

## 925.07 SPECIAL STORM SEWER RULES.

(a) Permit; Fee. No connection shall be made to a public storm sewer within the City until the written permission of the Public Works Director or his designee has been obtained by the person, firm or corporation proposing to or employed to perform the work. An application for a permit shall be signed by the owner or agent of the property for which the connection is desired and by the person, firm or corporation employed to perform the work; shall describe the property and state the purpose for which the connection is desired; and shall be accompanied by a fee in accordance with the following schedule:

(1) Existing residential structure sump pump drain pipe	\$10.00
(2) Existing residential structure roof downspout	\$10.00
(3) Existing residential structure yard drain pipe (6-inch diameter or less)	\$10.00
(4) Existing residential structure storm sewer pipe (up to 12-inch diameter)	\$25.00
(5) All other connections	\$125.00

No permit shall be issued until the appropriate application is made and the applicable fee is paid.

(b) Discharges Into Storm Sewers Regulated. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Public Works Director. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Public Works Director to a storm sewer or natural outlet after obtaining the appropriate permits from the State, Environmental Protection Agency or any other required agencies.

(c) Prohibition of Illegal Discharges. No person, firm, or corporation shall discharge or cause to be discharged into a public storm sewer or watercourse any substance other than storm water, except as follows:

(1) Water line flushing or other potable water discharges, irrigation or lawn watering, diverted stream flows, rising ground water, uncontaminated ground water infiltration, uncontaminated pumped ground water, foundation or footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential vehicle washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, water from firefighting activities, and any other water source not containing pollutants that are otherwise identified by the Ohio EPA as a prohibited non-stormwater discharge source.

(2) Discharges specified in writing by the Public Works Director or his designee as being necessary to protect public health and safety.

(3) Any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations.

(d) Prohibition of Certain Connections. The construction, use, maintenance or continued existence of any drain or conveyance, whether on the surface or subsurface, which allows a prohibited substance to enter a public storm sewer or watercourse is prohibited. This prohibition expressly includes, without limitation, connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. When a prohibited connection is discovered, the Public Works Director will provide written notice to the property owner ordering its disconnection from the storm sewer system or watercourse. No person, firm or corporation shall fail to eliminate such connection(s) to the storm sewer or watercourse within thirty days after being ordered to do so as provided herein.

(e) Inspection of Storm Sewers. After a connection to a public storm sewer is built, and before it is covered, it shall be inspected and approved by the Public Works Director or his designee.

(f) Prohibition of Curb Line Discharges. No roof downspout, sump drain, or other surface or groundwater drainage line may be constructed to discharge directly into the curb line of any public street. This prohibition expressly includes, without limitation, any curb line discharge established in the past, regardless of whether its construction was permissible under law or practices applicable or prevailing at the time. When such a curb line discharge is discovered, the Public Works Director will provide written notice to the property owner ordering its disconnection from the curb line. No person, firm, or corporation shall fail to eliminate such curb line discharge(s) within 30 days after being ordered to do so as provided herein.

(g) Erosion and Sediment Control. To minimize the entry of sediment and other pollutants into the City's storm sewer system that is caused by construction site runoff, erosion and sediment control measures must

be provided on all new development and redevelopment projects. These measures are to be shown in a sedimentation plan that has been prepared in accordance with the applicable requirements of the subdivision rules and regulations. Construction activities disturbing one or more acres of total land, or that will disturb less than one acre of land but are a part of a larger common plan of development, redevelopment or sale that will ultimately disturb one or more acres of land, shall seek coverage under the Ohio EPA General Construction Permit for Storm Water Discharges (Ohio EPA Permit No. OHC000004, or latest edition). As such, any person seeking approval of a plan for erosion and sediment control measures, shall submit to the City Public Works Director prior to start of construction, a copy of the "Notice of Intent" (NOI) that seeks coverage under the State of Ohio construction permit that has been or will be filed with that state agency. After the SWP3 is approved and during construction, it shall be kept on the construction site, Along with a copy of the NOI and letter granting permit coverage under the Ohio EPA General Construction Permit.

(h) Stormwater Management Controls.

