

OHIO DEPARTMENT OF NATURAL RESOURCES

RULES FOR ENFORCING LAKE ERIE
COASTAL EROSION AREAS

1501-6-21 TO 1501-6-28

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January, 1996

1501-6-21 DEFINITIONS.

THE FOLLOWING DEFINITIONS SHALL APPLY TO THE TERMS USED IN RULES 1501-6-21 TO 1501-6-28 OF THE ADMINISTRATIVE CODE.

- (A) "APPLICANT" MEANS THE OWNER OF THE PROPERTY TO BE IMPROVED OR AN AUTHORIZED AGENT FOR SAID PROPERTY OWNER.
- (B) "APPLICATION" MEANS THE SIGNED AND COMPLETED APPLICATION FORM AND ALL SUPPORTING INFORMATION REQUIRED TO BE SUBMITTED TO APPLY FOR A PERMIT TO ERECT, CONSTRUCT, OR REDEVELOP A PERMANENT STRUCTURE IN A LAKE ERIE COASTAL EROSION AREA PURSUANT TO SECTION 1506.07 OF THE REVISED CODE.
- (C) "COASTAL EROSION AREA" MEANS THOSE LAND AREAS ALONG LAKE ERIE ANTICIPATED TO BE LOST DUE TO LAKE ERIE-RELATED EROSION WITHIN A THIRTY-YEAR PERIOD IF NO ADDITIONAL APPROVED EROSION CONTROL MEASURES ARE COMPLETED WITHIN THAT TIME, AS DEFINED IN RULE 1501-6-10 OF THE OHIO ADMINISTRATIVE CODE.
- (D) "CONSTRUCT" MEANS TO BUILD, FORM, OR ASSEMBLE A NEW PERMANENT STRUCTURE.
- (E) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.
- (F) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES, OR THE DIRECTOR'S DESIGNEE.
- (G) "ERECT" MEANS CONSTRUCT.
- (H) "EROSION CONTROL MEASURE" MEANS A STRUCTURE OR ACTIONS SPECIFICALLY DESIGNED TO REDUCE OR CONTROL LAKE ERIE-RELATED EROSION OF THE SHORE. EXAMPLES INCLUDE, BUT ARE NOT LIMITED TO, GROINS, JETTIES, DIKES, SEAWALLS, REVETMENTS, BULKHEADS, BREAKWATERS AND ARTIFICIALLY NOURISHED SAND AND/OR GRAVEL BEACHES.
- (I) "EXISTING STRUCTURE" MEANS A PERMANENT STRUCTURE WHICH EXISTED OR UPON WHICH CONSTRUCTION HAD BEGUN PRIOR TO THE EFFECTIVE DATE OF ENFORCEMENT OF THESE RULES AS DESCRIBED IN PARAGRAPH (C) OF RULE 1501-6-22.
- (J) "MOVABLE STRUCTURE" MEANS A PERMANENT STRUCTURE DESIGNED, SITED, AND CONSTRUCTED TO BE READILY RELOCATED AT MINIMUM COST AND WITH MINIMUM DISRUPTION OF ITS INTENDED USE. ACCESS TO AND FROM THE SITE SHALL BE OF SUFFICIENT WIDTH AND ACCEPTABLE GRADE TO PERMIT THE STRUCTURE TO BE RELOCATED. MOBILE HOMES

AND STRUCTURES BUILT OF ABOVE-GROUND STUD WALL CONSTRUCTION ON SKIDS OR ON PILING, OR ON BASEMENT OR CRAWL SPACE FOUNDATIONS ARE EXAMPLES OF MOVABLE STRUCTURES. SEPTIC SYSTEMS AND STRUCTURES WITH ABOVE-GROUND WALLS OF MASONRY, CONCRETE, OR RELATED MATERIALS ARE NOT MOVABLE STRUCTURES.

- (K) "PERMANENT STRUCTURE" MEANS ANY RESIDENTIAL, COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, OR AGRICULTURAL BUILDING, ANY MANUFACTURED HOME AS DEFINED IN SECTION 4501.01 OF THE REVISED CODE, AND ANY SEPTIC SYSTEM THAT RECEIVES SEWAGE FROM A SINGLE-FAMILY, TWO-FAMILY, OR THREE-FAMILY DWELLING, BUT DOES NOT INCLUDE ANY RECREATIONAL VEHICLE AS DEFINED IN SECTION 4501.01 OF THE REVISED CODE. AN ADDITION TO ANY EXISTING RESIDENTIAL, COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, OR AGRICULTURAL BUILDING, OR ANY MANUFACTURED HOME, WILL BE CONSIDERED A PERMANENT STRUCTURE IF THE GROUND LEVEL AREA OF THE ADDITION IS GREATER THAN OR EQUAL TO 500 SQUARE FEET.

