

RECORD OF ORDINANCES

Ordinance No. 2015-3

April 27, 2015

CITY OF BELLBROOK, OHIO

ORDINANCE NO. 2015-3

AN ORDINANCE AMENDING CHAPTER 1226, “EROSION CONTROL, SEDIMENT ABATEMENT AND STORMWATER MANAGEMENT,” OF THE BELLBROOK MUNICIPAL CODE TO ENSURE COMPLIANCE WITH STATE AND NATIONAL STANDARDS.

WHEREAS, the Bellbrook Municipal Code includes Chapter 1226, Erosion Control, Sediment Abatement and Stormwater Management establishing standards, principles, and procedures for the regulation of construction and development-related earth disturbing activities that cause or may cause adverse water resource impacts resulting from stormwater runoff and soil erosion; and

WHEREAS, Chapter 1226 has been reviewed by staff and amendments are needed to ensure compliance with State and National standards.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. That the following amendments to Chapter 1226 of the Bellbrook Municipal Code be approved with deletions shown by brackets and strikethrough and additions shown by italics and underlined:

§ 1226.03 “Illicit Discharge Detection and Elimination” is hereby amended as follows:

(d) Procedure for complaints, *elimination and enforcement* ~~[regarding]~~ *of* illicit discharges.

(1) Complaints.

Existing procedures for all types of property complaints, including stormwater, are based on the City of Bellbrook [~~Codified Ordinances;~~] *Municipal Code* Chapter 1450, [~~Existing Structures]~~ *Property Maintenance Code*. [~~The Ordinance and Zoning Office procedures include mechanisms for logging of complaints by the public, inspections by City officials and/or its authorized agent(s), notification to responsible parties of suspected and/or actual violations, remediation requirements, enforcement of requirements and penalties, if remediation is not ultimately performed]~~

(A) Complaints of illicit discharges would be taken verbally by telephone or online via the city’s website, www.cityofbellbrook.org:

(B) Complaints are logged in and referred to the appropriate city department or regulatory agency; and

(C) Complaints are investigated in a timely manner based on the complaint’s severity by city officials, regulatory agency investigators or by the offender.

(2) Elimination.

RECORD OF ORDINANCES

Ordinance No. 2015-3

April 27, 2015

In the event that an illicit discharge is found, the procedure for elimination is as follows:

(A) Immediate dispatch of Service Department personnel to site;

(B) Isolation of discharge;

(C) Track discharge to source;

(D) Institute temporary measures to halt discharge;

(E) Investigation and/or testing by contractor as determined by circumstances in the field and per state requirements;

(F) Institute permanent measures to eliminate discharge;

(G) Final action, which could consist of storm sewer or outfall repair, as needed.

(3) Enforcement and Penalties.

(A) If the offender is known, contact is established verbally or in writing to advise them of the nature of the violation, alternatives for proper disposal. A copy of city ordinances is also provided;

(B) Routine monitoring of the site continues for a pre-determined time to ensure that no further dumping occurs; and

(C) In repeated cases of illicit discharges, please refer to Section 1226.08, Violations and Penalties, (b)(1).

§ 1226.07 “Construction and Post Construction Requirements” is hereby amended as follows:

(d) Internal Inspections of Construction Sites

(1) For sites under construction, all structural and erosion controls on the site shall be inspected by either the builder, developer or their authorized agent(s) or the City of Bellbrook or its authorized agent(s) at least once every seven (7) calendar days and within twenty-four (24) hours after any storm event greater than one half inch (0.50”) of rain per twenty-four (24) hour period. The site owner and/or applicant shall assign qualified inspection personnel experienced in the installation and maintenance of erosion and runoff controls to conduct these inspections to ensure that all stormwater control practices are functional, that all provisions of the SMP and this regulation are being met, and whether additional control measures are required;

(2) If the City of Bellbrook or its authorized agent(s) deems, via inspections, that stormwater control practices are not functional, the site owner may be required to install additional erosion and runoff controls and/or cease work until the stormwater control practices are functional and the city approves the modifications.

