part hereof, relating to a proposed amendment to Section 15.11.7 of the City Zoning Code; and,

WHEREAS, in accordance with Section 713.12 of the Revised Code and Section 15.7.8 of the Zoning Regulation, the Council is required to conduct a public hearing on such matters and cause notice of the same to be published in a newspaper of general circulation in the City, at least thirty (30) days prior to the public hearing, as well as make a copy of the proposed Zoning Resolution Text Amendment and any reports of a City Officer, Board or Commission relating thereto available for public inspection at the City Offices during said thirty (30) day period; and,

WHEREAS, immediate action is required to publish notice of a public hearing for a zoning resolution text amendment and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of South Lebanon, at least two-thirds of all members elected thereto concurring:

Section 1. That the proposed Zoning Text Amendment to Section 15.11.7 of the Village Zoning Code to change the fence height requirement for private swimming pools from six (6) feet to four (4) feet shall be set for a public hearing on March 27, 2025, at 6:00 p.m. at the City Municipal Building, 10 N. High Street, South Lebanon, Ohio 45065.

Section 2. That the Clerk of Council shall cause a notice of said public hearing to be published in a newspaper of general circulation in the City at least thirty (30) days prior to the public hearing, and make available for public inspection a copy of the proposed Zoning Text Amendment and any reports of the Planning Commission or any other City Officer, Board or Commission relating thereto, at the City Offices between the hours of 8:00 a.m. and 4:30 p.m.

Section 3. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Resolution No. 2025-05

Page 2

Section 4. That this Resolution is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and, this Resolution shall be in full force and effective immediately upon its passage.

Section 5. That it is found and determined that all formal actions of the Council concerning and relating to passing this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this ____ day of _____, 2025.

Linda S. Burke, Mayor

Attest: _____
Jennifer O'Brien, Clerk of Council

Rules Suspended: _____ (if applicable)

First Reading: _____

Second Reading: _____

Vote - ____ Yeas
____ Nays

Effective Date: _____

Prepared by and approved as to form:

Andrew P. Meier
Law Director
City of South Lebanon, Ohio

By: _____
Date: _____

**CITY OF SOUTH LEBANON
MEMORANDUM**

To: Mayor & City Council
From: Jerry Haddix, City Administrator
Date: February 18, 2025
Subject: Board of Revision Request – 706 Corwin Nixon Blvd.

In 2022, Maineville Holdings, LLC donated the corner lot at S.R. 48 & Corwin Nixon Blvd. to the City. The main reason was that this lot is an unbuildable lot with the floodway flowing through the middle of it. Subsequently, we had it appraised and it listed the value at \$25,000. In addition, the City applied to have the property taxes exempted based on being a publicly owned property. The State denied the exemption based on it being in a TIF District. Also, the County has this lot valued at \$441,000, which equates to almost \$11,000 in property taxes/year.

After reviewing our options, our quickest resolution to this issue is to seek a lower valuation of the property by the Warren County Board of Revision. Attached is a resolution and the application to the Board of Revision. There is a deadline of March 31st to contest the current year's valuation which is the justification for the emergency resolution.

If you have any questions or need additional information, please let me know.

**CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2025-06**

**A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO SUBMIT A
“COMPLAINT AGAINST THE VALUATION OF REAL PROPERTY” TO THE
WARREN COUNTY BOARD OF REVISION RELATIVE TO CITY-OWNED
PROPERTY AT 706 CORWIN NIXON BOULEVARD, AND DECLARING AN
EMERGENCY**

WHEREAS, on November 21, 2022, Mainville Holdings, LLC donated the property commonly known as 706 Corwin Nixon Boulevard (Parcel # 12-02-335-001) to the City of South Lebanon; and,

WHEREAS, the City has filed a request with the State of Ohio for an exemption of real estate property taxes for said property, with said request being denied; and,

WHEREAS, based on the disparity between the Warren County Auditor’s valuation of the property and the appraisal by the City, it is in the best interest of the City to request the re-valuation of the property by the Warren County Board of Revision; and,

WHEREAS, immediate action is required to meet the March 31, 2025, submission deadline to the Board of Revision, and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of South Lebanon, at least two-thirds of all members elected thereto concurring:

Section 1. Authorize the Law Director to submit a “Complaint against the Valuation of Real Property” to the Warren County Board of Revision relative to the property at 706 Corwin Nixon Boulevard, a copy of which is attached hereto.

