

CHAPTER 937
Storm Water Management

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937.01 DEFINITIONS.

a) For the purpose of this chapter, the words and phrases shall be defined as follows, unless the content clearly indicates or requires a different meaning.

- 1) **Authorized Enforcement Agency.** Employees or designees of the director of the municipal agency designated to enforce this ordinance.
- 2) **Best Management Practices (BMP's)** Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into storm water, receiving waters, or storm water conveyance systems. BMP's also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- 3) **City Engineer.** The City of Marysville Engineer or his/her designee.
- 4) **Clean Water Act.** The federal Water Pollution Control Act (33 U.S.C.& 1251 et seq.) and any subsequent amendments.
- 5) **Clearing.** Any activity that removes vegetative cover.
- 6) **Construction Activity.** Activities subject to NPDES Construction Permits, that result in land disturbance of one acre or more.
- 7) **Credit.** A reduction in a customer's storm water service fee, other than single family, given for certain qualifying activities which reduce either the impact of increased storm water runoff or reduces the City's costs of providing storm water management.
- 8) **Detention Facility.** A facility, by means of a single control point, which provides temporary storage of storm water runoff in ponds, parking lots, depressed areas, rooftops, buried underground vaults or tanks, etc., for future release, and is used to delay and attenuate flow.
- 9) **Developer.** A person, firm or corporation that presumes to excavate or fill, build structures or otherwise improve a specific parcel or tract of land.
- 10) **Drainage Facilities** Various drainage works that may include conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins and other structure components.
- 11) **Erosion and Sediment Plan.** A set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.
- 12) **Equivalent Runoff/Residential Unit (ERU).** A value based on the parameters used in the Storm water Management Utility rate structure which represents a unit of storm water runoff. This value

is used to facilitate comparison of the number of billing units of various properties. Each ERU is equivalent to 2,700 square feet of impervious area and that all residential single-family properties shall be assigned one 1) ERU.

- 13) **Grading.** Excavation or placement of fill material to achieve plan design.
- 14) **Grass Waterway.** A natural or constructed watercourse or outlet that is shaped or graded, and planted with suitable vegetation for the purpose of dispersing runoff without causing erosion.
- 15) **Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- 16) **Illegal Discharge.** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 938.08 a.
- 17) **Illicit Connections.** An illicit connection is defined as either of the following:
 - A) Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
 - B) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- 18) **Impervious Surface.** Surfaces on or in a lot or parcel of real property which reduce the rate of infiltration of storm water into the earth.
- 19) **Industrial Activity.** Activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26 b)(14).
- 20) **Intensity of Development Factor.** The runoff coefficient or percentage of impervious coverage on or in a lot or parcel of real property. The numerical value for each such land use is based upon generally accepted engineering standards and review of and application of said standards to local conditions.
- 21) **Municipal Separate Storm Sewer System (MS4).** The system of

conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the **City of Marysville** and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

- 22) **National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit** Permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
- 23) **Non-Storm Water Discharge**. Any discharge to the storm drain system that is not composed entirely of storm water.
- 24) **Perimeter Control** A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.
- 25) **Person**. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- 26) **Phasing**. Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.
- 27) **Pollutant**. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
- 28) **Premises**. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- 29) **Retention Facility**. A detention facility that maintains a permanent pool of water as well as having flood peak flow reduction capability.
- 30) **Routing** An engineering technique described as computation of the movement and attenuation of an inflow hydrograph as it passes through the storm water system, resulting in a discharge hydrograph at the downstream end of the element, such as a pipe, channel or detention basin, and accounts mathematically for the

effects of storage on flow through the element. "Level pool routing" assumes that a retention/detention facility maintains an "even" or "level" surface water elevation.

- 31) **Sedimentation.** The processes that operate at or near the surface of the ground to deposit soils, debris and other materials either on the ground surfaces or in water channels or the action of deposition of sediment that is determined to have been caused by erosion.
- 32) **Sediment Control** Measures that prevent eroded sediment from leaving the site.
- 33) **Site.** A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.
- 34) **Siltation.** The accumulation of fine earth or sand carried by moving or running water and deposited as a sediment.
- 35) **Stabilization.** The use of practices that prevent exposed soil from eroding.
- 36) **Start of Construction.** The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.
- 37) **Storm Water.** Storm water runoff, snowmelt runoff, and surface runoff and drainage.
- 38) **Storm Water System.** All man-made drainage facilities, structures and natural watercourses used for collecting and conducting storm water, surface runoff, street wash water and drainage but which excludes sanitary sewage and industrial waste, other than unpolluted cooling water to, through and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenance features, canals, creeks, channels, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, retention or detention basins, dams, floodwalls, levees and pumping stations.
- 39) **Storm Water Utility.** This Utility is responsible for providing public storm water management to citizens and/or consumers. The Utility is comprised of structures, equipment, personnel, and processes required for the storm water system.
- 40) **Subsurface Water Drainage.** The process of directing excess water away from the root zones of plants by natural or artificial means, such as by using a system of pipes and drains placed below ground surface level.
- 41) **Surface Water Drainage.** The diversion or orderly removal of excess surface water by the development of surface water inlets to

