

BILL #15-065*

ORDINANCE# _____

BY: MR. VAN HARLINGEN

Repealing Chapter 1361 – Stormwater Management of the Mansfield Codified Ordinances of 1997 and enacting Chapter 1361 – Stormwater Management.

WHEREAS, currently, the Mansfield Codified Ordinances provide for the establishment of certain rules and regulations relating to stormwater management, and

WHEREAS, the City finds it beneficial to the needs of the community to update and revise said Section.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1: That Chapter 1361 of the Mansfield Codified Ordinances of 1997, authorizing the establishment of certain rules and regulations relating to stormwater management, be and the same is hereby, repealed.

SECTION 2: That Chapter 1361 of the Mansfield Codified Ordinances of 1997, be, and the same is hereby, enacted to read as follows:

“CHAPTER 1361 Stormwater Management

1361.01 AUTHORITY AND TITLE.

This Chapter has been developed under authority of Article XVIII, Section 3 of the Ohio Constitution:

The official title of these rules shall be known as the “City of Mansfield, Ohio Stormwater Management Rules and Regulations.” However, simply “Stormwater Rules and Regulations” may be used as a short title.

1361.02 PURPOSE.

Council has adopted this chapter for the purpose of establishing feasible and economically reasonable standards to achieve a level of management and conservation practices which will abate erosion of the soil and abate the degradation of the waters of the State by soil sediment in conjunction with nonfarm, earth-disturbing activities.

It is the further intent of this chapter to:

- (a) Permit development without increasing downstream flooding, erosion or sedimentation.
- (b) Reduce damage to receiving streams and impairment of their capacity which may be caused by increases in the quantity and/or rate of water discharged.
- (c) Establish a basis for the design of all storm drainage systems which will preserve the rights and options of both the dominant and servient property owners and help assure the long-term adequacy of storm drainage systems;

1361.03 ADOPTION OF “CITY OF MANSFIELD STORMWATER DESIGN MANUAL”.

(a) Subject to the provisions set forth in this chapter, the City of Mansfield hereby adopts the “City of Mansfield Stormwater Design Manual” which provides policy, standards, applicability, criteria, requirements, recommendations and guidance for general stormwater drainage, stormwater quantity, and stormwater quality management in the City of Mansfield that are not provided explicitly in this chapter.

A copy of the “City of Mansfield Stormwater Design Manual” is hereby referenced and adopted as part of this chapter.

(b) The City Engineer is authorized to amend, supplement, or revise the "City of Mansfield Stormwater Design Manual." The City of Mansfield Stormwater Design Manual, shall be made available in the Office of the City Engineer, and may be updated and expanded from time to time, at the discretion of the City Engineering Department, based on improvements in engineering, science, monitoring, local maintenance experience, and federal or state regulations.

(c) At a minimum, the "City of Mansfield Stormwater Design Manual" shall meet the technical requirements set forth in the Ohio Environmental Protection Agency NPDES general stormwater permit(s) for construction activities and any subsequent Ohio Environmental Protection Agency issued permits.

1361.04 SCOPE.

This chapter shall apply to all earth-disturbing activities as indicated within the Stormwater Design Manual.

1361.05 WAIVERS.

Certain earth-disturbing activities may exist such that the submission of a stormwater management plan serves no real purpose. Such activity shall be eligible for a waiver from the requirement of submitting a plan and/or other requirements of this chapter.

To obtain a waiver, a person shall submit a written request to the Bureau of Buildings, Inspections, Licenses and Permits. This request shall include sufficient data to determine that granting a waiver will not result in excessive stormwater runoff or rate of runoff.

1361.06 PLAN REVIEW.

All stormwater management plans and runoff calculations shall be submitted to the Bureau of Buildings Inspections, Licenses and Permits. The Office of the City Engineer shall review the stormwater management plan and runoff calculations within thirty days of receipt and indicate its approval or disapproval to the person who filed the plan. Indication of disapproval shall include the plan deficiencies and the procedure for filing a revised plan. Pending preparation and approval of a revised plan, earth-disturbing activities shall not be allowed until the deficiencies have been properly addressed and an acceptable plan has been filed and approved by the City Planning Commission.

The Office of the City Engineer shall be responsible for the construction inspection of all stormwater management facilities.

1361.07 PERMITS.

Any person performing any nonfarm, earth-disturbing activities that disturbs 20,000 square feet or more as indicated within the Stormwater Design Manual shall be required to file a stormwater management plan and obtain a stormwater management permit.

Permit application forms shall be made available in the Bureau of Buildings Inspections, Licenses and Permits. Information required shall be sufficient for the Bureau to determine if a stormwater management plan is necessary and that the person intends to comply with this chapter. At a minimum, the application shall include the following:

- (a) Name, address and phone number of property owner and/or other person responsible for the activity.
- (b) Location of the activity.
- (c) Description of the activity.
 - (1) Type of activity.
 - (2) Area to be disturbed.
 - (3) Area to be rendered permanently impervious.
 - (4) Size of parcel or lot on which activity will occur.