~~[(2) As a post construction measure, the site owner/developer shall maintain for three (3) years following the final stabilization of the site and final inspection conducted by a City official, or its authorized agent(s), a record summarizing inspections, names(s) and~~

RECORD OF ORDINANCES

Ordinance No. 2015-3

April 27, 2015

~~qualifications of personnel making the inspections, the date(s) of inspections, major observations relating to the implementation of the SMP and a certification as to whether the site is in compliance with the SMP and identify identification of any incidents of non-compliance. A copy of these records shall be provided to the City of Bellbrook on a quarterly basis.~~

- ~~(3) If the City of Bellbrook deems, via inspections, that all stormwater control practices are not functional, the site owner/developer may be required to install additional erosion and runoff controls, assign other inspection personnel and/or cease all other work until the City accepts the stormwater control practices.]~~

(e) Post Construction Inspections and Ownership and Maintenance of Stormwater Structural Facilities

- (1) The City of Bellbrook or its authorized agent(s) shall inform the site owner of their responsibility for the performance of post construction inspections of the stormwater facility and site until the site owner transfers ownership to a Home Owners Association, Condominium Association, individual property owner or other entity. In the event of a subdivision, each parcel sold shall require continued membership in the Homeowners Association or Condo Association until dissolved, at which time the individual property owner(s) shall be responsible for the ownership and maintenance of a stormwater management facility and site.
- (2) City officials shall provide the site owner with a Stormwater Facilities Operations and Maintenance Inspection Checklist which shall suffice as an inspection and maintenance agreement. Inspections shall occur monthly and/or after major storm events in excess of one half inch (0.50") of rain per 24 hour period and annually. The completed checklist shall document inspection results, including the dates of inspection(s), name and qualifications of the inspector and all monthly, emergency and annual maintenance actions taken as a result of such inspection(s). The results of the monthly inspection as noted on the checklist shall be provided to the City of Bellbrook Administrative Office within fifteen (15) days of the inspection. The annual inspection may be completed in any month of the year which will become the annual anniversary inspection month for the site. The results of the annual inspection as noted on the checklist shall be provided to the City of Bellbrook Administrative Office no later than sixty (60) days following the annual inspection date;
- (3) Maintenance actions or repairs undertaken on the structure itself shall be described on the checklist and completed within three (3) days from the date of inspection and repairs to the site shall be described on the checklist and completed within seven (7) days from the date of inspection. In the event of more complex periodic maintenance required for retention ponds and/or infiltration ponds, these alterations shall be designed by a professional engineer and submitted to the City of Bellbrook and/or its authorized agent(s) for review and approval to ensure that the volume and capacity of the structure remains intact;
- (4) Monthly and annual inspection(s) and maintenance of structural stormwater facilities

RECORD OF ORDINANCES

shall be binding on all current and subsequent owners and tenants of the land served by the stormwater management facilities. The property owner shall grant permission to the City of Bellbrook and or its authorized agent(s), to enter the property in an emergency and to abate such emergency conditions as necessary to the proper functioning of the structure and to ensure the health, safety and welfare of the residents. There is no obligation to the City of Bellbrook to maintain the structural facility;

- (5) The owner/developer shall submit four (4) sets of as-built drawings of all stormwater management facilities and improvements to the City of Bellbrook. City officials shall be notified by the site owner no less than thirty (30) days in advance of a transfer of a structural facility and site and provide the name of the responsible party, the effective date and address of record of the new owner.

~~[e.] Ownership and Maintenance of Stormwater Management Facilities.~~

- ~~(1) In cases where stormwater management facilities are proposed on single private properties, the City of Bellbrook's authorized agent(s) shall approve an inspection and maintenance agreement. This agreement shall bind all current and subsequent owners and tenants of land served by the stormwater management facilities;~~
- ~~(2) In the case of proposed subdivisions, inspection and maintenance agreements shall be approved before the City of Bellbrook accepts the final plat of the proposed subdivision. This agreement shall bind all current and subsequent owners and tenants of land served by the stormwater facilities.~~
- ~~(3) All inspection and maintenance agreements shall do the following:~~
- ~~(A) Designate the party(ies) responsible for the maintenance of all stormwater management facilities and practices including mowing, landscaping, debris pick-up, and to ensure all inlet and outlet structures are free of obstructions and in good repair;~~
- ~~(i) During construction, this includes, but is not limited to, the developer, the builder and the contractor;~~
- ~~(ii) After construction, this includes, but is not limited to an individual property owner, a tenant, a home owner association, a condo association, etc. Unless otherwise approved by the City of Bellbrook, there shall be an entity of common ownership (e.g. Land/Homeowner's Association) within a proposed subdivision. Each parcel sold in the proposed subdivision shall require continued membership in the Land/Homeowners Association, until dissolved, at which time the individual property owners shall be held responsible for the ownership and maintenance of stormwater management facilities.~~
- ~~(B) Allow approved authorized alterations of all stormwater management facilities provided that such alterations are designed by a professional engineer and are submitted to the City of Bellbrook and/or its authorized agent(s) for review and approval.~~
- ~~(C) Provide adequate access to all stormwater management facilities for inspection by~~