subsurface drains, and the slope of the land utilizing systems of natural or constructed channels to carry away the surplus water.

- 42) **Watercourse.** A natural or artificial channel through which water flows continuously or intermittently in a definite direction.
- 43) **Watershed.** A region draining to a specific river, river stream or body of water.
- 44) **Zoning Permit.** A permit issued by the municipality for the construction or alteration of buildings, ground improvements, and grading, including the control of erosion, sediment, and runoff.

937.02 ORGANIZATION OF UTILITY.

The Storm Water Utility shall be administered by the Public Service Director or his/her duly authorized agent. The Storm Water Utility will hereafter be referred to as the "Utility".

937.03 RESPONSIBILITY.

- a) The Utility and the City Engineer shall work together to monitor the design, operation, maintenance, inspection and construction of all storm water systems in the City. The City Engineer shall be responsible for the design of public storm water systems in the City. The Utility shall inspect, operate and maintain the storm system as prescribed in Sections 937.05, 937.11, 937.15 and 937.16. For purposes of this Code, public storm water drainage facilities begin at the grating or opening where water enters from a curb and gutter or swale, and ends at the outlet structure where water flows into a channel or natural watercourse.
- b) The Utility shall be responsible for controlling siltation and sedimentation that will adversely affect storm sewers, drainage ditches, watercourses and other drainage facilities or that will pollute public waters and watercourses.

938.04 SEVERABILITY.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

937.05 OPERATION AND MAINTENANCE OF STORM WATER SYSTEMS.

- a) The responsibility for operation and maintenance of all storm water systems within the City is as follows:
 - 1) The Utility shall be responsible for operation and maintenance of public drainage facilities on public land and in street rights-of-way.
 - 2) The developer/owner shall be responsible for operation and maintenance associated with storm water drainage facilities on private property.
 - 3) Where public facilities are in easements, the owner of the property is

responsible for aesthetic maintenance such as lawn mowing, litter pickup, etc. The owner shall also ensure that no structures, plantings, dirt or debris interfere with the drainage facility's proper operation and maintenance in accordance with Section 521.05.

937.06 LAND AND FACILITIES AFFECTED FROM OUTSIDE THE CITY.

Where storm water drains from lands outside the City, facilities within the City shall be designed in accordance with this Code as if the entire drainage area was within the City.

937.07 RULES AND REGULATIONS.

a) GENERAL

- 1) The Public Service Director, in concert with the City Engineer, shall be responsible for enforcement of the Storm Water Management Code and shall not allow any development of land area unless such development meets the design requirements herein. The Public Service Director shall serve as the principal executive officer for storm water management for the purposes of fulfilling the requirements of the Environmental Protection Agency's NPDES Phase II storm water program.
- 2) The Planning Commission shall not approve the final plat of any development or subdivision over which it has jurisdiction without certification from the Public Service Director and the City Engineer, that such development or subdivision has been designed to be in full compliance with the design requirements herein, and all applicable storm water pollution control standards required by the Ohio EPA under the NPDES Phase II Storm water Program and as specified by the Ohio EPA in the Post Construction requirements of the State General Construction Permit.

b) DESIGN STANDARDS

- 1) The City Engineer shall determine technical acceptability of land development storm water management methods. The City Engineer shall also determine the acceptability of the hydrologic design. Best Management Practices listed within the State General Construction Permit (OEPA Permit OHC 000003) or its subsequent OEPA-issued revision shall be followed in the storm water management methods.
- 2) The United States Department of Agriculture Soil Conservation Service soil classification mapping of the City shall be used to determine soil classification for the purpose of all storm water management design unless more detailed data is prepared by competent authority and reviewed by the City Engineer, and accepted by the Public Service Director.
- 3) Predevelopment site runoff will be calculated using the curve number method with a curve number reflecting existing land use. Undeveloped land shall be treated as "agricultural with conservation treatment."

