

ORDINANCE NO. 2015-038

AN ORDINANCE ENACTING NEW CODIFIED CHAPTER 937 KNOWN AS DRAINAGE, EROSION AND SEDIMENT CONTROL 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 Chapter 937 of the Codified Ordinance of the City of Findlay, Ohio be and the same is hereby enacted to be known as drainage, erosion and sediment to read as follows:

CHAPTER 937 DRAINAGE, EROSION AND SEDIMENT CONTROL

937.01 PURPOSE AND SCOPE

The purpose of this Chapter is to meet USEPA standards, and establish technically feasible and economically reasonable standards to achieve a level of Drainage, Erosion and Sediment Control that will minimize damage to property and degradation of Water Resources and Wetlands, and will promote and maintain the health and safety of the citizens of Findlay. The objectives of this regulation are based on USEPA mandates to control Storm Water quantity, quality, and Erosion and are intended to:

- A. Allow development and/or redevelopment within the municipal boundaries and outside the municipal boundaries that discharge to the MS4 while minimizing impacts to existing Drainage courses and increases in Erosion and Sedimentation.
 - (1) Control Storm Water Runoff from such Parcels and ensure that all Storm Water management practices are properly designed, constructed, and maintained.
 - (2) Control the volume, rate, and quality of Storm Water Runoff originating from such Parcels so that surface water and ground water are protected and flooding and Erosion potential are not increased.
 - (3) Preserve natural Infiltration and ground water recharge, and maintain subsurface flow that replenishes Water Resources.
 - (4) Maximize the use of Storm Water management practices that serve multiple purposes including, but not limited to, flood control, Erosion and Sediment Control, water quality protection, recreation, and habitat preservation.
 - (5) Design sites to minimize the number of stream crossings and the width of associated Soil Disturbing Activity in order to minimize the City of Findlay from future expenses related to the maintenance and repair of stream crossings.
- B. Reduce water quality impacts to receiving Water Resources and Wetlands that may be caused by new development and redevelopment activities.

937.02 APPLICABILITY

This Chapter shall apply to all Parcels used or being developed, either wholly or partially, for new or relocated projects involving: highways and roads; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; redevelopment activities; grading; and all other uses that are not specifically exempted below:

- A. This Chapter does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules.
- B. This Chapter does not require a Storm Water Pollution Prevention Plan (SWP3) for linear construction projects, such as pipeline or utility line installation **on private property and approved by the Public Utilities Commission of Ohio or the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA)**, that do not result in the installation of impervious surface as determined by the City of Findlay Engineer. Such projects must be designed to minimize the number of stream crossings and the width of disturbance. Linear construction projects must comply with USEPA requirements regarding Erosion and Sediment Control.

937.03 DISCLAIMER OF LIABILITY

Compliance with this Chapter shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular Parcel.

937.04 CONFLICTS, SEVERABILITY, NUISANCES & RESPONSIBILITY

- A. Where this Chapter is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the City of Findlay, shall prevail.
- B. If any clause, section, or provision of this Chapter is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.
- C. This Chapter shall not be construed as authorizing any person to maintain a Public Health Nuisance on their property, and compliance with the provision of this regulation shall not be a defense in any action to abate such a Public Health Nuisance.
- D. Failure of the City of Findlay to observe or recognize unsightly conditions or to recommend corrective measures shall not relieve the Site Owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City of Findlay, its officers, employees, or agents being responsible for any conditions or damage resulting therefrom.