Section 2. Authorize the Law Director to execute any and all documents relative to said Complaint and act as “agent” on behalf of the City in prosecuting the Complaint to final conclusion.

Section 3. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 4. That this Resolution is hereby declared to be an emergency measure in accordance with Section 731.30 of the Ohio Revised Code for the immediate preservation of the public peace, health, safety and general welfare; and, this Resolution shall be in full force and effective immediately upon its passage.

Resolution No. 2025-06

Page 2

Section 5. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this ____ day of _____, 2025.

Linda S. Burke, Mayor

Attest: _____
Jennifer M. O'Brien, Clerk of Council

Rules Suspended: _____ (if applicable)

First Reading: _____

Second Reading: _____

Vote: ____ Yeas
____ Nays

Effective Date: _____

Prepared by and approved as to form:

Andrew P. Meier
Law Director
City of South Lebanon, Ohio

WARREN COUNTY BOARD OF REVISION

406 Justice Drive, Lebanon, Ohio 45036

(513) 695-1235 bor@wcauditor.org

Barney Wright
Treasurer

Matt Nolan
Auditor

President, Board of
County Commissioners

Date

Attached please find DTE Form 1, *BOR COMPLAINT AGAINST THE VALUATION OF REAL PROPERTY*. A complaint for the 'current' tax year must be received by the County Auditor between **JANUARY 1 and the MARCH 31 deadline** of the following year. (Please keep in mind that in the State of Ohio real estate taxes are paid a year in arrears.)

The following information **MUST** be provided in order for your complaint to be considered:

- ~ Indicate the TAX YEAR that you are asking the BOR to consider.
- ~ You **must** provide complainant's opinion of value (item 8), as well as an explanation or reason for the complaint (item 9).
- ~ If the real property owner is a firm, company, association, partnership, limited liability company, or corporation, please note: The Ohio Supreme Court has ruled in the case of **Dayton Supply & Tool Company, Inc. v. Montgomery County Board of Revision, 111 Ohio St. 3d 367 (Decided November 29, 2006)** that a corporate officer does not engage in the unauthorized practice of law by preparing and filing a complaint with a board of revision, and by presenting the claimed value of the property before the board of revision on behalf of his or her corporation, as long as the officer does not make legal arguments, examine witnesses, or undertake any other tasks that can be performed only by an attorney. If the complainant, as a legal entity, wishes to engage in such tasks, the complainant should be represented by an attorney at the hearing. The Warren County Board of Revision is extending the reasoning of this case to apply to other entities such as partnerships, limited liability companies, and trustees of disclosed trusts.
- ~ See instructions for completing the form on reverse side of the DTE Form 1.

A BOR complaint may be dismissed if it is not filled out adequately.

Should you have any questions, please feel free to contact Chris or Becky in the Warren County Auditor's Office at the phone number or email address above.

Sincerely,



Matt Nolan, Secretary
Warren County Board of Revision

~ **PLEASE KEEP THIS LETTER** ~
~ **FOR YOUR RECORDS** ~

Tax year _____ BOR no. _____

DTE 1
Rev. 12/22

County _____ Date received _____

Complaint Against the Valuation of Real Property**Answer all questions and type or print all information. Read instructions on back before completing form.****Attach additional pages if necessary.****This form is for full market value complaints only. All other complaints should use DTE Form 2**☐ Original complaint ☐ Counter complaint

Notices will be sent only to those named below.

	Name	Street address, City, State, ZIP code	
1. Owner of property			
2. Complainant if not owner			
3. Complainant's agent			
4. Telephone number and email address of contact person			
5. Complainant's relationship to property, if not owner			
If more than one parcel is included, see "Multiple Parcels" Instruction.			
6. Parcel numbers from tax bill	Address of property		
7. Principal use of property			
8. The increase or decrease in market value sought. Counter-complaints supporting auditor's value may have -0- in Column C.			
Parcel number	Column A Complainant's Opinion of Value (Full Market Value)	Column B Current Value (Full Market Value)	Column C Change in Value
9. The requested change in value is justified for the following reasons:			

10. Was property sold within the last three years? ☐ Yes ☐ No ☐ Unknown If yes, show date of sale _____

and sale price \$ _____ ; and attach information explained in "Instructions for Line 10" on back.

11. If property was not sold but was listed for sale in the last three years, attach a copy of listing agreement or other available evidence.