c) STORM WATER RUNOFF POLICY

- 1) The Storm Water Runoff Policy requires that land uses and developments which increase runoff rate or volume shall control the discharge rate of runoff prior to its release to off-site land. The purposes of this policy are to:
 - A) Permit development without increasing the flooding potential of other lands.
 - B) Reduce damage to receiving streams and impairment of their quality or capacity which may be caused by increases in the quantity and rate of storm water discharge.
 - C) Establish a basis for design of storm water drainage systems on lands below undeveloped areas which will preserve the rights and options of both dominant and servient property owners and assure long-term adequacy of storm drainage systems.
 - D) Conform to standards and obligations contained in regulations promulgated by the Ohio EPA.

- 2) Experience has shown that most of the more serious flooding situations are “created”. Development can lead to ever increasing flooding problems unless well-conceived, cooperative storm water drainage and flood control programs are undertaken throughout the entire watershed. For this reason, the general policy of the City of Marysville is:
 - A) Land uses and developments which increase runoff rate or volume shall control the discharge rate of runoff prior to its release to off-site land.
 - B) It is the responsibility of the property owner to not change or alter any drainage course, ditch, flood routing path or drainage system on his/her property that will damage or cause flooding to adjacent, upstream or downstream property owners.
 - C) All storm water drainage systems, including conveyances, within a development shall be designed to have capacity and depth, including sufficient invert elevations to permit future connections, to serve that total tributary area at the design storm frequency, and based on the rate of predevelopment runoff except as noted in Subsection d) below. The system for the upstream tributary area must be extended through the development.
 - D) All proposed development with a combined surface and subsurface runoff rate greater than that which the downstream system has capacity for, or will be designed for, will be required to control the rate of storm water discharge, so as to not exceed the available capacity of the downstream system. It may be necessary for the developer to make downstream improvements to satisfy the conditions of this section.
 - E) All information necessary to determine how storm water runoff should be controlled within the development prior to its release

to downstream properties shall be submitted to the City. The tributary area and the upstream watersheds should be determined using natural land divides unless man-made alterations are approved by the City Engineer as the basis for watershed delineations.

- 3) The Storm water Runoff Policy applies to all land developments not specifically exempted as provided under the appropriate section of this Policy.
- 4) Other sections of this Policy specify the performance requirements of on-site drainage systems and runoff control standards.

d) DRAINAGE EASEMENTS

- 1) An adequate utility easement conveyed to the City that provides access for Municipal personnel shall be required as determined by the City Engineer, along any tile, pipe, detention basin, drainage way, flood routing path, ditch, watercourse, natural stream, man-made stream, storm sewer or any other watercourse deemed necessary by the City Engineer which is not already within the street right-of-way. The easement shall be of sufficient width to allow cleaning, widening, deepening, replacing or other general maintenance of such drainage course or piped system.
- 2) When it is necessary to convey storm water outside the property lines of a proposed improved area in order to discharge into an adequate outlet, the Developer:
 - A) shall be responsible to obtain easements and/or maintenance agreements, in a form and substance satisfactory to the Public Service Director and the City Engineer, from abutting property owners,
 - B) shall remain responsible for maintenance agreements of such drainage course unless the easements and/or maintenance agreements require the abutting property owners to repair and maintain the drainage course satisfactorily.
- 3) All drainage easements, preservation areas, reserves and other similar areas shall be shown on the “final engineering and construction plan(s)”. Drainage easements for all on-site drainage system improvements shall be recorded for public use by final plat by the applicant. For off-site drainage systems improvements, easements should be recorded for public use by either final plat or separate instrument. The maintenance of such drainage easements shall be undertaken in the manner set forth in Section 937.05.
- 4) Each purchaser of a lot for a single-family residence must be provided with a graphic depiction of all drainage easements, floodway routing, flood hazard areas, and other water-courses contained or designed into that lot.
- 5) The Public Service Director, or his/her designee, is hereby authorized to inspect such drainage easement areas. If the Public Service Director, or his/her designee determines that maintenance is needed, he/she shall notify

the property owner whose property requires maintenance and/or any other parties who, in the sole determination of the Public Service Director, directly benefit from such easement. The manner in which notice of the required maintenance, and the carrying out thereof, shall be as follows:

- A) The Public Service Director, or his/her designee shall cause written notice to be served on the property owner and/or any other parties benefiting from the easement notifying such parties that maintenance of the drainage course is necessary and that a contract with a contractor acceptable to the Public Service Director for such repair and maintenance must be delivered to the Public Service Director, or his/her designee within fourteen (14) days of the notice. The notice will be served upon the property owner and/or benefited parties at the tax billing address for such premises reflected upon the records of the Union County Auditor. Service shall be accomplished by any means permitted for service of summons under the Ohio Rules of Civil Procedure. Each property affected by such notice shall also be posted with such notice by the Public Service Director or his/her designee.
- B) In those instances where the address of the owner is unknown, it shall be sufficient to publish a notice once a week in a newspaper of general circulation in Union County, Ohio setting forth the substance of the notice and time frame for compliance. The time frame for compliance shall be no less than fourteen (14) days after the publication.
- C) If the property owner and/or benefiting parties fail to comply with the notice, the City shall cause such repairs, replacement, maintenance and abatement procedures to be implemented as determined appropriate by the Public Service Director. The cost of such repair, replacement, abatement and other procedures deemed appropriate by the Public Service Director shall be immediately due and payable to the City in the amounts and in the proportions determined by the Public Service Director. Additionally, the Public Service Director may assess an administrative fee as the Director deems appropriate against all benefiting property owners or benefiting parties in an amount not to exceed 10% of cost of such repair, replacement, abatement and other procedures, as determined by the City Engineer. Such cost shall be reimbursed to the City by all benefiting property owners or benefiting parties in an amount equally (or proportionally by area drained) apportioned amongst each respective property owner, for each instance where a notice is served under this section. The cost and administrative fee shall be due and payable within thirty (30) days after the same are assessed.
- D) Any fees or costs which remain unpaid for a period in excess of fifteen (15) days after the bill date shall be considered delinquent and subject to a five percent (5%) penalty for late

payment. Delinquent accounts are subject to charges and penalties as set forth under 937.20 and 937.21

- E) Any owner or benefiting party aggrieved by an action(s) of the Public Service Director under this section may take an appeal to the Utility Claims Board of Appeals within thirty (30) days of the date service of notice of such action upon the property owner and/or benefiting party.

e) **EXEMPTIONS**

- 1) Exemptions are appropriate for certain land use activities which clearly do not generate significant increases in storm water runoff. Where exemptions are granted under this Section, they shall apply to the requirements for runoff control only and do not imply a relaxation of requirements for adequate and proper on-site drainage or the ability of the system to accept runoff from tributary land. The following land uses and developments are exempted from storm water runoff controls:
 - A) Land preparation for agricultural crops, orchards, woodlots, sod farms, and nursery operations.
 - B) Land grading or leveling for erosion control under direction of the local soils conservation district, or other government agencies that are charged with responsibility for environmental protection.
 - C) Land developments with a combined area of less than one acre.
 - D) Single family residential developments that are a portion of a subdivision originally consisting of one or more acres and where the area of the remaining undeveloped or not permanently stabilized lots is less than one acre.
 - E) Multi-family residential or commercial developments which total less than one acre.
 - F) Redevelopment of existing buildings, their related parking lots, and structures where less than one acres is to be altered by grading, draining, removing existing ground cover, or paving; and of which one acre or less will be impervious areas, such as roofs, walks, and parking areas, when redevelopment is completed.
 - G) Situations where existing and adequate off-site storm water runoff control facilities provide the required control. However, this shall not be construed to imply the first development requesting use shall have full use of available capacity. Rather, such exemption shall be calculated based on a proportional use of available storage capacity to ensure that later developments have a similar opportunity to utilize a portion of the storage capacity.

f) STORM WATER RUNOFF CONTROL CRITERIA

1) Quantitative Control. Storm water quantity control shall be implemented pursuant to the criteria specified as follows:

A) Storm water runoff control shall address both peak rate and total volume of runoff. The peak rate of runoff from an area after development shall not exceed the peak rate of runoff from the same area before development for all storms from one year up to a 100-year frequency, 24-hour storm. In addition, if it is found that a proposed development will increase the volume of runoff from an area, the peak rate of runoff from certain more frequent storms must be controlled further. There are two reasons why increases in volume of runoff require a control standard more restrictive than controlling to the predevelopment condition. They are:

- 1) Increases in volume mean runoff will be flowing for a longer period of time. When routed through a watershed, these longer flows may join at some point or points downstream thereby creating new peak flows and the problems associated with peak flow (flooding). This is known as the "Routing Problem."
- 2) Longer flow periods of large runoff quantities place a highly erosive stress on natural channels. This stress can be minimized by reducing the rate of discharge. The permissible peak rate shall be determined as follows:
 - i. Determine the total volume of runoff from a 1-year frequency, 24-hour storm occurring over the area before and after development.
 - ii. Determine the percentage of increase in volume due to development and using this percentage, pick the critical storm from the following table (Table A):

Table A. Critical Storm for Discharge Calculations

If the percentage of increase in VOLUME of Runoff is		The Critical Storm for Discharge limitations will be
Equal to or greater than	And less than	
--	10%	1 year
10%	20%	2 year
20%	50%	5 year
50%	100%	10 year
100%	250%	25 year
250%	500%	50 year
500%	--	100 year

- B) The peak rate of runoff from the critical storm occurring over the development shall not exceed the peak rate of runoff from a 1-year frequency storm occurring over the same area under predevelopment conditions. Storms of less frequent occurrence (longer return period) than the critical storm, shall have peak rate runoff not greater than for the same storm under predevelopment conditions. As an example, if the total volume is to be increased by 35%, the critical storm is a 5-year storm. The peak rate of runoff for all storms up to this intensity shall be controlled so as not to exceed the peak rate of runoff from *an* 1-year frequency storm under predevelopment conditions in the area. The runoff from a more intense storm up to a 100-year storm needs only to be controlled so as not to exceed the predevelopment peak rate from the same frequency of storm.
 - C) Storage volume, generally, does not have to be provided for off-site upstream drainage areas. However, flow from such areas must be routed through the drainage systems in the development under consideration, at its existing rate of flow, whether surface, subsurface, or both.
- 2) Qualitative Control. Storm water quality control shall be implemented into sites within developing areas in accordance with the general and specific requirements outlined in the Ohio EPA-issued General Permit for Storm water Discharges associated with Construction Activity (OEPA Permit No. OHC000003, Part IIIG.2.e), or any subsequent OEPA-issued revision.

g) STORM WATER SYSTEM DESIGN

Storm water drainage and management facilities including underground pipes, inlets, culverts, catch basins, and retention or detention basins shall meet the design requirements specified in the Construction and Material Specifications and City Storm Water Policies.

h) ROUTINE AND REMEDIAL MAINTENANCE

The City will provide for inspection and routine maintenance of storm drainage facilities that have been accepted for maintenance by the City. A maintenance agreement policy for all privately held storm water management facilities must be submitted to the City Engineer, and recorded as a restrictive covenant on the property deed for that facility prior to review and approval of the site development plans by the City. Municipal maintenance may include storm water conveyance-related structure cleaning and repair. For other storm drainage facilities not accepted for maintenance by the City, the City may provide for remedial maintenance of facilities based upon the severity of storm water problems and potential hazard to public health and safety, through the abatement procedures described in Section I, below. For the purposes of this Policy, maintenance associated with privately owned retention/detention basins including,

but not limited to, mowing, rivulet repair, basin bottom fill, seeding, fertilizing and/or algae removal, are neither considered “potentially hazardous” to the public nor are they considered “severe” storm water problems, and maintenance will not be provided by the City except in case of public emergency as determined by the City Engineer.

i) DRAINAGE CORRECTIONS.

1) Notice to Correct Drainage.

A) When the Public Service Director finds that a tract of land is inadequately drained or that there is an obstruction to a culvert, covered drain, or other natural or man-made watercourse that interferes with water naturally flowing therein or that such culvert, drain or watercourse is of insufficient capacity to reasonably accommodate the flow of water; or that a condition which alters, impairs, reduces, restricts or otherwise damages any part of the storm water system or which may do so in the event of a severe rainstorm constitutes a public hazard or nuisance, the Public Service Director or his/her duly authorized representative shall notify the owner or person having possession, charge or management of such land to remove the obstruction or provide the necessary drainage. Such notice shall be served on such persons by personal delivery, by mail at the last known place of residence or by posting on the premises.

B) The owner must comply with the orders of the Public Service Director within the time specified, not to exceed ten (10) days. Failure to comply with such order shall constitute an unlawful act. Each and every day thereafter during which the owner fails to carry out the order of the Public Service Director or his/her duly authorized representative, shall constitute a separate offense as specified in Section 937.99.

2) Emergencies and Abatement.

In case of an emergency, the Director of Administration may direct that action be taken immediately to correct the condition or abate the activity to protect the public health, safety and welfare. The Utility may perform the required work and charge the owner the abatement costs.