937.05 DEVELOPMENT OF DRAINAGE PLANS

- A. This Chapter requires that a drainage plan be submitted and implemented for all Parcels that are being developed or redeveloped and that are subject to site plan or plat approval, **unless specifically exempted in Section 937.02.**
- B. The following information shall be submitted as part of an engineered site plan or construction drawing application.
- (1) The design of storm sewer systems will be based upon the "Rational Method" using the equation $Q=CiA$ and the "Manning Formula" (A is less than 100 acres). Areas greater than 100 acres use State of Ohio Bulletin Number 43 and compare with Bulletin Number 45 Floods in Ohio or Soil Conservation Service Technical Release #55, 2nd edition.
 - (2) Complete drainage calculations shall be submitted for pipe size determinations, 10 year hydraulic gradient checks and catch basin type and spacing designs. All culverts will be designed for a 10 year frequency storm with a hydraulic gradient check for a 25 year storm. The HGL shall be consistent with any data available at the City or County Engineer's office if established. Drainage calculations shall be prepared, organized, and submitted in a report format for review by the City engineer. The report shall include the designer and/or reviewer name(s) and the seal, signature, and date of the Professional Engineer responsible for the calculations in accordance with Section 4733.14 of the *Ohio Revised Code*.
 - (3) Storm sewers shall be designed to flow just full for the 5 year intensity-duration-frequency curve. The minimum velocity at just full shall be 2 feet per second. Minimum pavement gutter elevations shall be at or above the hydraulic grade line for a 10 year frequency storm. Use the 10 year intensity-duration-frequency curve for determining this hydraulic grade line.
 - (4) Detention/Retention facilities will be required. Existing conditions may limit the allowable out flow of the proposed site. The allowable outflow will be limited to the existing 5 year intensity storm for existing conditions of the proposed site and/or available capacity of the outlet, whichever is lesser. The detention facility shall store the proposed inflow from a 100 year intensity storm without overtopping a multi-stage outlet control structure.
 - (5) A flood route will be shown on the plan depicting the flow path of storm water in the event of a structure failure or storm that exceeds design capacity

- (6) Grading plans will be required showing the proposed elevations at the right of way line, building lines and back lot lines. In areas where the site grading plan calls for the conveyance of surface storm water along or across rear property lines, a catch basin shall be provided. An absolute minimum grade of 0.3% shall be provided for rear lot swales. Flood routing shall be illustrated for the structures.
 - (7) Flood Hazard Boundary (if applicable) shall be shown along with a clear delineation and plan for work within the Flood Hazard Zone. Any FEMA permits required to accomplish grading and or construction objectives shall be identified. Reference also the City of Findlay Flood Damage Reduction Ordinance.
- C. FEMA regulations shall be strictly followed for all developments. Impacts on floodway and floodway fringe shall be addressed. Filling in floodplain requires a permit the City of Findlay. Flood boundaries shall be shown on plans along with 100 year storm elevations. All necessary CLOMRs, LOMRs, or LOMAs shall be secured from FEMA before construction of buildings can commence. FEMA studied streams and ditches require that new structures do not raise 100 year flood elevation unless public notification is performed and all parties affected by change are contacted and are agreeable to the raise in the 100 year flood elevation.
- D. The City of Findlay shall administer this regulation, and the City Engineer shall be responsible for determining the adequacy of the information submitted (B)(1)-(B)(6) of this Section and may request additional information.

937.06 DEVELOPMENT OF STORM WATER POLLUTION PREVENTION PLANS

- A. This Chapter requires that a Storm Water Pollution Prevention Plan (SWP3) be developed and implemented for all Parcels disturbing **one or more contiguous acres of land owned by one person or operated as one development unit** on which any regulated activity of Section 937.02 is proposed.
- B. The City of Findlay shall administer this Chapter, but the Site Owner/Operator shall be responsible for compliance with Section 937.06(A). The City of Findlay may consult with the Hancock County SWCD, private engineers, storm water districts, or other technical experts in administering any SWP3.

937.07 APPLICATION PROCEDURES

- A. Storm Water Pollution Prevention Plan (SWP3): The applicant shall submit any established application fee with the required number of plans consistent with the application for final plat, improvement plans, or other application for which drainage control or land disturbance activity is warranted or will be performed. The plans shall be prepared by a CPESC Certified Professional Engineer. The Plan shall show the proposed property boundaries, setbacks, dedicated open space, public roads, water resources, storm water control facilities, and easements. The SWP3 shall summarize the engineering analysis to allow the City of Findlay Engineer to determine if the site is designed to meet the intent of this Chapter and if the proposed storm water management practices are capable of controlling runoff from the site in compliance with this regulation. The SWP3 shall meet the requirements of Section 937.09 and shall be on record with the City of Findlay Engineering Department prior to any Land Clearing or Soil Disturbing Activity, approval of the final plat or before issuance of a zoning permit by the Zoning Inspector.
- B. Review and Comment: The City of Findlay Engineer and/or the MS4 Coordinator shall review the Plans submitted for completeness, and may issue comments and recommendations for revisions. A Plan rejected because of deficiencies shall be resubmitted when deficiencies have been corrected.
- C. Plan Required: Land clearing or Soil Disturbing Activities shall not begin, and zoning or building permits shall not be issued without prior submission of an SWP3, when required.
- D. Validity: A SWP3 shall remain valid for a timeframe corresponding with type of project for which the application was made.

