

ORDINANCE NO. 2015-036

AN ORDINANCE ENACTING NEW CODIFIED SECTION 931.06, KNOWN AS THE DEFINITIONS FOR STORM WATER REGULATIONS FOR THE CITY OF FINDLAY, OHIO.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio:

SECTION 1: That a new Section 931.06 of the Codified Ordinance of the City of Findlay, Ohio be and the same is hereby enacted to be known as the definitions for storm water regulations to read as follows:

For purpose of any storm water regulations, the following terms shall have the meaning herein indicated:

- (1) "ACRE": A measurement of area equaling 43,560 square feet.
- (2) "AS-BUILT SURVEY": A survey shown on a plan or drawing prepared by a Registered Surveyor indicating the actual dimensions, elevations, and locations of any structures, underground utilities, swales, detention facilities, and sewage treatment facilities after construction has been completed.
- (3) "AUTHORIZED AGENT": Any Person authorized by the City of Findlay's Safety Director to enforce the City's storm water regulations, including, but not limited to the MS4 Coordinator.
- (4) "BEST MANAGEMENT PRACTICES" (BMPs): Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices (both structural and non-structural) to prevent or reduce the pollution of water resources and wetlands. BMPs also include treatment requirements, operating procedures, and practices to control facility and/or construction site runoff, spillage, or leaks; sludge or waste disposal; or drainage from raw material storage.
- (5) "CPESC Certified Professional": A Person certified as a Certified Professional in Erosion and Sediment Control or with similar qualifications as pre-approved by the City of Findlay.
- (6) "CLEAN WATER ACT": Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4, 33 U.S.C. 1251 et. seq. Referred to as the Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972.
- (7) "COMPREHENSIVE STORM WATER MANAGEMENT PLAN": The written document and plans meeting the requirements of this regulation that sets forth the plans and practices to minimize storm water runoff from a development area, to safely convey or temporarily store and release post-development runoff at an allowable rate to minimize flooding and stream bank erosion, and to protect or improve storm water quality and stream channels.

- (8) "CONSTRUCTION ENTRANCE": The permitted points of ingress and egress to development areas regulated under this regulation.
- (9) "DETENTION FACILITY": A basin, pond, oversized pipe, or other structure that reduces the peak flow rate of storm water leaving the facility by temporarily storing a portion of the storm water entering the facility.
- (10) "DEVELOPMENT AREA": A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.
- (11) "DISTURBED AREA": An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.
- (12) "DRAINAGE": (1) The area of land contributing surface water to a specific point. (2) The removal of excess surface water or groundwater from land by surface or subsurface drains.
- (13) "DRAINAGE WATERSHED AREA": A hydraulically unique watershed with individual outlet points on the development area
- (14) "ENVIRONMENTAL PROTECTION AGENCY OR UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA)": The United States Environmental Protection Agency, or any duly authorized official of said agency.
- (15) "EROSION": The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.
- (16) "EROSION AND SEDIMENT CONTROL": The control of soil, both mineral and organic, to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.
- (17) "EXTENDED CONVEYANCE": A storm water management practice that replaces and/or enhances traditional open or closed storm drainage conduits by retarding flow, promoting percolation of runoff into the soil, and filtering pollutants during the storm water quality event.
- (18) "EXTENDED DETENTION": A storm water management practice that replaces and/or enhances traditional detention facilities by releasing the runoff collected during the storm water quality event over at least 24 to 48 hours, retarding flow and allowing pollutants to settle within the facility.
- (19) "FINAL STABILIZATION": All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 80% coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed.

- (20) "FLOATABLE MATERIALS": Any foreign matter that may float or remain suspended in the water column, and includes but is not limited to, plastic, aluminum cans, wood products, bottles, and paper products.
- (21) "GRADING": The process in which the topography of the land is altered to a new slope.
- (22) "HAZARDOUS MATERIAL": A 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 to potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (23) "HYDROLOGIC UNIT CODE": A cataloging system developed by the United States Geological Survey and the Natural Resource Conservation Service to identify watersheds in the United States.
- (24) "ILLICIT DISCHARGE": As defined at 40 C.F.R. 122.26 (b)(2) and including any discharge to an MS4 that is not composed entirely of storm water, except for those discharges to an MS4 pursuant to a NPDES permit or as specifically excepted in Chapter 935.
- (25) "IMPERVIOUS COVER": Any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks, and other areas not covered by vegetation.
- (26) "INFILTRATION": A storm water management practice that does not discharge to a water resource during the storm water quality event, requiring collected runoff to either infiltrate into the groundwater and/or be consumed by evapotranspiration, thereby retaining storm water pollutants in the facility.
- (27) "INSPECTION AND MAINTENANCE AGREEMENT": Agreement obligating Site Owners to perform required maintenance.
- (28) "LARGER COMMON PLAN OF DEVELOPMENT OR SALE": A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
- (29) "MAXIMUM EXTENT PRACTICABLE": The level of pollutant reduction that site owners of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, must endeavor to meet.
- (30) "MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)" As defined at 40 C.F.R. 122.26 (b)(8), municipal separate storm sewer system means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

