

CITY OF OBERLIN, OHIO

ORDINANCE No. 19-62 AC CMS

AN ORDINANCE AMENDING CHAPTER 916 OF THE MUNICIPAL CODE OF THE CITY OF OBERLIN, OHIO, IN ORDER TO UPDATE STORMWATER RUNOFF MANAGEMENT STANDARDS AND STORMWATER EROSION AND SEDIMENT CONTROL STANDARDS FOR THE CITY OF OBERLIN STORMWATER SYSTEM AND DECLARING AN EMERGENCY

WHEREAS, the City of Oberlin owns, operates and maintains a municipal separate stormwater system for the collection and conveyance of storm and other surface and subsurface waters and for flood control in accordance with the requirements of the Ohio Environmental Protection Agency National Pollutant Discharge Elimination System; and

WHEREAS, the City of Oberlin must update its standards regulating the quantity of stormwater discharged and regulating stormwater contaminants necessary to protect water quality in accordance with the permit requirements of the Ohio Environmental Protection Agency National Pollutant Discharge Elimination System for municipal separate stormwater systems.

NOW, THEREFORE BE IT ORDAINED, by the Council of the City of Oberlin, County of Lorain, State of Ohio:

SECTION 1. That Chapter 916 – Municipal Stormwater Utility of the Codified Ordinances of the City of Oberlin, Ohio is hereby amended as set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit: *to update the Codified Ordinances of the City of Oberlin to ensure compliance with the requirements of the City's National Pollutant Discharge Elimination System permit*; and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect at the earliest period allowed by law.

PASSED: 1st Reading: October 21, 2019
2nd Reading: November 4, 2019
3rd Reading: November 18, 2019

:/ Passed on Emergency

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL

POSTED: 11/19/2019



BRYAN BURGESS
PRESIDENT OF COUNCIL

EFFECTIVE DATE: 11/18/2019

EXHIBIT A

Chapter 916 Municipal Storm Water Utility

- 916.01 DIVISION ESTABLISHED.
- 916.02 PURPOSE AND OBJECTIVE.
- 916.03 PERSONNEL.
- 916.04 POWERS AND DUTIES OF PUBLIC WORKS DIRECTOR.
- 916.05 DEFINITIONS.
- 916.06 FUNDING THE MUNICIPAL STORM WATER UTILITY DIVISION.
- 916.07 MUNICIPAL STORM WATER UTILITY DIVISION ENTERPRISE FUND.
- 916.08 MUNICIPAL STORM WATER UTILITY DIVISION RATE STRUCTURE AND FEES.
- 916.09 NECESSITY FOR SERVICE CHARGES.
- 916.10 RIGHT TO APPEAL.
- 916.11 COLLECTION AND PAYMENT OF SERVICE CHARGES.
- 916.12 ADJUSTMENTS TO STORM WATER SERVICE CHARGES.

- 916.20 STORMWATER RUNOFF MANAGEMENT STANDARDS.
- 916.21 STORMWATER MANAGEMENT PERMIT REQUIRED.
- 916.22 STORMWATER MANAGEMENT PLAN REVIEW.
- 916.23 PERMIT DURATION; RENEWAL.
- 916.24 CERTIFICATION OF COMPLETION.
- 916.25 MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES AND IMPROVEMENTS.

- 916.30 STORMWATER EROSION AND SEDIMENT CONTROL STANDARDS.
- 916.31 STORMWATER POLLUTION PREVENTION PERMIT REQUIRED.
- 916.32 STORMWATER POLLUTION PREVENTION PLAN REVIEW.
- 916.33 PERMIT DURATION; RENEWAL.
- 916.34 CERTIFICATION OF COMPLETION.

- 916.80 INSPECTION FEES.
- 916.81 RIGHT OF ACCESS.
- 916.82 COMPLIANCE.