937.08 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS

Approvals issued in accordance with this regulation do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the US Army Corps of Engineers, and other federal, state, and/or county agencies. If requirements vary, the most restrictive requirement shall prevail. These permits may include, but are not limited to, those listed below. Such permits shall be identified and the applicant shall attest to compliance with the identified state and federal permits or regulations. The City may require additional proof of compliance for the following:

- A. Ohio EPA NPDES Permits authorizing storm water discharging associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI) number from the Ohio EPA, a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.

- B. Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Corps of Engineers at the time an application is made under this regulation.
- C. Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands Permit is not applicable. Isolated wetlands shall be delineated by protocols accepted by the U.S. Corps of Engineers at the time an application is made under this regulation.
- D. Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U. S. Army Corps of Engineers Individual Permit application, public notice, or project approval, if an Individual Permit is required for the development project. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:
- (1) A letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 404 of the Clean Water Act is not applicable.
 - (2) A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U. S. Corps of Engineers at the time an application is made under this regulation.
- E. Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Water Permit application tracking number, a copy of the project approval letter from the ODNR Division of Water, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable.

937.09 STORM WATER POLLUTION PREVENTION PLAN

In order to control volume, quality, Sediment pollution of Water Resources and Wetlands, and minimize property damage, the applicant shall submit a SWP3 in accordance with the requirements of this regulation.

- A. Storm Water Pollution Prevention Plan (SWP3) required: The applicant shall develop a SWP3 describing how the quantity and quality of Storm Water will be managed after construction is complete for every discharge from the site and/or into a Water Resource. The Plan will illustrate the type, location, and dimensions of every non-structural and Structural Storm Water Management Practice incorporated into the site design, and the rationale for their selection. The rationale must address how these storm water management practices will address flooding within the site as well as flooding that may be caused by the development upstream and downstream of the site. The rationale will also describe how the storm water management practices minimize impacts to the physical, chemical, and biological characteristics of on-site and downstream Water Resources and, if necessary, correct current degradation of Water Resources that is occurring or take measures to prevent predictable degradation of Water Resources.
- B. Preparation by Professional Engineer: The SWP3 shall be prepared by a registered professional engineer that is a certified professional erosion and sediment control (CPESC) specialist, and include supporting calculations, plan sheets, and design details. The City of Findlay Engineer shall make the final determination of whether the practices proposed in the Comprehensive Storm Water Management Plan meet the requirements of this regulation. To the extent necessary, as determined by the City of Findlay Engineer, a site survey shall be performed by a Registered Professional Surveyor to establish boundary lines, measurements, or land surfaces.
- C. Guidance Documents: The ODNR Rainwater and Land Development Guide is to be used to provide assistance in choosing procedures for specific criteria and guidance to be followed when designing the Storm Water management system for the site. Structural and Non-structural methods, extended conveyance and extended detention are commonly used for water quality volume, sediment, and floatable material controls. These procedures may be updated from time to time, based on improvements in engineering, science, monitoring, and local maintenance experience.
- D. Contents: The Storm Water Pollution Prevention Plan (SWP3) shall contain an application, narrative report, construction site plan sheets, a long-term Inspection and Maintenance Agreement and a site description with the following information provided:
 - (1) Site description:
 - (a) A description of the nature and type of the construction activity (e.g. residential, shopping mall, highway, etc.).