AN APPURTENANT STRUCTURE TO ANY RESIDENTIAL, COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, OR AGRICULTURAL BUILDING, OR ANY MANUFACTURED HOME, THAT IS NOT INTEGRAL TO THE BUILDING'S STRUCTURE, SUCH AS A PATIO OR DECK, WILL NOT BE CONSIDERED A PERMANENT STRUCTURE. STAND-ALONE, UNINHABITABLE, STRUCTURES SUCH AS GAZEBOS, PICNIC SHELTERS, GARAGES AND STORAGE OR TOOL SHEDS WILL NOT BE CONSIDERED PERMANENT STRUCTURES.

- (L) "PERMIT" MEANS A FORM SIGNED BY THE DIRECTOR AUTHORIZING A PERSON TO ERECT, CONSTRUCT, OR REDEVELOP A PERMANENT STRUCTURE WHICH LIES OR WILL LIE, IN WHOLE OR IN PART, ON LAND WITHIN A LAKE ERIE COASTAL EROSION AREA.
- (M) "PERSON" MEANS ANY AGENCY OF THIS STATE, ANY POLITICAL SUBDIVISION OF THIS STATE OR OF THE UNITED STATES, AND ANY LEGAL ENTITY DEFINED AS A PERSON UNDER SECTION 1.59 OF THE REVISED CODE.
- (N) "REDEVELOP" MEANS TO REMOVE AND REPLACE AN ENTIRE EXISTING PERMANENT STRUCTURE, OR TO BUILD A NEW PERMANENT STRUCTURE ON AN EXISTING FOUNDATION.

EFFECTIVE:

CERTIFICATION:

DONALD C. ANDERSON, DIRECTOR
DEPARTMENT OF NATURAL RESOURCES

DATE

PROMULGATED UNDER R.C. CH. 119
RULE AUTHORIZED BY R.C. 1506.07
RULE AMPLIFIES R.C. 1506.07

1501-6-22 APPLICABILITY OF THE PERMIT REQUIREMENTS FOR
CONSTRUCTION OF A PERMANENT STRUCTURE.

- (A) IN ACCORDANCE WITH THE PROVISIONS OF DIVISION (B) OF SECTION 1506.07 OF THE REVISED CODE AND THE ADMINISTRATIVE RULES ADOPTED PURSUANT TO DIVISION (A) OF SECTION 1506.07 OF THE REVISED CODE, A PERMIT SHALL BE REQUIRED FOR THE ERECTION, CONSTRUCTION, OR REDEVELOPMENT OF A PERMANENT STRUCTURE WHICH LIES OR WILL LIE, IN WHOLE OR IN PART, ON ANY LAND WITHIN A LAKE ERIE COASTAL EROSION AREA AS DEFINED IN SECTION 1506.06 OF THE REVISED CODE AND RULES 1501-6-10 TO 1501-6-13 OF THE ADMINISTRATIVE CODE.
- (B) A PERMIT IS NOT REQUIRED UNDER DIVISION (B) OF SECTION 1506.07 OF THE REVISED CODE FOR ERECTION, CONSTRUCTION, OR REDEVELOPMENT OF A PERMANENT STRUCTURE WHICH IS OR WILL BE LOCATED WITHIN ANY COUNTY OR MUNICIPAL CORPORATION THAT HAS ADOPTED AND IS ENFORCING A LAKE ERIE COASTAL EROSION AREA RESOLUTION OR ORDINANCE WITHIN ITS ZONING OR BUILDING REGULATIONS, PROVIDED THAT THE RESOLUTION OR ORDINANCE HAS BEEN DETERMINED TO BE ACCEPTABLE BY THE DIRECTOR UNDER DIVISION (D) OF SECTION 1506.07 OF THE REVISED CODE.
- (C) A PERMIT IS NOT REQUIRED UNDER DIVISION (B) OF SECTION 1506.07 OF THE REVISED CODE FOR ERECTION, CONSTRUCTION OR REDEVELOPMENT OF A PERMANENT STRUCTURE IF ANY OTHER REQUIRED PERMIT WAS ISSUED OR PLAN WAS APPROVED FOR THAT ERECTION, CONSTRUCTION OR REDEVELOPMENT BY ANY STATE AGENCY, POLITICAL SUBDIVISION OF THIS STATE, OR FEDERAL AGENCY PRIOR TO ANY OF THE FOLLOWING:
- (1) THE EFFECTIVE DATE OF THESE RULES;
 - (2) THE DATE THE DIRECTOR NOTIFIES EACH MUNICIPAL CORPORATION, COUNTY, AND TOWNSHIP OF THE FINAL IDENTIFICATION OF THE COASTAL EROSION AREAS PURSUANT TO SECTION 1506.06 OF THE REVISED CODE;
 - (3) THE DATE THE DIRECTOR ADOPTS THE COASTAL MANAGEMENT PROGRAM DOCUMENT PURSUANT TO SECTION 1506.02 OF THE REVISED CODE.
- (D) A PERMIT IS NOT REQUIRED UNDER DIVISION (B) OF SECTION 1506.07 OF THE REVISED CODE FOR ERECTION, CONSTRUCTION, OR REDEVELOPMENT OF A PERMANENT STRUCTURE ON ANY PARCEL OF LAND