- 916.98 FALSIFYING INFORMATION.
- 916.99 PENALTY

916.20 STORMWATER RUNOFF MANAGEMENT STANDARDS

- (1) The City of Oberlin Stormwater Runoff Management Standards establish technically feasible and economically reasonable stormwater management standards to achieve a level of stormwater quality and quantity control that will minimize degradation of water resources and the potential for property damage.
- (2) The City of Oberlin Stormwater Runoff Management Standards shall apply to any development equal to or greater than one (1) acre or to any size development if it is part of a larger contiguous common plan of development.
- (3) Subject to the provisions set forth in this chapter, the City of Oberlin hereby adopts the City of Oberlin Stormwater Runoff Management Standards which are and shall be incorporated into the City of Oberlin Public Works Standards. The City of Oberlin Stormwater Runoff Management Standards shall meet or exceed the technical requirements set forth in the Ohio Environmental Protection Agency NPDES Construction General Permit and any subsequent Ohio Environmental Protection Agency issued permits.
- (4) The City of Oberlin Stormwater Runoff Management Standards are hereby referenced and adopted as part of this chapter. The City Engineer is authorized to amend, supplement, or revise the City of Oberlin Stormwater Runoff Management Standards based on improvements in engineering, science, monitoring, local maintenance experience, and federal or state regulations.
- (5) The City of Oberlin Stormwater Runoff Management Standards shall be available at the Office of the City Engineer.

916.21 STORMWATER MANAGEMENT PERMIT REQUIRED.

Any person performing any earth-disturbing activity that disturbs an area equal to or greater than one (1) acre shall be required to file a Stormwater Management Plan with and to obtain a Stormwater Management Permit from the City of Oberlin Public Works Department.

Permit application forms shall be made available from the Public Works Department. Information required shall be sufficient for the Department to determine that the Stormwater Management Plan is in compliance with the OEPA Construction General permit and the City of Oberlin Stormwater Management Runoff Standards. At a minimum, the Stormwater Management Plan shall include the following:

- (1) Name, address and phone number of property owner, the Stormwater Management Plan designer and the person responsible for the activity.
- (2) Location of the activity.
- (3) Description of the activity.
 - (A) Type of activity
 - (B) Location, permanent parcel number(s)
 - (C) The size of the parcel(s) on which the activity will occur
 - (D) The size of the area to be disturbed
 - (E) Current impervious area
 - (F) Area to be rendered permanently impervious
 - (G) Project duration including anticipated start and completion dates
 - (H) Stormwater Management Run-off Calculations
 - (I) Structural Best Management Practices to be implemented
 - (J) Non-Structural Best Management Practices to be implemented

- (4) The Public Works Department reserves the right to request such additional information as may be necessary to ensure the Stormwater Management Plan meets the requirements of the City's Stormwater Runoff Management Standards.
- (5) No permit shall be required for earth-disturbing activities which have been provided for in a Stormwater Management Plan approved before the effective date of this Ordinance.
- (6) No permit shall be required for farming activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules.

916.22 STORMWATER MANAGEMENT PLAN REVIEW.

All Stormwater Management Permit Applications, Plans and Run-off Calculations shall be submitted to the City of Oberlin Public Works Department. The Office of the City Engineer shall review the stormwater management plan and runoff calculations within thirty days of receipt and indicate its approval or disapproval. Notice of disapproval shall include the plan deficiencies. No earth-disturbing activities shall be permitted until an acceptable plan has been filed with and approved by the City Engineer.

The Stormwater Management Permit shall be issued by the City Engineer at such time as all of the requirements of the City's Stormwater Runoff Management Standards have been met by the Applicant's Stormwater Management Plan and (where applicable) upon Site Plan approval by the City Planning Commission.

916.23 PERMIT DURATION; RENEWAL

The Stormwater Management Permit shall be valid until 30 calendar days after the anticipated completion date identified by the permit holder in the application. Upon the permit holder's written request, the City Engineer is authorized to renew the Stormwater Management Permit for up to 180 days per renewal. At the sole discretion of the City Engineer, renewal permits may be subject to compliance with any and all regulatory changes that may have been adopted between the date of the initial permit and any subsequent renewal permit(s).

916.24 CERTIFICATION OF COMPLETION.

The permit holder shall submit to the Office of the City Engineer a copy of the as-built drawings for the stormwater management facilities and a signed, stamped statement by the Professional Engineer or Professional Surveyor, who prepared the Stormwater Management Plan and/or supervised the construction of the stormwater management facilities, indicating that said facilities have been constructed in accordance with the approved Stormwater Management Plan.

916.25 MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES AND IMPROVEMENTS.

Stormwater management facilities and improvements constructed under the approved Stormwater Permit are the property owner's responsibility to inspect, operate, properly maintain, repair and replace. An Inspection and Maintenance Agreement for stormwater management facilities and improvements between the City and the applicant shall be recorded at the Lorain County Recorder's Office. Said Agreement shall include an Operation and Maintenance Plan developed and implemented in accordance with the City of Oberlin Stormwater Runoff Management Standards. Where stormwater management facilities and improvements are located on individual parcels and said facilities and improvements are the responsibility

of the parcel owner, the necessary provisions shall be written into the deeds for said parcels, to ensure their continuing function as stormwater management facilities and improvements.

