

ORDINANCE NO. 1503 - Storm Water Management Requirements

WHEREAS, the Village of Glandorf has determined that the institution of measures to minimize the adverse impact that may be caused by storm water due to construction and earth-disturbing activity is necessary for the protection of the public health, safety, convenience, comfort, and general welfare of the Village.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Glandorf, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1. Purpose

This chapter is adopted to protect public surface and groundwaters from degradation by accelerated soil erosion and other pollutants and to promote and maintain the health, safety, and general well-being of all inhabitants of the Village and surrounding region.

SECTION 2. Definitions

As used in this chapter the following words and phrases shall have the meanings ascribed to them, regardless of whether the words and phrases are capitalized:

"Best Management Practice" (BMP) means a schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

"Change of Grade" means any raising or lowering of the slope of property by any means and for any purpose that will cause an alteration of the pre-existing storm water flow such that adjacent or proximate property may experience a material increase in the frequency or magnitude of storm water flow.

"Commission" means the Village of Glandorf Planning Commission.

"Discharge" means any addition or introduction of any pollutant, storm water, or any other substance whatsoever into waters of the United States or onto adjacent property.

"Earth-disturbing activity" or "Activity" means any demolition, grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed and that may result in or contribute to erosion and sediment pollution, except that such term does not apply to agricultural activities.

"Owner" means the person or persons who legally own private property, or the designated party operating on behalf of the owner.

"Person" means an individual, corporation, business trust, estate, trust, partnership, association, the state, or any political subdivision thereof, and the United States and any agency or instrumentality thereof

"Sediment" means any of the following but limited to: solid material, soils, mineral, or organic that's been transported and deposited, or has been moved from its site of origin by mechanical means, air, water, or gravity as a product of erosion.

"Storm water" means rain water runoff, snowmelt runoff, and surface runoff and drainage.

"Waters of the United States" as defined by 40 Code of Federal Regulations 122.

"Swale" means a long, narrow, usually shallow, trough that conveys water mainly during and after a rain event or snowmelt.

SECTION 3. POWERS OF THE COMMISSION

The Commission shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the Commission may be delegated in writing to persons or entities acting in the beneficial interest of or in the employ of the Village. The Commission may exercise all incidental powers necessary to carry out the purposes of this Ordinance.

SECTION 4. APPLICABILITY

This Ordinance shall apply to any earth-disturbing activity disturbing one or more acres of land, or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb one or more acres of land.

SECTION 4. EARTH-DISTURBING ACTIVITY

No person may engage in earth-disturbing activity of one acre or more without complying with the provisions of this Ordinance and, if applicable, Ohio EPA's NPDES Construction Activity General Permit.

No person required to have an approved Site Plan shall conduct earth-disturbing activity in a manner inconsistent with the approved Plan.

SECTION 5. SITE PLAN

Any Person that intends to cause a change of grade in property shall submit and obtain approval of a detailed site plan from the Commission prior to making said change. The site plan shall include all drainage and detention calculations, site grading plans, storm water collection and management system details, post-Activity BMPs, and any other information the Village deems necessary to evaluate the impact of the proposed Activity.

The site plan shall be accompanied by a certified check or money order in the amount of Two Hundred Fifty Dollars (\$250.00) plus any fees the Village incurs to have the site plan reviewed by its engineering consultant. Approval will not be granted until all fees are paid in full.

SECTION 6. BEST MANAGEMENT PRACTICES

Post-construction BMPs may include, but are not limited to: bioretention cells, storm water detention structures (both wet and dry extended detention basins), vegetated swales and vegetated filter strips, and sequential systems (which combine several practices). BMPs shall be in accordance with applicable Ohio EPA and Ohio Department of Natural Resources (ODNR) rules, guidance and manuals (including the ODNR Rainwater and Land Development Manual), and any requirements that may be adopted by the Village.

BMPs shall be designed such that, to the maximum extent feasible, they reduce (1) off-site storm water flow and (2) pollutants in storm water discharges during the earth-disturbing activity and pollutants associated with post-earth-disturbing activities, and (3) maintain natural watercourses and altered open channel/ditch/swale conveyance systems and appurtenances. BMPs shall be prepared in accordance with sound engineering and/or conservation practices by a professional experienced in the design and implementation of standard erosion and sediment controls and storm water management practices. Detailed drawings and a maintenance plan shall be provided for all post-Activity BMPs. Maintenance plans shall include a list of the responsible parties for each maintenance requirement and their contact information, proposed maintenance intervals, and a disposal plan for any material removed from the BMP. If maintenance of post-Activity BMPs is to be contracted, a copy of the maintenance contract shall be included.

SECTION 7. EASEMENTS

The site plan shall include all easements necessary for inspection, Open channel/ditch/swale conveyance systems, other drainage items, any utility and maintenance of the BMPs, as determined by the Planning Commission, which easements shall be recorded at the expense of the person submitting the site plan.