12. If any improvements were completed in the last three years, show date _____ and total cost \$ _____.

13. Do you intend to present the testimony or report of a professional appraiser? ☐ Yes ☐ No ☐ Unknown

14. If you have filed a prior complaint on this parcel since the last reappraisal or update of property values in the county, the reason for the valuation change requested must be one of those below. Please check all that apply and explain on attached sheet. See R.C. section 5715.19(A)(2) for a complete explanation.

- | | |
|--|---|
| <input type="checkbox"/> The property was sold in an arm's length transaction. | <input type="checkbox"/> The property lost value due to a casualty. |
| <input type="checkbox"/> A substantial improvement was added to the property. | <input type="checkbox"/> Occupancy change of at least 15% had a substantial economic impact on my property. |

15. If the complainant is a legislative authority and the complaint is an original complaint with respect to property not owned by the complainant, R.C. 5715.19(A)(8) requires this section to be completed.

- ☐ The complainant has complied with the requirements of R.C. section 5715.19(A)(6)(b) and (7) and provided notice prior to the adoption of the resolution required by division (A)(6)(b) of that section as required by division (A)(7) of that section.

I declare under penalties of perjury that this complaint (including any attachments) has been examined by me and to the best of my knowledge and belief is true, correct and complete.

Date _____ Complainant or agent (printed) _____ Title (if agent) _____

Complainant or agent (signature) _____

Sworn to and signed in my presence, this _____ day of _____
(Date) (Month) (Year)

Notary _____

Instructions for Completing DTE 1

DTE 1
Rev. 12/22

FILING DEADLINE: A COMPLAINT FOR THE CURRENT TAX YEAR MUST BE RECEIVED BY THE COUNTY AUDITOR ON OR BEFORE MARCH 31 OF THE FOLLOWING TAX YEAR OR THE LAST DAY TO PAY FIRST-HALF TAXES WITHOUT A PENALTY, WHICHEVER DATE IS LATER. A COUNTER-COMPLAINT MUST BE FILED WITHIN 30 DAYS AFTER RECEIPT OF NOTICE FROM THE AUDITOR THAT AN ORIGINAL COMPLAINT HAS BEEN FILED.

Who May File: Any person owning taxable real property in the county, the board of county commissioners, the county prosecutor, the county treasurer, the board of township trustees of any township with territory in the county, the board of education of any school district with territory in the county, or the mayor or legislative authority of any municipal corporation with territory in the county may file a complaint, or a tenant of the property owner, if the property is classified as to use for tax purposes as commercial or industrial, the lease requires the tenant to pay the entire amount of taxes charged against the property, and the lease allows, or the property owner otherwise authorizes, the tenant to file such a complaint with respect to the property. See R.C. 5715.19 for additional information.

Tender Pay: If the owner of a property files a complaint against the valuation of that property, then, while such complaint is pending, the owner is entitled to tender to the county treasurer an amount of taxes based on the valuation claim for such property in the complaint. **Note:** If the amount tendered is less than the amount finally determined, interest will be charged on the difference. In addition, if the amount finally determined equals or exceeds the amount originally billed, a penalty will be charged on the difference between the amount tendered and the final amount.

Multiple Parcels: Only parcels that (1) are in the same taxing district and (2) have identical ownership may be included in one complaint. Otherwise, separate complaints **must** be used. However, for ease of administration, parcels that (1) are in the same taxing district, (2) have identical ownership and (3) form **a single economic unit should be included in one complaint.** The increase or decrease in valuation may be separately stated for each parcel or listed as an aggregate sum for the economic unit. If more than three parcels are included in one complaint, use additional sheets of paper.

Notice: If the county auditor is in possession of an email address for you the auditor may choose to send any notices the auditor is required to send regarding this complaint by email and regular mail instead of by certified mail.

General Instructions: Valuation complaints must relate to the **total value** of both land and buildings. The Board of Revision may increase or decrease the total value of any parcel included in a complaint. The board will notify all parties not less than 10 days prior to the hearing of the time and place the complaint will be heard. The complainant should submit any documents supporting the claimed valuation to the board prior to the hearing. The board may also require the complainant and/or owner to provide the board additional information with the complaint and may request additional information at the hearing, including purchase and lease agreements, closing statements, appraisal reports, construction costs, rent rolls and detailed income and expense statements for the property.