916.30 STORMWATER EROSION AND SEDIMENT CONTROL STANDARDS.

- (1) In order to minimize and/or eliminate the degradation of the waters of the State, the City of Oberlin adopts the Stormwater Erosion and Sediment Control Standards for construction and post-construction stormwater management established in the most recent edition of the Ohio Environmental Protection Agency Construction General Permit. .
- (2) These Standards shall apply to any development equal to or greater than one (1) acre or to any size development if it is part of a larger contiguous common plan of development.

916.31 STORMWATER POLLUTION PREVENTION PERMIT REQUIRED

When a proposed development involves an area equal to or more than one acre of earth-disturbing activities, the owner shall develop and submit a Stormwater Pollution Prevention Plan to the Office of the City Engineer for review and approval.

For development involving less than one acre of earth-disturbing activities, which is part of a larger common plan of development that has or will disturb one or more acres of land, the owner shall develop and submit a Stormwater Pollution Prevention Plan to the Office of the City Engineer for review and approval.

Permit application forms shall be made available from the Public Works Department. Information required shall be sufficient for the Department to determine that the Stormwater Pollution Prevention Plan is in compliance with the requirements of the OEPA Construction General Permit. At a minimum, the Stormwater Pollution Prevention Plan shall include the following:

- (1) Name, address and phone number of property owner, the Stormwater Pollution Prevention Plan designer and the person responsible for implementing the Plan during construction.
- (2) Location of the activity
- (3) Description of the activity
 - (A) Type of activity
 - (B) Location by address and by permanent parcel number(s)
 - (C) The size of the parcel(s) on which the activity will occur and the size of the area to be disturbed
 - (D) Project duration including anticipated start and completion dates
 - (E) A site map, drawn to scale, including but not limited to:
 - a. Project boundaries
 - b. Grading Plan at 1' contour intervals with direction of flow arrows
 - c. Public and/or Private Stormwater Infrastructure on and adjacent to the site
 - (F) Structural and Non-Structural Best Management Practices to be implemented during construction
 - (G) Post-construction Structural and Non-Structural Best Management Practices
 - (H) A copy of the Construction General Permit Notice of Intent submitted to the Ohio Environmental Protection Agency
- (4) The Public Works Department reserves the right to request such additional information as may be necessary to ensure that the Stormwater Pollution Prevention Plan meets the requirements of the OEPA Construction General Permit.

- (5) No permit shall be required for earth-disturbing activities which have been provided for in a Stormwater Pollution Prevention Plan approved before the effective date of this Ordinance.
- (6) No permit shall be required for farming activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules.

916.32 STORMWATER POLLUTION PREVENTION PLAN REVIEW

No earth-disturbing activities shall be permitted until an acceptable plan has been filed with and approved by the City Engineer. All Stormwater Pollution Prevention Plan Permit Applications shall be submitted to the City of Oberlin Public Works Department. The Office of the City Engineer shall review the Stormwater Pollution Prevention Plan within thirty days of receipt and indicate its approval or disapproval. Notice of disapproval shall include the plan deficiencies.

When the Stormwater Management Plan Permit has been issued as provided for in Section 916.22 and all of the requirements of the OEPA Construction General Permit have been met by the Applicant's Stormwater Pollution Prevention Plan, the City Engineer shall issue the Stormwater Pollution Prevention Plan Permit.

916.33 PERMIT DURATION; RENEWAL

The Stormwater Pollution Prevention Plan Permit shall be valid until 30 calendar days after the anticipated completion date identified by the permit holder in the application. Upon the permit holder's written request, the City Engineer is authorized to renew the Stormwater Pollution Prevention Plan Permit for up to 180 days per renewal. At the sole discretion of the City Engineer, renewal permits may be subject to compliance with any and all regulatory changes adopted between the date of the initial permit and any subsequent renewal permit(s).