(1) To minimize the impact of land development and redevelopment activities on storm runoff and drainage, stormwater management controls shall be required on new development and redevelopment sites, pursuant to requirements contained in Chapters [1117](#) and [1182](#), and per the design requirements contained in the City Design, Construction and Materials Specification Handbook.

(2) Construction activities disturbing one or more acres of total land, or that will disturb less than one acre of land but are a part of a larger common plan of development, redevelopment or sale that will ultimately disturb one or more acres of land, shall seek coverage under the Ohio EPA General Construction Permit for Storm Water Discharges (Ohio EPA Permit No. OHC000004, or latest edition). As part of that compliance, post-construction Best Management Practices shall be made part of the stormwater management controls on land development sites, pursuant to the requirements of the Ohio EPA permit and per the requirements in Chapters [1117](#) and [1182](#).

(i) Routine and Remedial Maintenance.

(1) Owners and occupants of properties with stormwater management facilities are responsible for operation and maintenance as specified in Section [925.07](#)(m). The Public Works Director shall provide for inspection and routine maintenance of facilities that have been accepted for maintenance by the City. City maintenance may include storm water conveyance-related structure cleaning and repair.

(2) Commercial, industrial, multi-family residential property. The property owner(s) shall fully maintain detention/retention basins located on private commercial, industrial, or multi-family residential property, whether such basins are located within a public easement or not. This maintenance responsibility shall include both routine maintenance such as mowing, cleaning, debris removal, and erosion repair and non-routine maintenance such as the repair or replacement of damaged or missing structural components.

(3) Single family residential property. The property owner(s) and/or homeowner's association shall be responsible for routine maintenance such as mowing, cleaning, debris removal, and erosion repair for detention/retention basins located on private single family residential property, whether such basins are located within a public easement or not. The City shall be responsible for non-routine maintenance such as the repair or replacement of damaged or missing structural components of such basins.

(j) Storm Water Quality Management Plan. As a requirement of the City's NPDES Phase II Storm Water Permit, Council hereby adopts the "Storm Water Quality Management Plan" dated February 2014, prepared by City staff as the City's official planning document for addressing storm water quality and pollution prevention. All subsequent amendments to the Storm Water Quality Management Plan shall also be adopted by legislative action of Council. A copy of this plan is on file in the office of the Clerk of Council.

(k) Stormwater Facility Maintenance Correction Procedures.

(1) Order to correct improper drainage. Whenever the City shall find that (i) a tract of land not maintained by the City is inadequately drained, or (ii) there is excessive erosion or sedimentation upon such land, or (iii) there is an obstruction to a culvert or watercourse upon such land that interferes with water naturally flowing therein, or (iv) that such culvert, storm sewer or watercourse upon such land is of insufficient capacity to reasonably accommodate the flow of water, as required by the City, the Public Works Director or designee shall order the owner or person having possession, charge, or management of such land to remove the obstruction, provide adequate drainage, fill or drain such land, enlarge the culverts, drains, or watercourses, mitigate excessive erosion or sedimentation, and/or accomplish any other act determined by the Public Works Director necessary to further the purposes of this chapter. Such order shall be served on such persons or entity in the same manner as provided by the Ohio Rules of Civil Procedure for service of

summons and the Public Works Director or his designee may post the order at the property. The address utilized for any service shall be the property address itself and the tax billing address for such premises as maintained on the records of the Butler County Auditor.

(2) The owner must comply with the order(s) within a reasonable time not to exceed 30 days, unless an extension is granted by the Public Works Director for good cause shown. Failure to comply with such order shall constitute an unlawful act. Each additional day thereafter during which the owner fails to carry out the order of the City shall constitute a separate offense.

A. In any case where a condition described above exists for more than the time permitted in the order after service of the order, the City may effect the necessary repairs per Section [925.07\(l\)](#) or the City may file criminal charges, or both.

B. The Public Works Director or designee(s) may enter upon any real property in the City during reasonable times and normal business hours for the purpose of inspection, repair or maintenance required by this chapter.