Ohio Revised Code section 5715.19(G) provides that “a complainant shall provide to the Board of Revision all information or evidence within the complainant’s knowledge or possession that affects the real property” in question. Evidence or information that is not presented to the board cannot later be presented on any appeal, unless good cause is shown for the failure to present such evidence or information to the board.

Instructions for Line 8. In Column A enter the complainant’s opinion of the full market value of the parcel before the application of the 35% percent listing percentage. In Column B enter the current full market value of the parcel. This will be equal to the total taxable value as it appears on the tax bill divided by 0.35. Enter the difference between Column B and Column A in Column C.

Instructions for Line 10. If property was sold in the last three years, attach the purchase agreement, escrow statement, closing statement or other evidence available. If the buyer and seller were or are related or had any common business interests, attach an explanation. If any other items were included in the sale of the real estate, attach a description of those items. Show the value of those items and explain how the values were determined.

OLD BUSINESS

**CITY OF SOUTH LEBANON
MEMORANDUM**

TO: Mayor & City Council
FROM: Jerry Haddix, City Administrator
RE: Ordinance No. 2025-03 – New Floodplain Regulations
DATE: February 4, 2025

As you may recall, we have discussed the revised floodplain maps that have been developed by FEMA. These new maps are set to become effective on April 23, 2025. I will present the new maps at this meeting.

In addition to the maps, we are required to pass an updated Floodplain ordinance and repeal the existing ordinance from 2010. This must be in effect by the 4/23/25 date.

With the 1st reading on 2/6 & passed on 2/20, the effective date would be 3/20, which is well before the 4/23 deadline.

If you have any questions, please let me know.

**SPECIAL PURPOSE
FLOOD DAMAGE REDUCTION
ORDINANCE # 2025-03
City of South Lebanon, OHIO**

SECTION 1.0: GENERAL PROVISIONS

1.1 Statutory Authorization

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Council of the City of South Lebanon, State of Ohio, does ordain as follows:

1.2 Findings of Fact

The City of South Lebanon has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

1.3 Statement of Purpose

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- H. Minimize the impact of development on adjacent properties within and near flood prone areas;
- I. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- J. Minimize the impact of development on the natural, beneficial values of the floodplain;
- K. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- L. Meet community participation requirements of the National Flood Insurance Program.

1.4 Methods of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

1.5 Lands to Which These Regulations Apply

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of South Lebanon as identified in Section 1.6, including any additional areas of special flood hazard annexed by the City of South Lebanon.

1.6 Basis for Establishing the Areas of Special Flood Hazard

For the purposes of these regulations, the following studies and/or maps are adopted:

- A. Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for Warren County, Ohio and Incorporated Areas, both effective April 23, 2025.
- B. Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- C. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of South Lebanon as required by Section 4.3 Subdivisions and Other New Developments.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Municipal Building located at 10 North High Street, South Lebanon, Ohio 45065.

1.7 Abrogation and Greater Restrictions

These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance,

easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

1.8 Interpretation

In the interpretation and application of these regulations, all provisions shall be:

- A. Considered as minimum requirements;
 - B. Liberally construed in favor of the governing body; and,
 - C. Deemed neither to limit nor repeal any other powers granted under state statutes.
- Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

1.9 Warning and Disclaimer of Liability

The degree of flood protection required by these regulations 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. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of South Lebanon, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

1.10 Severability

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 2.0: DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

Accessory Structure

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Appeal

A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

Base (100-Year) Flood Elevation (BFE)

The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the lowest adjacent natural grade elevation plus the depth number (from 1 to 3 feet).

Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

Development

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Enclosure Below the Lowest Floor

See "Lowest Floor."

Executive Order 11988 (Floodplain Management)

Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Federal Emergency Management Agency (FEMA)

The agency with the overall responsibility for administering the National Flood Insurance Program.

Fill

A deposit of earth material placed by artificial means.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM)

Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

Flood Insurance Rate Map (FIRM)

An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

Flood Insurance Risk Zones

Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

Zone A:

Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are not determined.

Zones A1-30 and Zone AE:

Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are determined.

Zone AO:

Special flood hazard areas inundated by the 100-year flood in any given year; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

Zone AH:

Special flood hazard areas inundated by the 100-year flood in any given year; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

Zone A99:

Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

Zone B and Zone X (shaded):

Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone C and Zone X (unshaded):

Areas determined to be outside the 500-year floodplain.

