

VILLAGE OF BUCKEYE LAKE

ORDINANCE NUMBER 2019-46

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE LICKING COUNTY PLANNING COMMISSION FOR THE ADMINISTRATION OF FLOODPLAIN REGULATIONS.**

WHEREAS, it has been determined by the Council of the Village of Buckeye Lake that it is in the best interest of the Village that the Licking county Planning Commission administer the Village Flood Damage Prevention Regulations; and,

WHEREAS, the Licking county Planning Commission has performed similar services for the Village of Buckeye Lake and other communities and has the requisite experience and staff to perform the services; and

WHEREAS, the Licking County Planning Commission has agreed to continue providing said services for the Village of Buckeye Lake; and,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BUCKEYE LAKE, STATE OF OHIO:

SECTION I: That the Mayor is hereby authorized and directed to enter into an agreement with the Licking County Planning Commission for Floodplain Management as outlined in the attached Exhibit "A", which is hereby incorporated by reference, be the Village of Buckeye Lake, Ohio.

SECTION II: The Village Mayor or his designee will be responsible for duties that are listed in the agreement and referenced as the Mayor or his designee's responsibilities.

SECTION III: This ordinance shall take effect and be in force at the earliest date allowed by law.

ADOPTED this 9<sup>th</sup> day of December, 2019

Attest: Valerie L. Hans Catherine Olohan Zwissler  
Valerie L. Hans, Council Clerk Catherine Olohan Zwissler, Council President

Date filed with Mayor: 12-9, 2019 Date Approved by Mayor: 12-12, 2019

Peggy A. Wells  
Mayor, Peggy A. Wells

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE LICKING COUNTY PLANNING COMMISSION FOR THE ADMINISTRATION OF FLOODPLAIN REGULATIONS.

1st Reading \_\_\_\_\_ 2nd Reading \_\_\_\_\_ 3rd Reading X

**MOTION TO SUSPEND THE RULES** 1st \_\_\_\_\_ 2nd \_\_\_\_\_

	<u>YEA</u>	<u>ABSTAIN</u>	<u>NAY</u>
FRENCH, Bill	_____	_____	_____
GEIGER, John	_____	_____	_____
MASONE, Robert	_____	_____	_____
POORMAN, Doug	_____	_____	_____
RUTON, Arletta	_____	_____	_____
WOLFE, Tom	_____	_____	_____
ZWISSLER, Kitty	_____	_____	_____
TOTALS	_____	_____	_____
	MOTION PASSES/FAILS (Majority Required)		

**MOTION TO ADOPT** 1st French 2nd Wolfe

	<u>YEA</u>	<u>ABSTAIN</u>	<u>NAY</u>
FRENCH, Bill	<u>X</u>	_____	_____
✓ GEIGER, John	<u>X</u>	_____	_____
MASONE, Robert	<u>X</u>	_____	_____
POORMAN, Doug	<u>X</u>	_____	_____
RUTON, Arletta	<u>X</u>	_____	_____
WOLFE, Tom	<u>X</u>	_____	_____
ZWISSLER, Kitty	<u>X</u>	_____	_____
TOTALS	<u>7</u>	_____	<u>0</u>
	MOTION PASSES/FAILS (Majority Required)		

I certify that the above action is a true and accurate account of the proceedings.

*Valerie L. Hans*  
 Valerie Hans  
 Clerk of Council

**FLOODPLAIN MANAGEMENT ANNUAL AGREEMENT**  
FOR THE VILLAGE OF BUCKEYE LAKE

**THIS AGREEMENT** is entered into by and between the Licking County Planning Commission ("LCPC") and the Village of Buckeye Lake, Ohio, ("Village") for the administrations of Floodplain Regulations.

Pursuant to Section 713.23(B)(4) of the Ohio Revised Code, the LCPC may contract with and provide planning assistance to other units of local government.

Licking County has adopted the *Special Purpose Flood Damage Prevention Regulations for Licking County, Ohio*, for the unincorporated areas of Licking County, with an effected date of January 26, 2007.

The Village has adopted a similar version of Flood Damage Prevention Regulations for its jurisdiction, titled *Village of Buckeye Lake Special Purpose Flood Damage Reduction Ordinance* ("Regulations") with an effective date of April 12, 2007 (Exhibit "B").

