

ORDINANCE NO.: 2012-14 (AMENDED OCTOBER 23, 2012)
SPONSOR: MAYOR NORTON, COUNCILMEN FRANCE,
SUMMERVILLE AND KNODEL
INTRODUCED: JULY 10, 2012 **ASSIGNED TO:** _____

AN ORDINANCE TO ESTABLISH RESPONSIBILITY FOR THE MAINTENANCE OF ALL STORM WATER MANAGEMENT INFRASTRUCTURE, PROVIDING FOR AN ENFORCEMENT PROCEDURE, DEFINING NECESSARY TERMS, AND DECLARING AN EMERGENCY.

WHEREAS, a detention basin is designed to reduce the impact of pollutants and increased storm water on local streams caused by development; and

WHEREAS, detention basins are an essential part of the City of Green's efforts to regulate the flow of storm water and improve the quality of the City's streams, rivers, and lakes; and

WHEREAS, detention basins will fail prematurely if not properly maintained; and

WHEREAS, it is necessary to establish regulations for the maintenance of all storm water management infrastructure; and

WHEREAS, it is necessary to provide a procedure for enforcement of the new regulations; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT AND STATE OF OHIO, THAT:

SECTION ONE:

Definitions.

"STORM WATER MANAGEMENT SYSTEM" - All aspects of the system designed to effectively regulate and control storm water runoff emanating from one property or development to another, and which includes but is not limited to retention basins, detention basins, open waterways, and drainage easement areas.

"DETENTION BASIN" - A flow control structure that is used to contain storm water for a limited period of time, and provides protection for areas below it by containing storm water. The water is discharged from the basin until the basin is empty.

"RETENTION BASIN" - A flow control structure that is used to contain storm water for a limited period of time, and provides protection for areas below it by containing storm water. Some water remains in the basin area.

"STORM WATER" - Water that originates during precipitation events, snowmelts, or other runoff sources.

“STORM SEWER” - A series of buried pipes, manholes, catch basins, or culvert pipes that are designed to drain excess rain and groundwater from paved streets, parking lots, sidewalks, and roofs, and convey to a drainage way.

“STORM WATER RUNOFF” - Water from rain, snowmelt, or other sources, that flows over the land surface.

“DRAINAGE WAY” - Use of the land to collect and transport storm water runoff in a swale, ditch, channel, or stream.

SECTION TWO:

INSPECTION AND MAINTENANCE REQUIRED

The Homeowners Association for each residential development and/or the owner of each lot or parcel within the residential development, as well as the owner(s) of any non-residential development, shall be responsible for inspecting and maintaining, in good working order, the Storm Water Management System that has been provided to control the storm water runoff generated by such development. However, the City of Green shall be responsible for maintaining any Storm Water Management System that is located on City-owned property

Minimum required inspection and maintenance of detention and/or retention basins shall include but not be limited to the control of vegetation within basin areas so as to not exceed a height of ten (10) inches unless otherwise explicitly approved by the City’s Planning and Zoning Commission and/or City Council as part of a professional landscape plan. In addition, detention and/or retention basins shall not be permitted to accumulate with silt, soil, branches, trees, vegetation, debris, or any other obstructions, or to become damaged or compromised in any way so as to prevent the detention and/or retention basin from effectively operating in the manner in which it was designed and intended as determined by the City Engineer.

Open drainage ways, or any portion of any open drainage ways, located on any lot or parcel shall be maintained free from accumulations of silt, soil, branches, trees, vegetation, debris, or any other obstructions which impede the natural flow and/or course of the open waterway as determined by the City Engineer.

SECTION THREE:

ABATEMENT OF VIOLATIONS

If the Homeowners Association for the residential development and/or the individual lot or parcel owners within the residential development, or the owner(s) of any non-residential development, after being given notice to comply with the requirements of this Section, fail,

Ordinance 2012-14 (AMENDED OCTOBER 23, 2012)

neglect, or refuse, within thirty (30) days to comply with the order by the City, the City may take such action required by such order, either by force account or by contract, or the City Director of Law may institute legal proceedings to compel compliance with the order. The City Engineer shall have authority to grant an extension of the thirty (30) day compliance period if in his/her professional judgment additional time is reasonably required to correct the violation in question.

SECTION FOUR:

COLLECTION OF COSTS

Any cost or expense incurred by the City pursuant to achieving compliance with the requirements of this Section, shall be reimbursed to the City by the Homeowners Association and/or the individual lot or parcel owners within the residential development, or the owner(s) of any non-residential development, either at the contractors price or the City's remedial expenses to cover the City's administrative cost of maintaining the Storm Water Management System. If not paid by the Homeowners Association and/or the individual lot or parcel owners within the residential development, or the owner(s) of any non-residential development, within thirty (30) days after billing, such expense or cost may be recovered by an action at law against such responsible parties, and to the extent permitted by law, by resolution of Council, and be certified to the County Fiscal Officer and placed proportionately on the tax duplicates of any lot(s) and/or parcel(s) owned by the Homeowners Association for the residential development and/or on each individual lot or parcel owned within the residential development, or on the lot(s) and/or parcel(s) owned within any non-residential development, for collection and shall become a lien on such lot(s) or parcel(s).

SECTION FIVE:

The City's Administration shall adopt a Stormwater Management Policy to use as a guide to enforce this Ordinance. The Administration shall notify City Council if any changes are made to the Policy adopted.

SECTION FIVE SIX:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION SIX SEVEN:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: Oct. 23, 2012
Molly Stevens
Molly Stevens, Clerk

[Signature]
Joel Reed, Council President

APPROVED: Oct. 23, 2012

[Signature]
Richard G. Norton, Mayor

COPIED
SVCD ZONE PARK (ROAD) ENG
LAW FIN MAY PLAN FIRE

ENACTED EFFECTIVE: Oct. 23, 2012

ON ROLL CALL: Colopy -yes France -yes Humphrey -yes Knodel -yes
Neugebauer -yes Reed -yes Summerville -yes Adopted 6-0

Suburbanite publication on Oct. 28 and Nov. 4, 2012

Molly Stevens
Molly Stevens, Clerk