THAT IS NOT ADJACENT TO LAKE ERIE.

EFFECTIVE:

CERTIFICATION:

DONALD C. ANDERSON, DIRECTOR
DEPARTMENT OF NATURAL RESOURCES

DATE

PROMULGATED UNDER R.C. CH. 119
RULE AUTHORIZED BY R.C. 1506.07
RULE AMPLIFIES R.C. 1506.07

1501-6-23 PERMIT APPLICATION PROCEDURE.

- (A) A PERSON SEEKING TO OBTAIN A PERMIT TO ERECT, CONSTRUCT, OR REDEVELOP A PERMANENT STRUCTURE WHICH LIES OR WILL LIE, IN WHOLE OR IN PART, ON ANY LAND WITHIN A LAKE ERIE COASTAL EROSION AREA IS REQUIRED TO FILE AN APPLICATION, ACCOMPANIED BY NECESSARY SUPPORTING INFORMATION, IN ACCORDANCE WITH RULES 1501-6-21 TO 1501-6-28 OF THE ADMINISTRATIVE CODE. THE APPLICATION SHALL BE ON A FORM AS SPECIFIED BY THE DIRECTOR, COPIES OF WHICH MAY BE OBTAINED FROM THE DEPARTMENT. IN ADDITION TO THE INFORMATION TO BE SUPPLIED ON THE APPLICATION FORM, THE APPLICANT SHALL ALSO SUBMIT THE SUPPORTING INFORMATION DESCRIBED IN PARAGRAPH (B) OR (C) OF THIS RULE.
- (B) FOR A PROPOSED PERMANENT STRUCTURE PROTECTED OR TO BE PROTECTED BY AN EROSION CONTROL MEASURE, THE APPLICATION SHALL INCLUDE THE FOLLOWING:
- (1) A GENERAL DESCRIPTION OF THE PROPOSED PERMANENT STRUCTURE IDENTIFYING ITS PURPOSE; AND
 - (2) A MAP OF THE PROJECT SITE THAT CLEARLY SHOWS THE LOCATION OF THE PROPOSED PERMANENT STRUCTURE WITH RESPECT TO THE LAKE ERIE SHORELINE; PROPERTY LINES; COUNTY, TOWNSHIP, AND MUNICIPAL CORPORATION BOUNDARY LINES; AND STATE, COUNTY AND LOCAL ROADS. A UNITED STATES GEOLOGICAL SURVEY (USGS) SEVEN AND ONE-HALF MINUTE TOPOGRAPHIC MAP OR PORTION THEREOF WILL GENERALLY MEET THIS REQUIREMENT; AND
 - (3) A PROPOSED SCHEDULE OF CONSTRUCTION. THE SCHEDULE SHALL DEMONSTRATE THAT THE EROSION CONTROL MEASURES WILL BE CONSTRUCTED PRIOR TO OR CONCURRENT WITH THE ERECTION, CONSTRUCTION, OR REDEVELOPMENT OF THE PERMANENT STRUCTURE; AND
 - (4) OTHER PERTINENT INFORMATION AS MAY REASONABLY BE DETERMINED NECESSARY BY THE DEPARTMENT TO FULLY EVALUATE THE APPLICATION.
- (C) FOR A PROPOSED PERMANENT STRUCTURE WHEN THE APPLICANT REQUESTS A PERMIT DUE TO EXCEPTIONAL HARDSHIP AS DESCRIBED IN PARAGRAPH (C)(2) OF RULE 1501-6-24 OF THE ADMINISTRATIVE CODE, THE APPLICATION SHALL INCLUDE THE FOLLOWING SUPPORTING INFORMATION:
- (1) THE INFORMATION DESCRIBED IN PARAGRAPHS (B)(1) AND (B)(2)