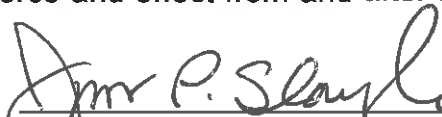
- a. Owned or operated by a State, city, town, borough, county, parish, district, municipality, township, association, or public body (created by or pursuant to State law) having jurisdiction over sewage, industrial wastes, including special districts under State law such as a sewer district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the United states;
 - b. Designed or used for collecting or conveying storm water;
 - c. Which is not a combined sewer; and
 - d. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at C.F.R. 122.2
- (31) "NPDES": National Pollutant Discharge Elimination System. A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.
- (32) "NONSTRUCTURAL STORM WATER MANAGEMENT PRACTICE": Storm water runoff control and treatment techniques that use natural practices to control runoff and/or reduce pollution levels.
- (33) "OWNER/OPERATOR": means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or on the owner's behalf.
- (34) "PARCEL": A tract of land occupied or intended to be occupied by a use, building or group of buildings and their accessory uses and buildings as a unit, together with such open spaces and driveways as are provided and required. A parcel may contain more than one contiguous lot individually identified by a 'Permanent Parcel Number' assigned by the Hancock County Auditor's Office.
- (35) "PERSON": Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof.
- (36) "PHASING": Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.
- (37) "POLLUTANT": Anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, sediment, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.

- (38) **“POST-DEVELOPMENT”**: The conditions that exist following the completion of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of storm water runoff.
- (39) **“PRE-DEVELOPMENT”**: The conditions that exist prior to the initiation of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of storm water runoff.
- (40) **“PROFESSIONAL ENGINEER”**: A Professional Engineer registered in the State of Ohio.
- (41) **“PUBLIC HEALTH NUISANCE”**: means any activity or failure to act that adversely affects the public health and shall include, but is not limited to, any condition which poses an immediate and direct hazard to human health if left un-remedied due to the existence of the condition itself or due to the immediate threat of transmission of disease through insects, animals, or other means of transmission or infections.
- (42) **“QUALIFIED INSPECTION PERSONNEL”**: A person knowledgeable in the principles and practice of erosion and sediment controls, who possess the skills to assess all conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measure selected to control the quality of storm water discharges from the construction activity.
- (43) **“RAINWATER AND LAND DEVELOPMENT GUIDE”**: Ohio’s standards for storm water management, land development, and urban stream protection. The most current edition of these standards shall be used with this regulation.
- (44) **“REDEVELOPMENT”**: A construction project on land where impervious cover has previously been developed and where the new land use will not increase the runoff coefficient. If the new land use will increase the runoff coefficient, then the project is considered to be a new development project rather than a redevelopment project.
- (45) **“REGISTERED PROFESSIONAL SURVEYOR”**: A person who is registered as a professional surveyor under Ohio Revised Code Chapter 4733.
- (46) **“RIPARIAN AREA”**: Land adjacent to any brook, creek, river, or stream having a defined bed and bank that, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of this regulation.
- (47) **“RUNOFF”**: The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually conveyed to water resources or wetlands.

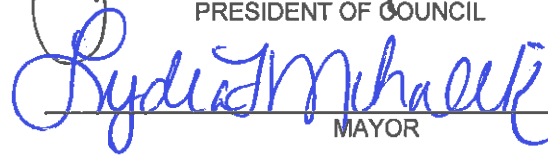
- (48) "SEDIMENT": The soils or other surface materials that are transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.
- (49) "SEDIMENTATION": The deposition or settling of sediment.
- (50) "SETBACK": A designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. Soil disturbing activities in this area are restricted by this regulation.
- (51) "SITE OWNER/OPERATOR": Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, limited liability company, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof that is: the record owner of the property; responsible for the overall property or portion thereof; or the organization responsible for maintaining a Structural Storm Water Management Practice, including, but not limited to an owners association as defined in Ohio Revised Code Chapter 5312 to mean an organization that is comprised of owners of lots in a planned community that is responsible for the administrative governance, maintenance, and upkeep of the planned community.
- (52) "SOIL DISTURBING ACTIVITY": Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.
- (53) "SOIL & WATER CONSERVATION DISTRICT": An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as Hancock County SWCD.
- (54) "STABILIZATION": The use of BMPs, such as seeding and mulching), that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.
- (55) "STORM WATER" Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation
- (56) "STORM WATER POLLUTION PREVENTION PLAN (SWP3)": The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.
- (57) "STRUCTURAL STORM WATER MANAGEMENT PRACTICE": Any constructed facility, structure, or device that provides storage, conveyance, and/or treatment of storm water runoff.

- (58) "UNSTABLE SOILS": A portion of land that is identified by the City of Findlay Engineer as prone to slipping, sloughing, or landslides, or is identified by the U.S. Department of Agriculture Natural Resource Conservation Service methodology as having low soil strength.
- (59) "WATER QUALITY VOLUME": The volume of runoff from a contributing watershed that must be captured and treated, per applicable OEPA NPDES guidelines and ODNR Rainwater and Land Development Manual guidelines.
- (60) "WATER RESOURCE": Any public or private body of water; including wetlands; the area within the ordinary high water level of lakes and ponds; as well as the area within the ordinary high water level of any brook, creek, river, or stream having a defined bed and bank (either natural or artificial) which confines and conducts continuous or intermittent flow.
- (61) "WATER RESOURCE CROSSING": Any bridge, box, arch, culvert, truss, or other type of structure intended to convey people, animals, vehicles, or materials from one side of a watercourse to another. This does not include private, non-commercial footbridges or pole mounted aerial electric or telecommunication lines, nor does it include below grade utility lines.
- (62) "WATERSHED": The total drainage area contributing storm water runoff to a single point.
- (63) "WETLAND": Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended).

SECTION 2: This Ordinance shall be in full force and effect from and after the earliest period provided by law.



 PRESIDENT OF COUNCIL



 MAYOR

PASSED: May 19, 2015

ATTEST: Denise DeVero
CLERK OF COUNCIL

APPROVED: May 19, 2015