(3) Failure of the City to observe or recognize hazardous or unsightly conditions or to recommend denial of a permit/zoning change shall not relieve the owner or person having possession, charge, or management of such land from the responsibility for the condition or damage resulting therefrom, and shall not result in the City, its officers or agents being responsible for any condition or damage resulting therefrom.

(4) Nothing in this chapter shall be construed as authorizing any person to maintain a private or public nuisance on his property, and compliance with the provisions of this chapter shall not be a defense in any action to abate such nuisance.

(5) Nothing in this chapter shall be construed to prevent immediate action by the City in emergency situations. In case of an emergency, the City may direct that action be taken immediately to correct the condition or abate the activity to protect the public health, safety, and welfare. The City may perform the required work and assess the abatement costs against the property.

(l) Correction Costs.

(1) If the owner or occupant having the care or control of the lands mentioned in Section [925.07\(i\)](#) fails to comply with the order provided in for Section [925.07\(i\)](#), the City shall cause such abatement procedures to be implemented. The cost for such abatement procedures shall be immediately due and payable to the City, provided, however, that an administrative fee shall also be charged in the amount of one hundred dollars. The cost of the administrative fee together with the cost of the abatement procedure together with any legal fees incurred by the City shall be assessed against the owner and, if unpaid, against the lot or land together with interest thereon at the then judgment rate in effect in the State of Ohio.

(m) Stormwater Management Facility Post Construction Operation and Maintenance Plan.

(1) Operation and maintenance plan.

A. The developer/property owner shall prepare an operation and maintenance plan for any stormwater management facility approved by the City after May 31, 2014 meeting the minimum requirements of the latest version of the Ohio EPA NPDES Construction Stormwater Permit for redevelopment and new development projects wherein construction activities will result in the disturbance of one or more acres.

B. The operation and maintenance plan shall be submitted by the developer/property owner to the City of Fairfield for review and approval prior to the City issuing the building permit.

C. The operation and maintenance plan must be a stand-alone document containing the following:

1. Designate the entity associated with providing the Best Management Practices (BMPs) inspection and maintenance.

2. Indicate routine and non-routine maintenance tasks to be undertaken.

3. Indicate a schedule for inspection and maintenance tasks.

4. Provide proof of any necessary legally binding maintenance easements and agreements that are necessary to properly inspect and maintain the BMP(s).

5. Provide a map showing the location of the BMP(s) that are indicated on the City of Fairfield approved Storm Water Pollution Prevention Plan (SWPPP) and necessary access and maintenance easements.

6. Provide detailed BMP drawings and inspection and maintenance procedures.

7. Ensure that the collected pollutants resulting from BMP maintenance activities are disposed of in accordance with local, state and federal guidelines.

(2) Declaration of Covenants and Restrictions. A declaration of covenants and restrictions shall be made between the owner and the City of Fairfield ensuring that the BMP(s) shall be properly inspected and maintained and shall be included within the operation and maintenance plan.

(3) Inspection.

A. Personnel identified within the operation and maintenance plan shall inspect the BMP(s) to ensure proper functionality and determine if maintenance is necessary.

B. At a minimum, inspections are to be conducted on an annual basis, or as specified in the operation and maintenance plan.

C. Written inspection reports summarizing the BMP(s) inspection observations and maintenance requirements are to be submitted to the City of Fairfield upon request by the City.

(4) Maintenance.

A. All BMPs are to be maintained according to the measures outlined within the operation and maintenance plan.

B. Ensure that the collected pollutants resulting from BMP maintenance activities are disposed of in accordance with local, state and federal guidelines.

C. The owner shall make necessary repairs within fourteen days of their discovery as identified within the inspection reports or through a request from the City of Fairfield resulting from City conducted inspections.

D. Maintenance activities performed are to be documented on a written report and submitted to the City of Fairfield upon request.

E. BMP(s) shall be maintained in accordance with the requirements and procedures specified in Section [925.07\(i\), \(k\) and \(l\)](#).

(n) Compliance with Other Regulations. Compliance with the provisions of this chapter or other sections of City Code does not relieve the site owner from obtaining all other necessary permits and/or approvals from federal, state and/or county agencies. If requirements vary, the most stringent requirement shall apply. (Ord. 25-14. Passed 4-14-14.)