OF THIS RULE; AND

- (2) DOCUMENTATION THAT THE PERMANENT STRUCTURE WILL BE MOVABLE OR WILL BE SITUATED AS FAR LANDWARD AS APPLICABLE ZONING RESOLUTIONS OR ORDINANCES PERMIT; AND
 - (3) EXPLANATION OF THE EXCEPTIONAL HARDSHIP THAT THE PERSON SEEKING THE AUTHORIZATION WILL SUFFER, IF THE AUTHORIZATION IS NOT GIVEN.
- (D) THE THIRTY-DAY REVIEW PERIOD SPECIFIED IN PARAGRAPH (B) OF RULE 1501-6-24 OF THE ADMINISTRATIVE CODE WILL BEGIN ON THE DATE THE DEPARTMENT RECEIVES A COMPLETED APPLICATION AND ALL REQUIRED SUPPORTING INFORMATION. WITHIN SEVEN WORKING DAYS OF RECEIPT OF THE APPLICATION, THE DEPARTMENT SHALL NOTIFY THE APPLICANT, IN WRITING, INDICATING THE STARTING DATE FOR THE THIRTY-DAY REVIEW PERIOD (WHICH DATE SHALL BE, AS STATED ABOVE, THE DATE OF RECEIPT OF THE APPLICATION) IF THE APPLICATION IS COMPLETE. IF THE APPLICATION IS INCOMPLETE, THE DEPARTMENT SHALL IDENTIFY DEFICIENCIES IN THE APPLICATION WHICH MUST BE CORRECTED BEFORE THE APPLICATION WILL BE CONSIDERED COMPLETE. IF ADDITIONAL INFORMATION IS REQUESTED, THE THIRTY-DAY REVIEW PERIOD WILL BEGIN ON THE DATE IT IS RECEIVED BY THE DEPARTMENT.
- (E) IF, DURING THE THIRTY-DAY REVIEW PERIOD SPECIFIED IN PARAGRAPH (B) RULE 1501-6-24 OF THE ADMINISTRATIVE CODE, THE APPLICATION IS FOUND TO BE INACCURATE OR ADDITIONAL INFORMATION FROM THE APPLICANT IS NECESSARY TO ADEQUATELY EVALUATE THE PROJECT, THE APPLICANT SHALL BE NOTIFIED, IN WRITING, OF THE INACCURACY OR ADDITIONAL INFORMATION REQUIRED. REVIEW OF THE APPLICATION WILL CEASE PENDING RECEIPT OF THE NECESSARY CHANGES OR ADDITIONAL INFORMATION FROM THE APPLICANT. UPON RECEIPT OF THE REQUESTED CHANGES OR ADDITIONAL INFORMATION FROM THE APPLICANT, A NEW THIRTY-DAY REVIEW PERIOD WILL COMMENCE. IF EITHER THE NECESSARY CHANGES OR ADDITIONAL INFORMATION IS NOT PROVIDED WITHIN SIXTY DAYS OF THE DATE THE DEPARTMENT REQUESTED IT, REVIEW OF THE APPLICATION WILL BE TERMINATED, THE DEPARTMENT SHALL RETURN THE APPLICATION, AND A NEW APPLICATION SHALL BE REQUIRED FOR RENEWED CONSIDERATION.

EFFECTIVE:

CERTIFICATION:

DONALD C. ANDERSON, DIRECTOR
DEPARTMENT OF NATURAL RESOURCES

DATE

PROMULGATED UNDER R.C. CH. 119
RULE AUTHORIZED BY R.C. 1506.07
RULE AMPLIFIES R.C. 1506.07

1501-6-24 REVIEW OF PERMIT APPLICATION.