Flood Insurance Study (FIS)

The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

Floodproofing

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Protection Elevation

The Flood Protection Elevation, or FPE, is the base flood elevation plus one (1) foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

Floodway

A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

Freeboard

A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Historic structure

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
4. Individually listed on the inventory of historic places maintained by City of South Lebanon's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

Hydrologic and hydraulic engineering analysis

An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

Letter of Map Change (LOMC)

A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

Letter of Map Amendment (LOMA)

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR)

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

Conditional Letter of Map Revision (CLOMR)

A comment by FEMA regarding a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Lowest floor

The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

Manufactured home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 4781 of the Ohio Revised Code.

Manufactured home park

As specified in the Ohio Adm. Code 4781-12-01(K), a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or

enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

Mean sea level

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

National Flood Insurance Program (NFIP)

The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

New construction

Structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by the City of South Lebanon and includes any subsequent improvements to such structures.

For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM of September 1, 1978, and includes any subsequent improvements to such structures.

Person

Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Rev. Code §111.15(A)(2) as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Recreational vehicle

A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Registered Professional Architect

A person registered to engage in the practice of architecture pursuant to Ohio Rev. Code §4703.01 and 4703.19.

Registered Professional Engineer

A person registered as a professional engineer pursuant to Ohio Rev. Code Chapter 4733.

Registered Professional Surveyor

A person registered as a professional surveyor pursuant to Ohio Rev. Code Chapter 4733.

Special Flood Hazard Area

Also known as “Areas of Special Flood Hazard”, it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, or A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Start of construction

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

Structure

A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to the ‘before damaged’ condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction"

of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

Variance

A grant of relief from the standards of these regulations.

Violation

The failure of a structure or other development to be fully compliant with these regulations.

SECTION 3.0: ADMINISTRATION

3.1 Designation of the Floodplain Administrator

The City Administrator and/or their designee is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

3.2 Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Evaluate applications for permits to develop in special flood hazard areas.
- B. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- C. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- D. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- E. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, floodproofing certificates, variances, and records of enforcement actions taken for violations of these regulations.
- F. Enforce the provisions of these regulations.
- G. Provide information, testimony, or other evidence as needed during variance hearings.
- H. Coordinate map maintenance activities and FEMA follow-up.
- I. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

3.3 Floodplain Development Permits

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling, grading, construction, alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1.6, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

3.4 Application Required

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of

such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- A. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Elevation of the existing, natural ground where structures are proposed.
- C. Elevation of the lowest floor, including basement, of all proposed structures.
- D. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- E. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - 1. Floodproofing certification for non-residential floodproofed structure as required in Section 4.5.
 - 2. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 4.4(E) are designed to automatically equalize hydrostatic flood forces.
 - 3. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 4.9(C).
 - 4. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 4.9(B).
 - 5. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 4.9(A).
 - 6. Generation of base flood elevation(s) for subdivision and other new developments as required by Section 4.3.
- F. A Floodplain Development Permit Application Fee set by the Schedule of Fees adopted by the City of South Lebanon.

3.5 Review and Approval of a Floodplain Development Permit Application

A. Review

- 1. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No

floodplain development permit application shall be reviewed until all information required in Section 3.4 has been received by the Floodplain Administrator.

2. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

B. Approval

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If the Floodplain Administrator is satisfied that the development proposed in the floodplain development application conforms to the requirements of this ordinance, the Floodplain Administrator shall issue the permit. All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

3.6 Inspections

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

3.7 Post-Construction Certifications Required

The following as-built certifications are required after a floodplain development permit has been issued:

- A. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered professional surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
- B. For all development activities subject to the standards of Section 3.11(A), a Letter of Map Revision.
- C. For new or substantially improved nonresidential structures that have been floodproofed in lieu of elevation, where allowed, the applicant shall supply a completed *Floodproofing Certificate for Non-Residential Structures* completed by a registered professional engineer or architect together with associated documentation.

3.8 Revoking a Floodplain Development Permit

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted

thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 5 of these regulations.

3.9 Exemption from Filing a Development Permit

An application for a floodplain development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$2500.

3.10 State and Federal Development

- A. Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum NFIP criteria.
- B. Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with minimum NFIP criteria and any applicable local floodplain management resolution or ordinance as required by Ohio Revised Code Section 1521.13. This includes, but is not limited to:
 - 1. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 4781-12.
 - 2. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
 - 3. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- C. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.
 - 1. Each federal agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of EO 11988.