SECTION 8. CRITERIA FOR APPROVAL OF SITE PLAN

In determining whether to approve a site plan, the Commission shall consider the following principles:

- (1) The feasibility of the following storm water management practices:
 - (a) Storm water retention structures;
 - (b) Storm water detention structures;
 - (c) Post-Activity storm water management.
- (2) Where appropriate, reducing the need for storm water management facilities by incorporating the *use* of natural topography.
- (3) Designs that minimize the need for maintenance, provide access for maintenance purposes, and are structurally sound.
- (4) Designs that minimize the likelihood, frequency and abundance of off-site storm water flow and pollution.

SECTION 9. SITE PLAN AND APPLICATION FEE SUBMITTAL

Upon receipt of a complete site plan and the application fee, the Village Planning Commission shall review it to determine if it complies with the requirements of this Ordinance and will not cause a material increase in storm water flow onto adjacent or proximate property. The Planning Commission may approve, approve with modifications, or deny the site plan.

SECTION 10. ACTIVITY PRE-DATING THE ORDINANCE

Any Activity that resulted in a Change of Grade that was substantially complete prior to the effective date of this Ordinance is not required to obtain site plan approval, but the owner is required to provide to the

Commission the original plan and is subject to regular inspection by Commission and to timely maintain all BMPs or other storm water flow measures implemented at the site to ensure Activity remains in compliance with the "as built" or with the proposed plan as well as with this Ordinance.

SECTION 11. INSPECTIONS

- (A) Authorized representatives of the Commission may enter at reasonable times upon any property to conduct on-site inspections or investigations, obtain samples, and examine records to determine compliance with this chapter, any plans approved or required under this chapter. Upon refusal, the Commission or authorized representative may apply for a search warrant to enter upon the property.
- (B) No person shall obstruct or interfere with inspection of any premises or the sampling of any discharge by the Commission.

SECTION 12. ENFORCEMENT

- (A) NOTICE OF VIOLATION. Whenever the Commission finds a violation of this Ordinance or approved site plan, the Commission shall order compliance by written Notice of Violation to the owner or other person responsible for the violation.
- (B) COST OF ABATEMENT OF THE VIOLATION. Any person who violates any provision of this Ordinance, approved site plan or other directive pursuant to this Ordinance shall be responsible for all costs incurred by the Village to abate the violation, including investigation and administrative costs.
- (C) ADMINISTRATIVE FINES: Upon failure to comply with a Notice of Violation, the Commission may charge administrative fines not to exceed One Thousand Dollars (\$1,000) per violation against any person who violates any provision of this chapter or any approved site plan, or other directive. Each day a violation occurs shall be considered a separate violation. This fine may be charged separate from the abatement costs. Unpaid administrative fines may be certified to the County Auditor for collection with the responsible party's real property tax payment.
 - (1) In determining the amount of an administrative fine, the Commission shall consider the magnitude and severity of the violation, history of past violations or compliance, economic advantage accrued by the violator due to the violation or noncompliance, and affirmative actions taken by the violator to comply with the provisions of this chapter and regulations, a permit, a license, or other promulgations pursuant to this chapter.
 - (2) Any administrative fines charged by the Commission against a person may be added to the person's utility charge.
- (D) Any violation of this Chapter is hereby declared to be a public nuisance and may be abated according to the Village's or State's public nuisance abatement procedures.
- (E) Any person who violates any provision of this Chapter, or fails to comply with any of the requirements contained therein, is guilty of a misdemeanor, and upon conviction is subject to a fine not exceeding One Thousand Dollars (\$1,000) and imprisonment not exceeding a term of six (6) months or both. No culpable mental state is required to commit an offense; it being the express intent of this section to impose strict liability for each offense. The provisions of Section 12 shall not apply to any person who complies with a Notice of Violation issued pursuant to

Section 12 and who pays all administrative fines and costs levied by the Village associated with the violation(s) for which the Notice of Violation was issued.

SECTION 13. STOP WORK ORDERS

- (1) The Commission may issue a stop work order for any earth-disturbing activity if the Commission finds that the earth-disturbing activity requiring plan approval pursuant to this chapter is being carried on in violation of this chapter because it is being undertaken:
 - (a) Without the approval of the Commission; or,
 - (b) Not substantially in accordance with the approved plan or any written requirements of the Commission regarding control of erosion, siltation, or the elimination of pollution.
 - (c) The Commission may issue an order requiring the person conducting the work to stop all work, except work necessary to implement the approved plan, until such time as approval of the plan has been obtained from the Commission and control measures required by the Commission have been implemented.
- (2) A person may request that a stop work order be lifted once the required plan approval has been received and the required control measures have been implemented.
- (3) A stop work order is effective immediately whether or not a request for a hearing is filed, and remains in effect until lifted in accordance with this section.

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

ADOPTED: May 4, 2021

Attest:  Marilyn Ellerbrock, Fiscal Officer Approved:

 Charles R. Schroeder, Mayor