- (A) PURSUANT TO THE REQUIREMENTS OF DIVISION (B) OF SECTION 1506.07 OF THE REVISED CODE, THE DEPARTMENT SHALL REVIEW EACH APPLICATION FOR A PERMIT AS DESCRIBED IN PARAGRAPH (B) OF RULE 1506-6-23 OF THE ADMINISTRATIVE CODE TO EVALUATE THE EXISTING OR PROPOSED EROSION CONTROL MEASURES. FACTORS TO BE CONSIDERED IN THE EVALUATION OF AN EROSION CONTROL MEASURE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:
- (1) THE POTENTIAL INDIVIDUAL OR CUMULATIVE IMPACT, INCLUDING ANY ADVERSE EFFECTS ON SAND RESOURCES AND COASTAL PROCESSES; AND
 - (2) THE POTENTIAL FOR ACCELERATING EROSION ALONG THE ADJACENT SHORELINE; AND
 - (3) THE STABILITY OF THE EXISTING OR PROPOSED SLOPE; AND
 - (4) THE EFFECTIVENESS OF EXISTING EROSION CONTROL MEASURES AT THE PROPOSED SITE AND ALONG THE ADJACENT SHORELINE; AND
 - (5) THE INTEGRITY OF THE EXISTING OR PROPOSED EROSION CONTROL MEASURE, ITS APPURTENANCES AND COMPONENT MATERIALS; AND
 - (6) THE EFFECTIVENESS OF PROPOSED STRUCTURAL AND/OR NONSTRUCTURAL MEASURES TO PROTECT THE PERMANENT STRUCTURE.
- (B) WITHIN THIRTY DAYS AFTER RECEIPT OF A COMPLETE APPLICATION, THE DIRECTOR SHALL NOTIFY THE APPLICANT THAT THE APPLICATION IS EITHER APPROVED OR DENIED. IF AN APPLICATION IS APPROVED, THE DIRECTOR SHALL ISSUE A PERMIT, AS SPECIFIED IN RULE 1501-6-25 OF THE ADMINISTRATIVE CODE, TO ERECT, CONSTRUCT, OR REDEVELOP THE PERMANENT STRUCTURE. IF AN APPLICATION IS DENIED, THE DIRECTOR SHALL NOTIFY THE APPLICANT OF THE REASON FOR DENIAL AND OF THE APPLICANT'S APPEAL RIGHTS UNDER SECTION 1506.08 OF THE REVISED CODE.
- (C) THE DIRECTOR SHALL ISSUE A PERMIT TO AN APPLICANT IF:
- (1) THE PROPOSED SITE IS OR WILL BE PROTECTED BY EFFECTIVE EROSION CONTROL MEASURES AS DETERMINED ACCORDING TO CRITERIA IN PARAGRAPHS (A)(1) THROUGH (A)(6) OF THIS RULE, OR

(2) BOTH OF THE FOLLOWING CRITERIA ARE MET:

- (a) THE PERMANENT STRUCTURE WILL BE A MOVABLE STRUCTURE OR WILL BE SITUATED AS FAR LANDWARD AS APPLICABLE ZONING RESOLUTIONS OR ORDINANCES PERMIT; AND
- (b) THE APPLICANT WILL SUFFER EXCEPTIONAL HARDSHIP IF THE PERMIT IS NOT GRANTED.

(D) ISSUANCE BY THE DIRECTOR OF A PERMIT TO ERECT, CONSTRUCT OR REDEVELOP A PERMANENT STRUCTURE PURSUANT TO DIVISION (B) OF SECTION 1506.07 OF THE REVISED CODE DOES NOT RELEASE THE APPLICANT FROM OBTAINING ANY AND ALL OTHER PERMITS, LEASES OR DOCUMENTS FROM ANY LOCAL, STATE OR FEDERAL AGENCY FOR THE PERMANENT STRUCTURE OR FOR THE EROSION CONTROL MEASURES.

EFFECTIVE:

CERTIFICATION:

DONALD C. ANDERSON, DIRECTOR
DEPARTMENT OF NATURAL RESOURCES

DATE

PROMULGATED UNDER R.C. CH. 119
RULE AUTHORIZED BY R.C. 1506.07
RULE AMPLIFIES R.C. 1506.07

1501-6-25 THE PERMIT TO ERECT, CONSTRUCT, OR REDEVELOP A
PERMANENT STRUCTURE.