3) Notice.

A) In any case, where a condition described in Section 937.07.I exists for more than ten (10) days, the Public Service Director shall serve written notice on the property owner directing the owner within a specified period of time, to fill or drain such land, remove any obstruction; and, if necessary, enlarge the culverts, drains or watercourse to meet the requirements of this Code.

B) After service of notice or after publication in a paper of general circulation in the City for two (2) consecutive weeks, the owner,

or his agent or attorney, shall comply with the directions of the Public Service Director's notice within the time therein specified. In the event an owner fails or refuses to comply with the Public Service Director's notice, the City may perform the required work and charge the owner the abatement costs. If the owner is more than thirty (30) days delinquent in payment after notice, provisions in 937.99 shall apply.

- C) Owners of real property in the City consent to the entry of City employees or their agents, upon any real property in the City, for all reasonable times during normal business hours for the purpose of inspection, repair or maintenance required by this policy.
 - D) Non-action by the City to observe or recognize hazardous or unsightly conditions or to recommend denial of a permit or zoning change shall not relieve the owner or person having possession, charge or management of such land from the responsibility for the condition or damage resulting therefrom, and shall not result in the City, its officers or agents being responsible for any condition or damage resulting therefrom.
 - E) Nothing in this policy shall be construed as authorizing any person to maintain a private or public nuisance on his property, and compliance with the provisions of this policy shall not be a defense in any action to abate such nuisance.
- 4) Abatement Costs. The Director of Administration shall account for all costs associated with an emergency or abatement including, but not limited to, administration, notification, inspection, serving of papers or documents, legal counsel, force account labor, enforcement, operational services and outside contracted services. These costs shall be added to the owner's storm water drainage service charge.
- 5) Penalty. This section shall not be construed to relieve the owner of any penalties prescribed by Section 937.99.

937.08 COOPERATION WITH FEDERAL, STATE AND OTHER AGENCIES AND POLITICAL SUBDIVISIONS.

The City, upon the recommendation of the Mayor and approval by Council, may enter into agreements with other political subdivisions including the Cities, County, State of Ohio, federal government and other agencies having power to regulate storm water as provided by law where required. The City shall have the right to enter into agreements to make drainage improvements, where required, and as provided by law.

937.09 NATIONAL FLOOD INSURANCE PROGRAM.

The Utility shall assist the City Engineer in the administration of the National Flood Insurance Program, pursuant to Chapter 1313 - Flood Damage Prevention Code.

937.10 PERMITS PROCESS.

- a) It shall be unlawful for any person or organization to construct, enlarge, alter, repair, relocate, or demolish a storm sewer, natural watercourse or other drainage facilities without first obtaining a proper permit from the City Engineer and paying the prescribed fee.
- b) Permits are required for the following improvement categories:
 - 1) Connection into the public storm water system.
 - 2) Improvements which are or will become public facilities.
 - 3) Improvements within dedicated but unimproved street rights-of-way.
 - 4) Improvements which require retention or detention facilities.
- c) An application shall be made by the owner of the property involved or his authorized agent employed in connection with the proposed work.
- d) A permit shall expire by limitation when no work is started within one hundred eighty (180) days from the date of issuance. However, one 1) renewal, which shall be valid for one hundred eighty (180) days commencing upon expiration of the original permit, shall be granted upon written application made prior to the expiration of the original permit.

937.11 PLAN REVIEW PROCESS.

- a) Plans for improvements made within the City that require storm water drainage facilities and/or changes or alterations to existing storm water drainage facilities must be submitted to the City Engineer for review and approval. Plans and applications may be submitted directly to the Utility or through the Development permit process. All drainage improvements must be in compliance with Chapter 1313 - Flood Damage Prevention Code. The City Engineer shall have thirty (30) days after the date of receipt of application to review each plan submitted. Plans that are not approved must be resubmitted after revisions are made. No permit shall be issued until a plan is approved, or the need for a permit is waived, by the City Engineer.
- b) All applications for permits shall be accompanied by five 5) sets of plans and two 2) sets of specifications. In addition to the plans and specifications, the applicant shall provide all statements, calculations, drawings and other supporting data regarding the manner in which storm water runoff from the project site on the proposed development area will be controlled.
- c) Every improvement shall be provided with a storm water system capable of handling storm waters flowing onto the improvement site from other areas as well as storm water from the site itself. The drainage system shall be designed to discharge into an adequate drainage outlet facility without producing any adverse effect on adjacent or downstream properties.