The Bureau shall review the permit application and if no stormwater management plan is required, an application shall be made to the Zoning Administrator for a zoning certificate in accordance with Section 1155.03.

In the event that a plan is required, the permit shall be issued upon approval by the City Planning Commission.

1361.08 FEES.

(a) Permit Fee: A permit fee in the amount of fifty-five dollars (\$55.00) shall be paid to the Bureau of Buildings, Inspections, Licenses and Permits upon the submission of an application.

No permit fee shall be required for the following: Nonfarm, earth-disturbing activities which have been provided for in an already approved stormwater management plan. (Example: home construction on a lot in an approved subdivision with an approved stormwater management plan.)

(b) Plan Review and Field Inspection Fees: A fee in the amount of two-hundred dollars (\$200.00) shall be paid to the Bureau of Buildings, Inspections, Licenses and Permits before issuance of the stormwater management permit to offset the costs of plan review and field inspection of such construction to assure its conformance with the plans.

1361.09 ASSURANCE OF COMPLETION.

The Bureau of Buildings, Inspections, Licenses and Permits shall not issue a Certificate of Occupancy until the stormwater management facilities have been constructed in accordance with the approved stormwater management plan and have been approved by the Office of the City Engineer.

Stormwater management facilities that are being constructed as part of a subdivision subject to the Subdivision Regulations of the City shall be considered an improvement. As such they shall be subject to the bonding requirement therein. The value of the stormwater management facilities shall be included in the amount of the performance bond for the subdivision improvements.

If it can be shown that assurance of completion is being provided through another regulation of this City or other governmental subdivisions, this section of the Stormwater Management Regulations shall be waived.

1361.10 DISCLAIMER OF LIABILITY.

Neither submission of a plan under provisions of this chapter nor compliance with provisions of this chapter shall relieve any person from responsibility for damage to any person or property otherwise imposed by law, nor impose any liability upon the City for damage to any person or property.

1361.11 SURVEILLANCE AND COMPLIANCE.

The Office of the City Engineer shall inspect land disturbance areas during construction to determine compliance with this chapter. If it is determined that a violation of this chapter exists, the responsible person shall be notified of the deficiencies or noncompliance by the Office of the City Engineer in writing and by certified mail. If after fourteen (14) days after receipt of the letter for compliance, the deficiency or noncompliance has not been corrected or substantial steps taken to correct same, such deficiency or noncompliance shall be reported to the City Law Director for legal action.

1361.12 MAINTENANCE OF STORMWATER DRAINAGE FACILITIES AND CONTROL STRUCTURES:

When stormwater management facilities and control structures are located on private property, it is the private post-construction operator's/developer's responsibility to inspect and properly maintain the facilities. In addition, an Operation and Maintenance Plan shall be developed and implemented in accordance with the Stormwater Design Manual. The maintenance of minor detention areas such as swales, etc. on individual parcels or lots in new subdivisions shall be the responsibility of the individual parcel or lot owners. Special provisions shall be written into the deeds for the individual parcels, or lots in new subdivisions, so the owners are aware that the parcels or lots are used for temporary stormwater storage. The City shall require all of these stormwater drainage facilities and control structures to be designed to minimize maintenance costs.

1361.13 RIGHTS OF ACCESS

The City of Mansfield shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.

1361.99 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a minor misdemeanor. Whoever violates any provision of this chapter or fails to comply with any of its requirements shall be fined not more than One Hundred Dollars (\$100.00) for each offense.

Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation."

SECTION 3: In order to provide for the proper and effective management of stormwater, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

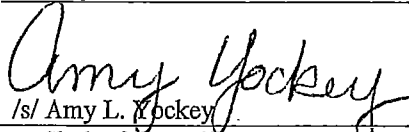
Caucus 7 April 2015
1st Reading 7 April 2015
2nd Reading 7 April 2015
PASSED 7 April 2015

SIGNED

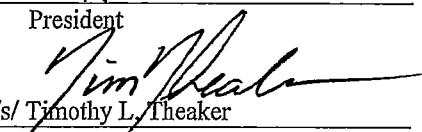

/s/ Phillip E. Scott

President

ATTEST


/s/ Amy L. Yockey
Clerk of Council

APPROVED


/s/ Timothy L. Theaker
Mayor

APPROVED AS TO FORM:

John R. Spon
Law Director
City of Mansfield, Ohio

*Publication Required.

Clerk of Council of the City of Mansfield, Ohio
hereby certify that this is a true copy of the original of this document which is presently on file in the office of Mansfield City Council.


Amy L. Yockey