

SPONSOR: E. Brown / Evans

## ORDINANCE NO. 49-08

AN ORDINANCE APPROVING AND ADOPTING THE CITY OF JACKSON, OHIO, SEWER OVERFLOW EMERGENCY RESPONSE PLAN; DIRECTING THE SUBMITTAL THEREOF TO THE DIRECTOR OF THE OEPA; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Jackson, in response to a consent order authorized under Ordinance 93-07, passed July 11, 2007, and which Consent Order was effective September 17, 2007, from the State of Ohio Attorney General's Office, authorized the preparation of a Sewer System Emergency Response Plan (SSERP), aka Sewer Overflow Response Plan (SORP), as a part of the ongoing capacity, management, and operation and maintenance (CMOM) of the City of Jackson sewer system; and

WHEREAS, the Council of the City of Jackson authorized the selection of CT Consultants, Inc., a qualified firm to perform professional engineering services to assist the City in responding to the Consent Order, under Ordinance No. 73-07; and

WHEREAS, CT Consultants, Inc., has subsequently prepared and presented a Sewer Overflow Response Plan (SORP) which addresses the elements required in Section IX – SEWER SYSTEM – OVERFLOW EMERGENCY RESPONSE PLAN, paragraph 25 of the Consent Order; and

WHEREAS, the City of Jackson, through its Director of Public Service/Safety has reviewed the SORP and recommends its approval and adoption for submittal to the Director, Ohio EPA, for his approval, as required in the previously cited paragraph 25 of the Consent Order, prior to the implementation of the SORP.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

**Section One.** The Council of the City of Jackson hereby approves and adopts the SORP, as recommended by the Director of Public Service/Safety, substantially in the form included in Exhibit "A", attached hereto.

**Section Two.** The Director of Public Service/Safety, on behalf of the City of Jackson, is hereby authorized and directed to submit the SORP to the Director, Ohio EPA, for his approval, as required in the terms of the Consent Order.

**Section Three.** This Ordinance is hereby declared to be an emergency Ordinance, necessary for the immediate preservation of the public peace, health or safety of the City of Jackson, in that it is necessary to submit the SORP to the Director, Ohio EPA, as soon as possible in order to meet the timelines and conditions as set forth in the Consent Order. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

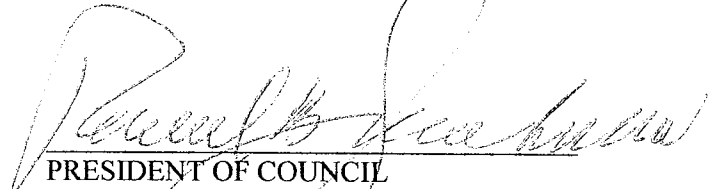
**Section Four.**

In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

**Section Five.**

It is hereby found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that the deliberations of this Council that resulted in such formal actions were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Date: 5-19-08

  
PRESIDENT OF COUNCIL

  
CLERK OF COUNCIL

Approved:

Date: 5-19-08

  
MAYOR

# EXHIBIT “A”