- d) A storm drainage facility shall be constructed when the storm water flow from the tributary area, as determined by the City Engineer, is a hazard to adjoining property.
- e) The storm water drainage system shall not be combined with any part of the sanitary sewer system, nor shall sanitary water be discharged thereto.

937.12 PERMIT REVIEW.

It shall be the responsibility of the City Engineer and the Public Service Director to examine the application as described in the plan review process. If the examination reveals no objections to the proposed plan and it appears that the proposed work will be in compliance with codes, laws and ordinances applicable thereto and the proposed construction or work will be in conformance with this Code, the application shall be approved and a permit issued, as soon as practicable. If the examination reveals otherwise, the application shall be rejected and the findings shall be communicated in writing to the applicant.

937.13 PERMIT FEES.

The owner/developer shall pay a permit fee and an inspection fee as for all storm water facilities to be constructed. These fees shall be as defined in Section 1100 in this code.

937.14 PERMIT REVOKED.

- a) The Public Service Director or the City Engineer may revoke the permit or stop work for any of the following reasons:
 - 1) When there is a violation of any provision of this Code, any ordinance of the City or statute of the State relating to the project.
 - 2) When the continuance of any work becomes dangerous to life or property.
 - 3) When there is a violation of any condition on which the issuance of the permit was based.
 - 4) When any false statement or misrepresentation has been made upon the application, plans or specifications on which the issuance of the permit or approval was based.
 - 5) When work is discontinued for a period of one 1) year or when, in the opinion of the Public Service Director or City Engineer, the completion of the work has been unduly delayed.
- b) No revoked permit may be reissued until the plans and uncompleted work are made to comply with all the requirements of all laws, codes, regulations and ordinances then in effect.

937.15 INSPECTION AND SURVEILLANCE.

- a) After an application is approved and a permit is issued, construction can begin. It shall be the responsibility of the Public Service Director, or his/her designee, to inspect (or designate others to inspect) the premises for which permits have been issued.
- b) When the Public Service Director or his/her designee finds the drainage facility, or the construction thereof, is contrary to the approved plans, or presents an unsafe or dangerous condition in connection with the provisions of

this Code or of any law or ordinance relating to the same subject matter, the Public Service Director or his/her designee, shall give written notice to the owner of the premises or the contractor responsible for the work. The notice shall state where and in what respect the work does not conform to the approved plans, or state the defective condition and law violated, and shall specify a reasonable period of time in which to conform to the plans or the Code.

- c) Notice, as required by this provision, is to be served on the owner and permittee, agent, contractor or other person responsible for the work or violation related to this Code, by personal delivery or by certified mail addressed to his last known place of residence or place of business. If the owner and permittee, agent or contractor fails to comply with said notice within the time period specified, such failure shall result in a revocation of the permit.
- d) In every instance, a revocation notice of the permit shall be in writing and shall be served upon the owner and permittee, his agent or the person having charge of the work. A revocation notice shall also be posted alongside the permit. After the notice is received or posted, it shall be unlawful for any person to proceed with any operation for which such permit was issued. No part of the fees for such permit shall be returned.

937.16 RIGHT OF ENTRY FOR SURVEY AND EXAMINATION.

- a) The employees of the Utility, or its agents including contractors and their employees, consultants and their employees, may enter upon lands within the City to make surveys and examinations to accomplish the necessary preliminary findings to establish a Master Plan and for detailed analysis to prepare final plans and specifications for the proposed improvements.
- b) Where improvements are made that require periodic maintenance or inspection upon the lands by the Utility, the owner of such lands must grant the City a perpetual easement and right of entry around and access to any storm water channel or facility, including storm sewers.
- c) Where improvements are required upon lands, the owner of such lands must grant the City a temporary right of entry for construction and specification purposes where required. This consent shall provide the City with the right of access only during the period of construction.

937.17 STORM WATER ENTERPRISE FUND.

All revenues generated by or on behalf of the Utility including storm water drainage service charges, permit and inspection fees, direct charges and interest earnings shall be deposited in the Storm water Fund, hereby created, and used exclusively for carrying out the purpose of Chapter 937.

937.18 ESTABLISHMENT OF STORM DRAINAGE SERVICE CHARGES.

- a) Application. A storm water drainage service charge is imposed on each and every lot or parcel of land within the City and on the owner thereof, excepting only public streets, boulevards, alleys, viaducts, sidewalks, curbing, street

crossings, grade separations and other public ways, highway structures and appurtenances belonging to the City.