- (b) Total area of the site and the area of the site that is expected to be disturbed (i.e. grubbing, clearing, excavation, filling or grading, including off-site borrow areas).
- (c) A description of pre-development conditions at the site.
- (d) An estimate of the impervious cover and areas affected by the Soil Disturbing Activity at the beginning and conclusion of the project.
- (e) Existing data describing the soils throughout the site, including the soil series and association, Hydrologic Unit Code, hydrologic soil group, porosity, Infiltration characteristics, depth to groundwater, depth to bedrock, and any impermeable layers.
- (f) If available, information of any illicit discharge.
- (g) The location and name of the immediate Water Resource(s) that will receive discharge, and the first subsequent Water Resource(s).
- (h) Describe the Pre-Development condition of on-site or impacted Water Resources including the vertical stability of stream channels and indications of channel incision that may be responsible for current or future sources of high Sediment loading or loss of channel stability.
- (i) An **implementation schedule** which describes the sequence of major Soil Disturbing Activity (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of Erosion and Sediment controls to be employed during each operation. The activities shall fall into one of the following main categories:
 - a. Perimeter Control –All the controls necessary to keep Sediment on the property during initial site work. The measures shall be installed and inspected by CPSEC Certified Professional Engineer before site work can begin.
 - b. Site Control – All other temporary measures required to be in place during all phases of construction.
 - c. Permanent Control – Those measures intended to provide post-construction Erosion and Sediment controls.
 - d. Maintenance – List the maintenance steps or best management practices required for the permanent controls.

Each of these steps shall be certified as complete by a CPESC Certified Professional Engineer.

If possible, the entire site be shown on one plan sheet to allow for a complete view of the site during plan review. If a smaller scale is used to accomplish this, separate sheets providing an enlarged view of areas on individual sheets shall be provided.

(2) Site Plan showing:

- (a) Limits of Soil Disturbing Activity on the site.
- (b) Soils types for the entire site, including locations of unstable or highly erodible soils.
- (c) Existing and proposed one-foot (1') contours. This must include a delineation of Drainage Watersheds expected before, during, and after major Grading activities as well as the size of each Drainage Watershed in acres.
- (d) Water Resource locations including springs, Wetlands, streams, lakes, water wells, flood hazard zone(s), and associated setbacks on or within 200 feet of the site, including the boundaries of Wetlands or streams and first subsequent named receiving water(s) the applicant intends to fill or relocate for which the applicant is seeking approval from the Army Corps of Engineers, FEMA, and/or Ohio EPA.
- (e) Pre-development and post-development locations of buildings, roads, parking facilities, and utilities.
- (f) The location of any in-stream activities including stream crossings.
- (g) The locations of all Erosion And Sediment Controls for each contributing Drainage Watershed area.
- (h) Areas designated for the storage or disposal of solid, hazardous or toxic wastes, including dumpster areas, areas designated for truck washout and vehicle fueling.
- (i) The location of designated Construction Entrances.
- (j) The location of each construction and Post-development Structural Storm Water Management Practice, and identification of the Drainage area served by each storm water management practice.
- (k) Ultimate outfall labeled with latitude and longitude and Ohio North State Plain Coordinates.

- (3) Contact information: Company name and contact information as well as contact name, addresses, and phone numbers for the following:
 - (a) The Professional Engineer who prepared the SWP3.
 - (b) The Site Owner.
 - (4) Phase, if applicable, of the overall development plan.
 - (5) Sublot numbers if project is a subdivision.
 - (6) Ohio EPA NPDES Permit Number and other applicable state and federal permit numbers, if available, or status of various permitting requirements if final approvals have not been received.
 - (7) Location, including complete site address and sublot number if applicable.
 - (8) Location of any easements or other restrictions placed on the use or maintenance of the property. Include volume and page for recorded document.
- E. An Inspection and Maintenance Agreement. An Inspection and Maintenance Agreement shall be required for Post-construction Structural Storm Water Management Practices and shall contain the following information and provisions for recording with the County Recorder on applicable subdivision plats or lot splits by deed:
- (1) A schedule for regular maintenance for each aspect of the Structural Storm Water Management Practice and description of routine and non-routine maintenance tasks to ensure continued performance as detailed in the approved SWP3. This schedule may include additional standards, as required by the City of Findlay Engineer, to ensure continued performance of the Structural Storm Water Management Practices.
 - (2) The location and documentation of all access and maintenance easements on the property.
 - (3) Identification of the Site Owner(s), or organization, responsible for long-term maintenance, including repairs, of the Structural Storm Water Management Practices.
 - (4) Agreement by the Site Owner(s), or organization, to maintain Structural Storm Water Management Practices in accordance with this regulation.
 - (5) Permission for the City of Findlay's Authorized Agent to enter upon the property to conduct inspections as necessary to verify that the Structural Storm Water Management Practices are being maintained and operated in accordance with this agreement/regulation.