- (A) A PERMIT TO ERECT, CONSTRUCT, OR REDEVELOP A PERMANENT STRUCTURE WHICH LIES OR WILL LIE, IN WHOLE OR IN PART, IN A LAKE ERIE COASTAL EROSION AREA SHALL BE ISSUED BY THE DIRECTOR AFTER APPROVAL OF THE APPLICATION REQUIRED BY RULE 1501-6-23 OF THE ADMINISTRATIVE CODE. THE PERMIT SHALL BE VALID FOR A PERIOD OF TWO YEARS FROM THE DATE OF ISSUE UNLESS SPECIFIED OTHERWISE PURSUANT TO PROVISIONS OF THIS RULE. NO CONSTRUCTION SHALL BE PERFORMED UNTIL THE PERMIT IS ISSUED BY THE DIRECTOR.
- (B) THE PERMIT SHALL INCLUDE CONDITIONS, AS NECESSARY, TO ASSURE THAT CONSTRUCTION OF THE PERMANENT STRUCTURE AND ANY EROSION CONTROL MEASURE IS IN COMPLIANCE WITH THE APPROVED APPLICATION.
- (C) IF THE PROPOSED CONSTRUCTION SCHEDULE REQUIRED BY RULE 1501-6-23 OF THE ADMINISTRATIVE CODE EXCEEDS A PERIOD OF TWO YEARS, THE DIRECTOR MAY ISSUE, ON WRITTEN REQUEST OF THE APPLICANT, A PERMIT WHICH IS VALID FOR A LONGER PERIOD.
- (D) IF THE PERMIT EXPIRES BEFORE CONSTRUCTION HAS BEGUN, NO CONSTRUCTION SHALL BE PERFORMED, AND A NEW APPLICATION WITH SUPPORTING INFORMATION, AS PRESCRIBED BY RULE 1501-6-23 OF THE ADMINISTRATIVE CODE, SHALL BE SUBMITTED FOR RENEWED CONSIDERATION.
- (E) IF, AFTER CONSTRUCTION HAS BEGUN, A REVISED CONSTRUCTION SCHEDULE SHOWS THAT THE PERMIT WILL EXPIRE BEFORE CONSTRUCTION IS COMPLETED, THE DIRECTOR, ON WRITTEN REQUEST OF THE APPLICANT, MAY EXTEND THE LIFE OF THE PERMIT. NO EXTENSION SHALL BE GRANTED UNLESS THE APPLICANT HAS DEMONSTRATED TO THE SATISFACTION OF THE DIRECTOR THAT SUBSTANTIAL EFFORT HAS BEEN MADE TO COMPLETE THE CONSTRUCTION.
- (F) A SINGLE PERMIT MAY BE ISSUED TO AN APPLICANT FOR THE PURPOSE OF AUTHORIZING THE ERECTION, CONSTRUCTION, OR REDEVELOPMENT OF MORE THAN ONE PERMANENT STRUCTURE ON A SINGLE PARCEL OR ON CONTIGUOUS PARCELS OF PROPERTY OWNED BY THE APPLICANT.

EFFECTIVE:

CERTIFICATION:

DONALD C. ANDERSON, DIRECTOR
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PROMULGATED UNDER R.C. CH. 119
RULE AUTHORIZED BY R.C. 1506.07
RULE AMPLIFIES R.C. 1506.07

1501-6-26 INSPECTION PROCEDURES.

- (A) THE DIRECTOR OR THE DIRECTOR'S AUTHORIZED REPRESENTATIVE MAY MAKE INSPECTIONS DURING CONSTRUCTION TO ENSURE THAT THE PERMANENT STRUCTURE AND ANY EROSION PROTECTION MEASURES ARE BEING BUILT OR UNDERTAKEN IN COMPLIANCE WITH THE PERMIT ISSUED PURSUANT TO DIVISION(B) OF SECTION 1506.07 OF THE REVISED CODE. THE APPLICANT SHALL BE GIVEN REASONABLE PRIOR NOTICE OF AN INSPECTION BY THE DEPARTMENT, AND ALL INSPECTIONS SHALL BE PERFORMED AT REASONABLE TIMES FOR CONDUCTING BUSINESS.