- 1) Road and freeway rights-of-way shall be exempted from the storm water drainage service charge because they function as part of the storm water collection and conveyance system. Railroads and other rights-of-way will be charged as described herein.
 - 2) Properties that have existing storm water detention facilities, or those planning such facilities, may have their storm water drainage service charges reduced as determined by the Public Service Director. The detention facilities must be in accordance with the hydrologic, hydraulic and structural design requirements of the rules and regulations developed by the Utility under Section 937.07. Facilities of a temporary nature will not be allowed a decrease in their charges.
- b) Monthly Charge per Equivalent Runoff/Residential unit (ERU). Bills for storm water service shall be rendered monthly. The monthly charge per ERU shall be as established below. One ERU is equivalent to 2,700 square feet. The monthly charge per ERU shall be reviewed annually beginning in 2005 and adjusted to meet the Utility's budget for the next five year's operations and capital improvements. Any increase to the ERU charge noted below shall be approved by Council.
- c) Schedule of Fees. Each single-family property shall be billed as One 1) ERU. All non single-family property owners' bill shall be based on impervious area. Effective January 1, 2009, One 1) ERU Value shall be billed at \$2.75 per month.
- d) Continuance of Fee Structure. The maximum ERU permitted under this section shall never exceed the equivalent of 2,700 square feet and the billing per month shall never be less than two dollars and seventy-five cents (\$2.75) per month for one 1) ERU value.

937.19 COLLECTION OF STORM WATER DRAINAGE SERVICE CHARGE.

The storm water drainage service charge shall be paid by the owner of each lot or parcel which is subject to this charge when billed.

937.20 DELINQUENT CHARGES.

Each bill for Storm water service remaining unpaid fifteen days after the bill date shall become delinquent and subject to a five percent (5%) penalty for late payment. Should the past due date of a bill coincide with a Saturday, Sunday or a legal holiday, it will automatically be extended to the first full business day following.

937.21 COUNTY CERTIFICATION.

All bills for Storm water delinquent as of August 15 of each year shall have a final written notice issued with full payment due by August 31. Delinquent accounts after such final notice shall be forwarded to the County Auditor who shall place such amount on the tax duplicate of the owner's property and collect such charges and penalties in the same manner as other taxes are collected.

937.22 STORM WATER CREDIT.

- a) Credits will be given to non-single family properties for reducing peak flow of runoff from a property using storm water detention or retention or by providing maintenance on the part of the public, open channel storm water systems passing through the property.
- b) In order to receive credits, property owners must complete an application packet. In order to receive certain levels of credit, a registered professional engineer must perform engineering calculations. The City will institute the credit, if applicable, after reviewing the application packet. Details of the credit program and all applications shall be contained in the storm water credit manual. The Credit Manual and application forms are available at the Engineering Department, and on the City of Marysville website.
- c) A minimum peak flow credit of twenty-five percent (25%) can be obtained by having a storm water detention facility that meets City standards and functions as designed. A peak flow credit of up to fifty percent (50%) can be obtained by providing an engineering analysis.

937.23 APPEALS.

The Utility Claims Board of Appeals, as set forth in Chapter 935 of the Codified Ordinances, shall hear appeals. A property owner may appeal a decision made by an agent of the City of Marysville, pursuant to this chapter, by sending a notice of appeal to the Utility Claims Board of Appeals, 125 E. 6th Street, Marysville, Ohio 43040, within ten (10) days of receiving the decision.

937.99 PENALTY.

Any person being the owner, agent, or having control of the premises, architect, engineer, contractor, builder, subcontractor, foreman, mechanic, employee, or any other person who pleads guilty or is convicted of a violation of the provisions of this Code, or of any certificate, order, or permit issued thereunder, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00). Each and every day on which such person continues to violate the provisions of this Code, after having once been notified of such violation, shall be deemed to be a separate offense.

The imposition of any fine or penalty pursuant to this policy shall not preclude the City Attorney from instituting any appropriate legal proceeding and pursuing any and all available legal remedies in a Court of proper jurisdiction to correct or abate a violation, require compliance with this policy or other applicable chapters, ordinances, regulations or rules of the City or State of Ohio as determined to be appropriate by the City Attorney. Fines or penalties delinquent for more than thirty (30) days after the final notice shall be forwarded to the County Auditor who shall place such amount on the tax duplicate and collect such charges and penalties in the same manner as other taxes are collected.