- (6) Agreement by the Site Owner(s) to: maintain records of the results of site inspections; identify any corrective actions required to bring the Structural Storm Water Management Practices into compliance; and make such information and records available to the City upon the request of the City.
- (7) If the City of Findlay notifies the Site Owners responsible for maintenance of the maintenance problems that require correction, the specific corrective actions shall be taken within a reasonable time frame as determined by the City of Findlay.
- (8) The City of Findlay is authorized to enter upon the property and to perform the corrective actions identified in the inspection report if the Site Owner responsible for maintenance does not make the required corrections in the specified time period. The City of Findlay shall be reimbursed by the Site Owner responsible for maintenance for all expenses incurred within 10 days of receipt of invoice from the City of Findlay or the City may assess the cost thereof against the lots or lands abutting thereon.
- (9) The method of funding long-term maintenance and inspections of all Structural Storm Water Management Practices.
- (10) A waiver of liability and a release excepting the City of Findlay from all damages, accidents, casualties, occurrences, or claims that might arise or be asserted against the City of Findlay from the construction, presence, existence, or maintenance of the Structural Storm Water Management Practices.

The applicant must provide an Inspection and Maintenance Agreement as part of the Storm Water Pollution and Prevention Plan Submittal. A recorded copy of the Agreement must be submitted before bonding for erosion control is released by the City.

- F. A soils engineering report. The City of Findlay Engineer may require the SWP3 to include a Soils Engineering Report based upon his/her determination that the conditions of the soils are unknown or unclear to the extent that additional information is required to protect against erosion or other hazards. This report shall be based on adequate and necessary test borings, and shall contain all the information listed below. Recommendations included in the report may be incorporated in the grading plans and/or other specifications for site development.
- (1) Data regarding the nature, distribution, strength, and erodibility of existing soils.
 - (2) If applicable, data regarding the nature, distribution, strength, and erodibility of the soil to be placed on the site.

- (3) Conclusions and recommendations for grading procedures.
- (4) Conclusions and recommended designs for interim soil stabilization devices and measures, and for permanent soil stabilization after construction is completed.
- (5) Design criteria for corrective measures when necessary.
- (6) Opinions and recommendations covering the stability of the site.

937.10 PERFORMANCE STANDARDS

The SWP3 must contain a description of the controls appropriate for each construction operation and the applicant must implement such controls. The SWP3 must clearly describe for each major construction activity the appropriate control measures; the general sequence during the construction process under which the measures will be implemented; and the contractor responsible for implementation (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization). The SWP3 shall identify all subcontractors engaged in activities that could impact storm water runoff. The SWP3 shall contain signatures from all of the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the SWP3.

The intent of the ordinance is not to specify the engineering methodology required for meeting NPDES standards. Acceptable methods for erosion and sediment control as defined in the most recent edition of Ohio Department of Natural Resource *Rainwater and Land Development* (Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection) or the USDA NRCS *Field Office Technical Guide*.

The controls shall include the following minimum components:

- A. **NON-STRUCTURAL PRESERVATION MEASURES:** The SWP3 must make use of practices that preserve the existing natural condition to the maximum extent practicable. Such practices may include preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing of construction operations in order to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing or grubbing practices.
- B. **EROSION CONTROL PRACTICES:** The SWP3 must make use of erosion controls that are capable of providing cover over disturbed soils. A description of control practices designed to re-stabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 must provide specifications for stabilization of all disturbed areas of the site and provide guidance as to which method of stabilization will be employed for any time of the year. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction operations, the use of construction entrances, and the use of alternative ground cover.