- (B) IF AN INSPECTION REVEALS THAT ANY ERECTION, CONSTRUCTION, OR REDEVELOPMENT OF A PERMANENT STRUCTURE IS BEING CONDUCTED WITHOUT A PERMIT OR IN VIOLATION OF THE PERMIT OR THAT A REQUIRED EROSION PROTECTION MEASURE IS NOT IN COMPLIANCE WITH THE PERMIT, THE DIRECTOR OR THE DIRECTOR'S AUTHORIZED REPRESENTATIVE MAY ORDER THAT ALL WORK SHALL CEASE UNTIL THE VIOLATION HAS BEEN CORRECTED TO THE SATISFACTION OF THE DIRECTOR. THE DIRECTOR'S ORDER SHALL BE IN WRITING AND SHALL INDICATE THE SPECIFIC NATURE OF THE VIOLATION. THE ORDER SHALL REMAIN IN EFFECT UNTIL THE VIOLATION HAS BEEN CORRECTED TO THE SATISFACTION OF THE DIRECTOR OR THE DIRECTOR'S AUTHORIZED REPRESENTATIVE. THE PERSON TO WHOM AN ORDER IS ISSUED SHALL BE AFFORDED AN ADJUDICATION HEARING PURSUANT TO CHAPTER 119. OF THE REVISED CODE. THE DIRECTOR SHALL SUSTAIN THE ORDER IF DEEMED APPROPRIATE AFTER EACH PERSON ALLEGEDLY LIABLE HAS HAD A HEARING OR HAS WAIVED THE RIGHT TO A HEARING.

EFFECTIVE:

CERTIFICATION:

DONALD C. ANDERSON, DIRECTOR
DEPARTMENT OF NATURAL RESOURCES

DATE

PROMULGATED UNDER R.C. CH. 119
RULE AUTHORIZED BY R.C. 1506.07
RULE AMPLIFIES R.C. 1506.07, 1506.08, 1506.09

1501-6-27 REVIEW OF ADMINISTRATIVE AND ENFORCEMENT ACTIVITIES OF COUNTIES OR MUNICIPAL CORPORATIONS WHICH HAVE

ADOPTED LAKE ERIE COASTAL EROSION AREA RESOLUTIONS
OR ORDINANCES.

- (A) BEGINNING ON THE THIRTY-FIRST DAY OF JANUARY FOLLOWING THE DIRECTOR'S NOTICE THAT THE LAKE ERIE COASTAL EROSION AREA RESOLUTION OR ORDINANCE OF A COUNTY OR MUNICIPAL CORPORATION MEETS OR EXCEEDS THE STANDARDS OF DIVISION (B) OF SECTION 1506.07 OF THE REVISED CODE, AND EVERY TWO YEARS THEREAFTER, THE LEGISLATIVE AUTHORITY OF THE COUNTY OR MUNICIPAL CORPORATION SHALL SUBMIT TO THE DIRECTOR, ON A FORM PROVIDED BY THE DEPARTMENT, A REPORT OF THE COUNTY'S OR MUNICIPAL CORPORATION'S RELEVANT ADMINISTRATIVE AND ENFORCEMENT ACTIVITIES DURING THE PREVIOUS TWO YEARS.
- (B) THE DEPARTMENT SHALL REVIEW THE REPORTS TO ASSURE COMPLIANCE WITH SECTION 1506.07 OF THE REVISED CODE INCLUDING, BUT NOT LIMITED TO, VERIFICATION OF THE LOCATIONS OF PERMITTED PERMANENT STRUCTURES RELATIVE TO COASTAL EROSION AREAS.
- (C) IF, AT ANY TIME, THE DIRECTOR DETERMINES THAT A LAKE ERIE COASTAL EROSION AREA RESOLUTION OR ORDINANCE ADOPTED BY A COUNTY OR MUNICIPAL CORPORATION IS BEING INADEQUATELY ADMINISTERED OR ENFORCED, THE DIRECTOR SHALL SO NOTIFY THE LEGISLATIVE AUTHORITY OF THE COUNTY OR MUNICIPAL CORPORATION, IDENTIFYING THE SCOPE OF THE ADMINISTRATIVE OR ENFORCEMENT DEFICIENCIES AND THE PROCEDURE ESTABLISHED IN PARAGRAPH (D) OF THIS RULE FOR THE LEGISLATIVE AUTHORITY'S RESPONSE.
- (D) AFTER THE DIRECTOR NOTIFIES THE AFFECTED LEGISLATIVE AUTHORITY OF THE DEFICIENCY, THE FOLLOWING PROCEDURE SHALL APPLY:
- (1) WITHIN THIRTY DAYS OF THE DATE OF MAILING OF THE DIRECTOR'S NOTICE THAT THE RESOLUTION OR ORDINANCE IS BEING INADEQUATELY ADMINISTERED OR ENFORCED, THE LEGISLATIVE AUTHORITY OF THE COUNTY OR MUNICIPAL CORPORATION SHALL RESPOND, IN WRITING, TO THE DIRECTOR, ADDRESSING THE IDENTIFIED DEFICIENCIES AND DESCRIBING WITH SPECIFICITY ANY PROPOSED REMEDIES THERETO.
 - (2) WITHIN THIRTY DAYS OF THE DATE OF MAILING OF THE WRITTEN RESPONSE FROM THE LEGISLATIVE AUTHORITY OF THE COUNTY OR MUNICIPAL CORPORATION, THE DIRECTOR SHALL MAKE A FINAL DETERMINATION AS TO WHETHER OR NOT THE LEGISLATIVE AUTHORITY'S RESPONSE ADEQUATELY ADDRESSES THE IDENTIFIED DEFICIENCIES AND PROVIDES FOR THEIR CORRECTION.