RECORD OF ORDINANCES

Ordinance No. 2015-3

April 27, 2015

~~the City of Bellbrook's authorized agent(s) and corrective actions by the owner.~~

- ~~(4) All stormwater management facility easements shall be on the final plat, prior to approval by the City of Bellbrook, and a reference shall be made to the entity or individual(s) responsible for their maintenance;~~
- ~~(5) The owner/developer shall submit five (5) sets of as built drawings of all stormwater management facilities and improvements to the City of Bellbrook.]~~

(f) Drainage Easements:

~~[(f) The following conditions shall apply to all drainage easements:]~~

(1) All stormwater management facility easements shall be shown and noted on the final plat and a reference shall be made to the entity or individual(s) responsible for its maintenance;

~~[(1) Easements shall be approved by the City of Bellbrook and/or its authorized agent(s) prior to approval of the final plat and shall be recorded with said plat;]~~

(2) Unless otherwise required by the authorized agent(s) drainage easements shall have a width no less than the following:

- (A) A storm sewer easement minimum width shall be twelve (12) feet or as determined by the total of the outside diameter of the pipe, plus three (3) feet, plus one (1) foot of width for every one (1) foot of depth over the top of the pipe;
- (B) A conveyance channel easement minimum width shall be determined by the total top width of the channel plus five (5) feet on each side of the channel;
- (C) A detention, retention and/or infiltration basin easement minimum width shall be determined by the total top width of the structure, plus the width of any section of berm constructed in fill, plus ten (10) feet on each side of the structure; and
- (D) Where an underground type of detention, retention and/or infiltration system is used, the easement minimum width shall be determined by the total of the outside to outside width of the structure, plus three (3) feet, plus one (1) foot of width for every one (1) foot of depth from the bottom of the structure.

(3) Those lots that contain and/or are crossed by a drainage easement shall have the following language stated on the plat:

"Any lot area reserved for drainage purposes, shall at all times be kept free of any obstructions to the flow of water. No improvements, structures or modifications within the identified drainage easement area will be allowed without the approval of the City Engineer. Maintenance of the drainage easement area, stormwater management control facility(ies), site and drainage areas shall be the responsibility of the individual owner(s) of the lot or Home Owners or Condominium

RECORD OF ORDINANCES

Ordinance No. 2015-3

April 27, 2015

Association, whichever is applicable, on which these facilities and/or drainage areas are located.”

~~[(3) — Unless otherwise required by the authorized agent(s), stormwater management facilities, including basins, ponds or other retention/detention/infiltration practices, shall be on separate lots held and maintained by an entity of common ownership (Land/Homeowners Association) or on individually owned private property; and~~

~~(4) — Those lots that contain and/or are crossed by a drainage easement shall have the following restriction:~~

~~“Any lot area reserved for drainage purposes, shall at all times be kept free of any obstructions to the flow of water. No improvements, structures or modifications within the identified drainage easement area will be allowed without the approval of the City of Bellbrook’s Engineer. Maintenance of the drainage easement area, stormwater management control facility(ies), and drainage areas shall be the responsibility of the individual owner(s) of the lot or Land/Homeowners Association, whichever is applicable, on which these facilities and/or drainage areas are located.”]~~

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED this ____ day of _____, 2015.

Robert L. Baird, Mayor

Carrie C. Smith, Clerk of Council

APPROVED AS TO FORM:
Patricia N. Campbell, Municipal Attorney