

ORDINANCE NO. 277 (22-23)

An Ordinance to amend Title Five – Land Development Chapter 1151 of the Codified Ordinances of the City of Marietta, Ohio, pertaining to the General Provisions of Chapter 1151.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARIETTA, OHIO:

Section 1: That Chapter 1151 of the Codified Ordinances of the City of Marietta, Ohio, shall be and is hereby amended to read as follows:

**CHAPTER 1151
General Provisions**

1151.01 Title.

1151.02 Statutory authorization.

1151.03 Purpose.

1151.04 Scope.

1151.05 Application and interpretation of standards.

1151.06 Disclaimer of liability.

1151.07 Severability.

1151.08 Effective date.

1151.01 TITLE

This Title shall be known as the Land Development Ordinance of the City of Marietta, Ohio, hereinafter referred to as "This Title" or "These Regulations."
(Ord. 246(98-99). Passed 12-31-99.)

1151.02 STATUTORY AUTHORIZATION.

This Title of the Codified Ordinances of the City of Marietta, Ohio, is adopted in accordance with and pursuant to the legal authority of Article XVIII, Section 3, of the Ohio Constitution, of Section 713.02 of the Ohio Revised Code, and of Rules 1501:15-1-01 and 02 of the Ohio Administrative Code.
(Ord. 246(98-99). Passed 12-31-99.)

1151.03 PURPOSE.

This Title is adopted to encourage planning to ensure that new development shall maintain at least the existing levels of slope stability and not increase the potential for slope failure; shall preserve at least the existing capacity of watercourses and streams and not increase the potential for flooding; and, shall be accomplished without accelerated storm water runoff, erosion, and sediment pollution that would affect

adjoining properties or waterresources. Control of such effects will promote and maintain the health, safety and general well-being of theinhabitants covered hereunder.
(Ord. 114(00-01). Passed 9-21-00.)

1151.04 SCOPE.

(a) This Title shall apply to the non-farm earth disturbing activities performed on land located within the corporate limits of the City of Marietta.

(b) This Title shall not apply to activities that are otherwise excluded within this Title or to those that are expressly excluded by State law. (Ord. 246 (98-99). Passed 12-31-99)

1151.05 APPLICATION AND INTERPRETATION OF STANDARDS.

(a) No person shall cause or allow any earth disturbing activities on any development area except in compliance with the standards and criteria set forth in this Title, and particularly Chapter 1154 hereof.

(b) In their interpretation and application, the provisions of this Title shall be held to be minimum requirements. Wherever this Title differs in degree of restrictiveness from other provisions of law or from other rules and regulations or titles, the more restrictive provisions shall govern. (Ord. 114(00-01). Passed 9-21-00.)

1151.06 DISCLAIMER OF LIABILITY.

Neither submission of a plan under provisions of this Title nor compliance with provisions of this Title shall relieve any person from responsibility for damage to any person or property otherwise imposed by law, norimpose any liability upon the City of Marietta or its representatives for damage to any person or property.(Ord. 246(98-99). Passed 12-31-99.)

1151.07 SEVERABILITY.

If any clause, section, or provision of this Title is declared invalid or unconstitutional by a court of competent jurisdiction, validity of the remainder shall not be affected thereby. (Ord. 246(98-99). Passed 12-31-99.)

1151.08 EFFECTIVE DATE.

This Title shall become effective at the earliest moment permitted by law following adoption by the Council of the City of Marietta. (Ord. 246(98-99). Passed 12-31-99.)

Section 2: That the previous Chapter 1151 of the Codified Ordinances of the City of Marietta, Ohio shall be and is hereby repealed in its entirety.

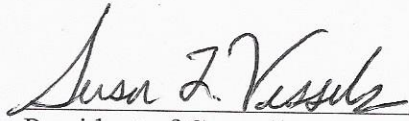
Section 3: That this Ordinance shall take effect and be in full force from and after the earliest time allowed by law.

Introduced by the Planning, Zoning & Annexation Committee, Geoff Schenkel, Chairman.




Chairman

Passed this 15th day of June, 2023.



President of Council

ATTEST:



Clerk of Council

Approved this 15th day of June, 2023.



Mayor

First Reading June 15, 2023

Second Reading Suspended

Third Reading Suspended