Both the *Special Purpose Flood Damage Prevention Regulations for Licking County, Ohio* and the *Village Special Purpose Flood Damage Reduction Ordinance* reference the Federal Emergency Management Agency (FEMA) scientific and engineering report titled, "*Flood Insurance Study for Licking County Ohio and Incorporated Areas and Flood Insurance Study for Licking County, Ohio*", with an effective date of May 2, 2007 for AE zones and March 16, 2015 for A zones. Subsequent special flood hazard areas that have been determined using FEMA approved engineering and analysis shall also be included in this Agreement.

The LCPC has a professional staff that is experienced in floodplain management and has a Certified Floodplain Manager on staff. The Village wishes to make use of this experience in the administration of its Regulations.

The Village and the LCPC wish to enter into a contract, whereby the LCPC would provide service as administrative authority for the Regulations.

The Regulations identify the Mayor as the Floodplain Administrator. However, the Village by this agreement wishes to delegate a portion of those duties to the LCPC. By this Agreement, the undersigned representing the Village of Buckeye Lake and the LCPC agree that there shall be a division of duties as it relates to the floodplain management.

**SERVICES AND DUTIES FOR EACH PARTY:** The LCPC and the Village hereby agree as follows:

- Generally, the LCPC shall act as the administrative authority for floodplain management as it relates to technical issues dealing with flood zone determinations, floodplain permitting, reviews of potential map amendments, reviews of flood studies, initial investigation of floodplain violations of a technical matter, and the associated paperwork of reach of the above.
- Generally, the Village shall act as the investigative and enforcement authority for floodplain management, deciding appeals and request for variances from the Regulations.
- Each party shall administer all section of the regulations dealing with their respective duties and responsibilities. The Village and LCPC agree to follow the duties and responsibilities as outlined in **Exhibit "A" *Specific Duties of the Village of Buckeye Lake Floodplain Agreement***, herein attached, which provides a more detailed enumeration of duties.

**ENGINEERING SERVICES:** The Village agrees to make the Village Engineer available for technical assistance in the review of applications, reviews of potential map amendments, and review of flood studies. The technical assistance may include but is not limited to review, interpretation, and verification of analytical data to ensure proper engineering methods are used

the results are within acceptable engineering parameters, and the results comply with the standards of the Regulations. Such data may include, but is not limited to storm water calculations, hydrologic and hydraulic analysis, and construction documents. The Village may charge the property owner/applicant a fee for this review. If the Village does not have an Engineer the LCPC may utilize the Licking County consultant for Engineering Services and charge the applicant a fee for review in accordance with the current effective Licking County Planning Commission Fee Schedule. Currently, the fee is \$550.00 for a flood study review which includes storm water calculations or hydrologic and hydraulic analysis (subject to change without notice). Said fee shall be paid prior to any such review and the issuance of any permit.

**RENEWAL AND TERMINATION:** The Floodplain Management Agreement shall be renewable annually from the date of this agreement, and may be terminated by the LCPC and or the Village at any time and for any reason with 30 days prior written notice to either the Village Floodplain Administrator or the Director of the LCPC. Any official correspondence in regards to the renewal or termination of this agreement shall be sent to the Village Floodplain Administrator as designated in Section 3.1 of the Regulations or the Director of the LCPC. **Should the Village wish to renew the agreement the Administrator shall send a copy of the resolution to enter into the agreement to the LCPC no later than November 30 in the year the agreement is to expire.** The LCPC shall send the agreements in December for signature so that they are in place prior to expiration. The LCPC shall hold the original agreement and a copy may will be furnished to the Village Floodplain Administrator.

**COMPENSATION:** In compensation for providing the services herein identified, the LCPC shall charge the property owner/applicant for floodplain permits and may impose other, new fees to individuals/firms requesting floodplain management services that are the duties and responsibilities of the LCPC by the Agreement. Said fees are those listed in the adopted Licking County LCPC Fee Schedule. New fees charged by the LCPC shall be properly adopted by the Board of Commissioners, Licking County, Ohio. The Village may establish fees for services they provide and adopt them according to the procedures and laws of the Village. All said fees, whether existing or new, will be retained by the party establishing the fee and be directly related to the service provided.