3.11 Map Maintenance Activities

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of South Lebanon's flood maps, studies and other data identified in Section 1.6 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

A. Requirement to Submit New Technical Data

- 1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

- b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - d. Subdivision or other new development proposals requiring the establishment of base flood elevations in accordance with Section 4.3.
- 2. It is the responsibility of the applicant to have technical data, required in accordance with Section 3.11(A), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- 3. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - a. Proposed floodway encroachments that increase the base flood elevation; and
 - b. Proposed development which increases the base flood elevation by more than one foot in riverine areas where FEMA has provided base flood elevations but no floodway.
- 4. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 3.11(A)(1).

B. Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of South Lebanon and may be submitted at any time.

C. Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of South Lebanon have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of South Lebanon's Flood Insurance Rate Map accurately represent the City of South Lebanon boundaries, include within such notification a copy of a map of the City of South Lebanon suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of South Lebanon has assumed or relinquished floodplain management regulatory authority.

3.12 Data Use and Flood Map Interpretation

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- A. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- B. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- C. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.0, Appeals and Variances.
- D. Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

3.13 Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data

- A. Zone A:
 - 1. Within Zone A areas designated on an effective FIRM, data from the preliminary FIRM and/or FIS shall be reasonably utilized as best available data.
 - 2. When all appeals have been resolved and a notice of final flood elevation determination has been provided in a Letter of Final Determination (LFD), BFE and floodway data from the preliminary FIRM and/or FIS shall be used for regulating development.
- B. Zones AE, A1-30, AH, and AO:
 - 1. BFE and floodway data from a preliminary FIS or FIRM restudy are not required to be used in lieu of BFE and floodway data contained in an existing effective FIS and FIRM. However,
 - a. Where BFEs increase in a restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected.
 - b. Where BFEs decrease, preliminary FIS or FIRM data should not be used to regulate floodplain development until the LFD has been issued or until all appeals have been resolved.
 - 2. If a preliminary FIRM or FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the

encroachment performance standard of Section 4.9(B) since the data in the draft or preliminary FIS represents the best data available.

C. Zones B, C, and X:

1. Use of BFE and floodway data from a preliminary FIRM or FIS are not required for areas designated as Zone B, C, or X on the effective FIRM which are being revised to Zone AE, A1-30, AH, or AO. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health, safety, and property of their citizens are protected.

3.14 Substantial Damage Determinations

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, *etc.* After such a damage event, the Floodplain Administrator shall:

- A. Determine whether damaged structures are located in special flood hazard areas;
- B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- C. Require owners of substantially damaged structures to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

SECTION 4.0: USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1.6, 3.12(A), or 3.13:

4.1 Use Regulations

A. Permitted Uses

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of South Lebanon are allowed provided they meet the provisions of these regulations.

4.2 Water and Wastewater Systems

The following standards apply to all water supply, sanitary sewerage and waste disposal systems in the absence of any more restrictive standard provided under the Ohio Revised Code or applicable state rules:

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

4.3 Subdivisions and Other New Developments

- A. All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- B. All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- C. All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
- D. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
- E. The applicant shall meet the requirement to submit technical data to FEMA in Section 3.11(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 4.3(D).

4.4 Residential Structures

The requirements of Section 4.4 apply to new construction of residential structures and to substantial improvements of residential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 3.13.

- A. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (4.4(A)) and construction materials resistant to flood damage (4.4(B)) are satisfied.
- B. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- C. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- D. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. Where flood protection elevation data are not available the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
- E. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings to allow the automatic equalization of hydrostatic pressure may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - 1. Be used only for the parking of vehicles, building access, or storage; and
 - 2. be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - 3. have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- F. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

- G. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 4.4.

4.5 Nonresidential Structures

The requirements of Section 4.5 apply to new construction and to substantial improvements of nonresidential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 3.13.

- A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 4.4 (A) – (C) and (E) – (G).
- B. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - 1. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - 3. Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Agency Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 4.5(B)(1) and (2).
- C. Where flood protection elevation data are not available the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

4.6 Accessory Structures

Structures that are 600 square feet or less which are used for parking and storage only are exempt from elevation or dry floodproofing standards within zones A, A1-30, AE, AO, and AH designated on the community's FIRM. Such structures must meet the following standards:

- A. They shall not be used for human habitation;
- B. They shall be constructed of flood resistant materials;
- C. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- D. They shall be firmly anchored to prevent flotation;
- E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- F. They shall meet the opening requirements of Section 4.4(E)(3);

4.7 Recreational Vehicles

Recreational vehicles on sites within zones A, A1-A30, AE, AO, or AH must meet at least one of the following standards:

- A. They shall not be located on sites in special flood hazard areas for more than 180 days, or
- B. They must be fully licensed and ready for highway use, or
- C. They must be placed on the site pursuant to a floodplain development permit issued under Sections 3.3 and 3.4, and meet all standards of Section 4.4.