- (3) IF THE DIRECTOR MAKES A FINAL DETERMINATION THAT A LAKE ERIE COASTAL EROSION AREA RESOLUTION OR ORDINANCE IS BEING INADEQUATELY ADMINISTERED OR ENFORCED BY A COUNTY OR MUNICIPAL CORPORATION, THE PERMIT REQUIREMENTS OF DIVISION (B) OF SECTION 1506.07 OF THE REVISED CODE SHALL BE REINSTATED WITHIN THE TERRITORY OF THE AFFECTED COUNTY OR MUNICIPAL CORPORATION.

- (4) DURING ANY PERIOD IN WHICH THE DIRECTOR HAS DETERMINED THAT A LAKE ERIE COASTAL EROSION AREA RESOLUTION OR ORDINANCE ADOPTED BY A COUNTY OR MUNICIPAL CORPORATION IS BEING INADEQUATELY ADMINISTERED OR ENFORCED, ALL APPLICATIONS TO ERECT, CONSTRUCT, OR REDEVELOP A PERMANENT STRUCTURE IN A LAKE ERIE COASTAL EROSION AREA SHALL BE SUBJECT TO JOINT REVIEW BY THE DIRECTOR AND THE COUNTY OR MUNICIPAL CORPORATION. DURING THIS PERIOD, THE COUNTY OR MUNICIPAL CORPORATION SHALL NOT ISSUE ANY PERMIT FOR CONSTRUCTION, ERECTION, OR REDEVELOPMENT OF A PERMANENT STRUCTURE WHICH LIES OR WILL LIE, IN WHOLE OR IN PART, IN A LAKE ERIE COASTAL EROSION AREA WITHOUT THE SPECIFIC WRITTEN APPROVAL OF THE DIRECTOR. THE PERIOD OF JOINT REVIEW SHALL COMMENCE ON THE FIFTH DAY AFTER THE DATE OF MAILING OF THE DIRECTOR'S NOTICE OF DEFICIENCY AND SHALL BE EFFECTIVE UNTIL SUCH TIME AS THE DIRECTOR IS SATISFIED THAT ANY IDENTIFIED DEFICIENCIES HAVE BEEN ADEQUATELY ADDRESSED BY THE LEGISLATIVE AUTHORITY OF THE COUNTY OR MUNICIPAL CORPORATION.

EFFECTIVE:

CERTIFICATION:

DONALD C. ANDERSON, DIRECTOR
DEPARTMENT OF NATURAL RESOURCES

DATE

PROMULGATED UNDER R.C. CH. 119
RULE AUTHORIZED BY R.C. 1506.07
RULE AMPLIFIES R.C. 1506.07

1501-6-28 SEVERABILITY.

THE INVALIDATION BY A COURT OF A RULE ADOPTED OR AMENDED PURSUANT TO SECTION 1506.07 OF THE REVISED CODE SHALL NOT AFFECT THE VALIDITY OF ANY OTHER RULE OR PORTION THEREOF ADOPTED OR AMENDED THEREUNDER BY THE DIRECTOR.

EFFECTIVE:

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DONALD C. ANDERSON, DIRECTOR
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