- C. **RUNOFF CONTROL PRACTICES.** The SWP3 shall incorporate measures that control the flow of runoff from disturbed areas so as to prevent erosion. Such practices may include rock check dams, pipe slope drains, diversions to direct flow away from exposed soils and protective grading practices. These practices shall divert runoff away from disturbed areas and steep slopes where practicable.
- D. **SEDIMENT CONTROL PRACTICES.** The SWP3 shall include a description of, and detailed drawings for, all structural practices that shall store runoff, allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. Such practices may include, among others: sediment settling ponds, silt fences, storm drain inlet protection, and earth diversion dikes or channels which direct runoff to a sediment settling pond. All sediment control practices must be capable of ponding runoff in order to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless used in conjunction with a sediment settling pond.
- E. **NON-SEDIMENT POLLUTANT CONTROLS:** No solid or liquid waste, including building materials, shall be discharged in storm water runoff. The applicant must implement site best management practices to prevent toxic materials, hazardous materials, or other debris from entering water resources or wetlands. These practices shall include but are not limited to the following:
- (1) **Waste Materials:** A covered Dumpster shall be made available for the proper disposal of garbage, plaster, drywall, grout, gypsum, and other waste materials.
 - (2) **Concrete Truck Wash Out:** The washing of concrete material into a street, catch basin, or other public facility or natural resource is prohibited. A designated area for concrete washout shall be made available.
 - (3) **Fuel/Liquid Tank Storage:** All fuel/liquid tanks and drums shall be stored in a marked storage area. A dike shall be constructed around this storage area with a minimum capacity equal to 110% of the volume of all containers in the storage area.
 - (4) **Toxic or Hazardous Waste Disposal:** Any toxic or hazardous waste shall be disposed of properly.
 - (5) **Contaminated Soils Disposal and Runoff:** Contaminated soils from redevelopment sites shall be disposed of properly. Runoff from contaminated soils shall not be discharged from the site. Proper permits shall be obtained for development projects on solid waste landfill sites or redevelopment sites.

- F. **COMPLIANCE WITH OTHER REQUIREMENTS.** The SWP3 shall be consistent with applicable State and/or local waste disposal, sanitary sewer, or septic system regulations, including provisions prohibiting waste disposal by open burning, and shall provide for the proper disposal of contaminated soils located within the development area.
- G. **TRENCH AND GROUND WATER CONTROL.** There shall be no sediment-laden or turbid discharges to water resources or wetlands resulting from dewatering activities. If trench or ground water contains sediment, it must pass through a sediment-settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag or comparable practice. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.
- H. **INSPECTIONS REQUIREMENTS.** All controls on the site shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. The inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions (e.g., site is covered with snow, ice, or the ground is frozen).

The applicant shall assign CPESC qualified inspection personnel to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate, or whether additional control measures are required.

These inspections shall meet the following requirements:

- (1) Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of or the potential for, pollutants entering the drainage system.
- (2) Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that they are operating correctly. The applicant shall utilize an inspection form provided by the City of Findlay or an alternate form acceptable to the City of Findlay Engineer. The inspection form shall include:
 - (a) The inspection date.
 - (b) Names, titles and qualifications of personnel making the inspection.