916.34 CERTIFICATION OF COMPLETION.

Upon completion of the development activity subject to a Stormwater Pollution Prevention Plan Permit, the Office of the City Engineer shall conduct a final inspection of the development site with the permit holder. The permit holder shall submit a signed statement to the Office of the City Engineer, indicating that the approved Plan has been fully implemented and that the development activities have been completed. The permit holder shall submit to the Office of the City Engineer, a copy of the Construction General Permit Notice of Termination sent to the Ohio Environmental Protection Agency.

916.80 INSPECTION FEES

- (1) Prior to issuance of the Stormwater Pollution Prevention Plan Permit, the permit applicant shall pay a non-refundable, inspection fee to the Public Works Department to offset inspection costs to assure conformance with the Stormwater Management Permit and compliance with the Stormwater Pollution Prevention Plan. The fee shall be in the amount of fifty dollars (\$50.00) for every 30-day period of project duration identified in the Stormwater Pollution Prevention Plan Permit Application.
- (2) Renewal Permits shall be subject to an additional inspection fee of fifty dollars (\$50.00) for every additional 30-day period of project duration.
- (3) A re-inspection fee of \$50.00 shall be due and payable for every such re-inspection after the second written notice described hereinbelow in Section 916.42 (3)c.

- (4) The inspection fee is applicable during the development of phased residential development projects for the construction of the common improvements serving said development. The inspection fee does not subsequently apply to the development of each residential parcel subject to the Stormwater Management Plan and/or the Stormwater Pollution Prevention Plan.

No inspection fee shall be required for projects with a Stormwater Management Plan and/or a Stormwater Pollution Prevention Plan approved before the effective date of this Ordinance.

916.81 RIGHT OF ACCESS

The City of Oberlin shall be permitted to enter onto properties subject to Stormwater Management and/or Stormwater Pollution Prevention plans and under the terms of the Inspection and Maintenance Agreement per Section 916.25, in order to inspect said properties, facilities and improvements for compliance with the approved plan(s) and Agreement(s) as often as may be necessary.

Nothing in this section shall be deemed to authorize the City Engineer or his/her designee to enter any premises without the consent of the owner or person or entity having control of such premises except by lawful process.

916.82 COMPLIANCE.

- (1) The Office of the City Engineer shall inspect all properties subject to Stormwater Management and/or Storm Water Pollution Prevention plans during construction to determine compliance with the approved plan(s).
- (2) The Office of the City Engineer shall inspect all properties subject to post-construction Inspection and Maintenance Agreements to determine compliance with said Agreement(s).
- (3) If it is determined that the responsible party is in noncompliance with the approved plan(s) or agreement(s), the responsible party shall be:
 - a. Given a verbal or written notice and a schedule for compliance to complete required remedial actions.
 - b. On or after the date by which the remedial action described in Section 916.42 (3)a, is to be completed, the premises shall be re-inspected. If the required remedial action is not complete, a written notice shall be served on the permit holder stating the cause of the violation, the remedial steps to be taken, the schedule for compliance and the subsequent consequences of continued non-compliance.
 - c. On or after the date by which the remedial action described in Section 916.42 (3)b, is to be completed, the premises shall be re-inspected. If the required remedial action is not complete, a second written notice shall be served on the permit holder stating the cause of the violation, the remedial steps to be taken, the schedule for compliance and the subsequent consequences of continued non-compliance.
 - d. On or after the date by which the remedial action described in the second written notice of violation is to be completed, the premises shall be re-inspected. If the required remedial action is not complete, the City Engineer is authorized to issue a Stop Work Order. The Stop Work Order shall be issued in writing with the reason for the order clearly stated and the condition(s) under which the cited work may resume. The Stop Work Order shall be given to the permit holder or its agent and to the person(s) doing the work. Upon issuance of the Stop Work Order, all work shall immediately cease, except such work as the permit holder is directed to perform to correct said violation or to

remove an unsafe condition. Failure to cease work after receipt of a Stop Work Order is hereby declared to be a public nuisance.

- e. If, after fourteen (14) days following receipt of the Stop Work Order, the remedial action has not been completed, the matter of such noncompliance shall be reported to the City Law Director for legal action in accordance with the provisions of this Chapter.
- f. If, after fourteen (14) days following receipt of the Stop Work Order, the remedial action has not been completed, the City may elect to complete the necessary remedial action with its own forces or by contract. The costs, thereof, shall be paid by the permit holder.

916.99 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a minor misdemeanor. Whoever violates any provision of this chapter or fails to comply with any of its requirements shall be fined not more than One Hundred Fifty Dollars (\$150.00) for each offense. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.