4.8 Gas or Liquid Storage Tanks

- A. Within zone A, A1-A30, AE, AO, or AH, new or substantially improved above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

4.9 Assurance of Flood Carrying Capacity

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

A. Development in Floodways

- 1. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
- 2. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. Meet the requirements to submit technical data in Section 3.11(A);
 - b. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - c. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 - d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - e. Concurrence of the Mayor of the City of South Lebanon and the Chief Executive Officer of any other communities impacted by the proposed actions.

B. Development in Riverine Areas with Base Flood Elevations but No Floodways

- 1. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and

- anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
2. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - b. Section 4.9(A)(2), items (a) and (c)-(e).

C. Alterations of a Watercourse

For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the “bankfull stage.” The field determination of “bankfull stage” shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

1. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
2. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
3. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of South Lebanon specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
4. The applicant shall meet the requirements to submit technical data in Section 3.11(A)(1)(c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

SECTION 5.0: APPEALS AND VARIANCES

5.1 Appeals Board Established

- A. The City of South Lebanon's Board of Zoning Appeals is hereby appointed to serve as the Appeals Board for these regulations as established by City of South Lebanon ORDINANCE NO. ~~28-000~~ #2010-16.
- B. Records of the Appeals Board shall be kept and filed in the Municipal Building located at 10 North High Street, South Lebanon, Ohio 45065.

5.2 Powers and Duties

- A. The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- B. Authorize variances in accordance with Section 5.4 of these regulations.

5.3 Appeals

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within twenty (20) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

5.4 Variances

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

A. Application for a Variance

- 1. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
- 2. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location

of the floodplain; description of the variance sought; and reason for the variance request.

3. All applications for a variance shall be accompanied by a variance application fee set in the schedule of fees adopted by the City of South Lebanon.

B. Public Hearing

At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
6. The necessity to the facility of a waterfront location, where applicable.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variances shall only be issued upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
4. A determination that the structure or other development is protected by methods to minimize flood damages.
5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

D. Other Conditions for Variances

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 5.4(C)(1) to (11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

5.5 Procedure at Hearings

1. All testimony shall be given under oath.
2. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
3. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
4. The administrator may present evidence or testimony in opposition to the appeal or variance.
5. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
6. Evidence that is not admitted may be proffered and shall become part of the record for appeal.
7. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
8. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

5.6 Appeal to the Court

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Warren County Court of Common Pleas, pursuant to Ohio Rev. Code Chapter 2506.

SECTION 6.0: ENFORCEMENT

6.1 Compliance Required

- A. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 3.9.
- B. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 6.3.
- C. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 6.3.

6.2 Notice of Violation

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, they shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- A. Be put in writing on an appropriate form;
- B. Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
- C. Specify a reasonable time for performance;
- D. Advise the owner, operator, or occupant of the right to appeal;
- E. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

6.3 Violations and Penalties

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a third degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of South Lebanon. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of South Lebanon from taking such other lawful action as is necessary to prevent or remedy any violation. The City of South Lebanon shall prosecute any violation of these regulations in accordance with the penalties stated herein.

SECTION 7.0: ADOPTION

This Ordinance shall take effect from and after the earliest period allowed by law and replaces Ordinance Number 2010-15, which is hereby repealed.

All formal actions of the City Council regarding this Ordinance were adopted in an open meeting of City Council in compliance with all legal requirements, including, but not limited to, Section 121.22 of the Ohio Revised Code.

Passed this ____ day of _____, 2025.

Linda S. Burke, Mayor

Attest: _____
Jennifer M. O'Brien, Clerk of Council

Rules Suspended: _____ (if applicable)

First Reading: _____

Second Reading: _____

Vote: ____ Yeas
____ Nays

Effective Date: _____

Prepared by and approved as to form:

Andrew P. Meier
Law Director
City of South Lebanon, Ohio

~~PASSED:~~

~~1st Reading:~~ _____

2nd Reading: _____

Clerk

President of Council

Certification