- (c) General weather information for the period since the last inspection, or in the case of a large storm/discharge, a best estimate of the beginning of each storm event, duration of each storm event and approximate amount of rainfall for each storm event in inches, and whether any discharges occurred.
 - (d) Weather information and a description of any discharges occurring at the time of inspection.
 - (e) Locations of:
 - i. Discharges of sediment or other pollutants from site.
 - ii. BMPs that need to be maintained.
 - iii. BMPs that failed to operate as designed or proved inadequate for a particular location.
 - iv. Where additional BMPs are needed that did not exist at the time of inspection.
 - (f) Corrective action required including any necessary changes to the SWP3 and implementation dates.
- (3) Discharge locations shall be inspected to determine whether erosion and sediment control measures are effective in preventing significant impacts to the receiving water resource or wetlands.
- (4) Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.
- (5) The applicant shall maintain for three (3) years following final stabilization the results of these inspections, the names and qualifications of personnel making the inspections, the dates of inspections, major observations relating to the implementation of the SWP3, a certification as to whether the facility is in compliance with the SWP3, and information on any incidents of non-compliance determined by these inspections.
- I. FINAL STABILIZATION. Final stabilization shall be determined by a certified inspector and notice given to the City of Findlay Engineering Department. The City may perform inspection before bonds are released.
- J. ANNUAL INSPECTION. Annual inspections by a CPESC Certified Professional are required and shall be submitted to the City of Findlay. An annual renewal fee shall be charged. Failure to submit a report identifying repairs and timeline for repairs and or an inspection stating compliance with the required maintenance procedures as established shall be considered a violation.

937.10 FEES

The Drainage Plans and Storm Water Pollution Prevention Plan shall be submitted for review and filing an inspection fee is part of a complete submittal and is required to be submitted to the City of Findlay before the review process begins. Please consult with City of Findlay Engineer for current fee schedule.

937.12 BOND

- A. If a Storm Water Pollution Prevention Plan is required by this regulation; Soil Disturbing Activities shall not be permitted until a cash bond, construction bond, irrevocable letter of credit, or other security as pre-approved by the City of Findlay Engineer, and has been deposited with the City of Findlay. The bond amount shall be determined with an engineer's estimate. The bond will be used for the City of Findlay to perform the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the applicant fails to comply with the provisions of this regulation.
- B. No project subject to this regulation shall commence without a SWP3 prepared by a qualified professional is on record with the City Engineering Department.

937.13 AS-BUILT SURVEY

- A. 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, Water Resource Crossing and final grading, especially as related to work in the Flood Hazard Zone shall be submitted after construction has been completed. This survey shall be on record with the Engineering Department before Bonds are released.

937.14 ENFORCEMENT

- A. All development areas may be subject to inspections by the City of Findlay to ensure compliance with the submitted SWP3. Any duly authorized representative of the City may, upon identification to the Site Owner or person in charge present at the property, enter upon any part of the property deemed or described as relevant to the successful implementation of the SWP3, in order to determine whether there is compliance with this Chapter. If access is denied, the City may apply for an appropriate search warrant as necessary to achieve the purposes of this Chapter.
- B. After any inspection, the City of Findlay may prepare and distribute a status report to the Site Owner.

937.15 VIOLATIONS

- A. No person shall violate or cause to be violated any of the provisions of this regulation, or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.

- B. Upon notice, the Mayor and/or City Engineer may suspend any active soil disturbing activity for a period not to exceed ninety (90) days, and may require immediate erosion and sediment control measures whenever he or she determines that such activity is not meeting the intent of this regulation. Such notice shall be in writing, shall be given to the Site Owner, and shall state the conditions under which work may be resumed. In instances, however, where the Mayor and/or designee finds that immediate action is necessary for public safety or the public interest, he or she may require that work be stopped upon verbal order pending issuance of the written notice.

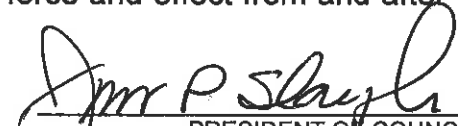
937.16 APPEALS

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the City of Findlay in relation to this regulation may appeal to the court of common pleas. Such an appeal shall be made in conformity with Chapter 2506 of the Ohio Revised Code and written notice of appeal shall be served on the City of Findlay.

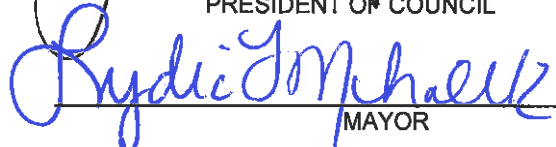
937.99 PENALTY

- A. Any person, firm, entity or corporation; including but not limited to, the Owner of the property, agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- B. The imposition of any other penalties provided herein shall not preclude the City of Findlay instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the City of Findlay.

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: Devin Devere
CLERK OF COUNCIL

APPROVED: May 19, 2015