

## **CHAPTER 925**

### **Storm Drainage**

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#### **CROSS REFERENCES**

Storm drain conductors and leaders - see OAC Ch. 4101:2-51-69

Erosion and storm runoff controls - see S. U. & P. S. Ch. 907

## **925.01 REGULATIONS GENERALLY.**

Pursuant to the general laws of the State and the powers granted in the City Charter, Council does hereby declare its intention to acquire, own, construct, equip, operate and maintain within the City limits, open drainageways, underground storm drains, equipment and appurtenances necessary, useful or convenient for a complete storm drainage system; and also including management, maintenance, extension and reconstruction of the present storm drainage system of the City; to minimize by suitable means such system's contribution to flooding; and to seek the cooperation of other neighboring jurisdictions in minimizing the contribution of all such systems, and other sources of accelerated runoff to such flooding.

(a) The improvement of both public and private storm drainage facilities through or immediately adjacent to a new development shall remain the responsibility of the developer. Such improvements shall comply with policies and standards outlined in this Chapter.

(b) No portion of this chapter or any statement herein or subsequent Council interpretation policies shall relieve the property owner of assessments levied against their property for public facility improvement projects, except as outlined in Section 925.03 (g).

(c) It is the policy of the City to participate in improvements to storm drainage or storm water management facilities when authorized by Council. To be considered for approval by Council a facility must:

(1) Be either a new public facility or be a rehabilitation/replacement of existing public facilities;

(2) Be a major benefit to the community.

(d) The City shall maintain all public storm drainage and storm water management facilities located within City- owned land, public right of way, and public easements. Public facilities include but are not limited to:

(1) Open drainageways owned by the City or where the City has public drainage easements;

(2) A piped drainage system and its related appurtenances which has been designed and constructed expressly for use by the general public;

(3) Bridges on public streets;

(4) Roadside drainage ditches within the public right of way along unimproved streets;

(5) Flood control facilities such as levees, dikes, overflow channels, retention basins, groundwater recharging basins, etc. that have been designed and constructed expressly for use by the general public.

(e) Facilities not qualifying as public facilities include but are not limited to:

(1) Private parking lot storm drains;

(2) A roof, footing and area drains;

(3) Drains not designed and constructed for use by the general public;

(4) Open drainage swales, detention basins or ditches on private property for which no public easement of record has been granted;

(5) Access drive culverts. (Ord. 1985-8. Passed 3-18-85.)

**925.02 STORM DRAINAGE UTILITY ADMINISTRATOR.**

The Director of Administration shall be ex-officio administrator of the City storm drainage utility, and shall be authorized to maintain and set rate, and develop and adopt policies, standards and financial incentives to promote, regulate and administer the City's storm drainage utility. (Ord. 1997-32. Passed 7-8-97.)

**925.03 STORM DRAINAGE UTILITY CHARGES; RATES.**

(a) There is hereby levied and imposed upon all premises which have been improved within the City just and equitable charges for storm drainage service or subsequent service maintenance, operation and extension; and to establish a Storm Drainage Fund for the foregoing purposes.

(b) Such charges shall be collected with the monthly water bill of water users, billed with sanitary sewer for those connected to sewer alone or billed alone as storm drainage charge for those users not connected to and/or not charged for City water and/or sanitary sewer.

(c) Such charges shall be paid monthly by those liable therefore and placed in a Storm Drainage Fund into which all of such charges so collected shall be deposited and kept as a fund to be used only for the purposes stated herein.

(d) Council finds that property is furnished service in proportion to the amount of the property's impervious surface. The basic unit of service is 3,050 square feet of impervious surface applicable to all conventionally developed residential properties in R-1 zoning districts. Sixty percent (60%) of one basic service unit is the equivalent service unit for one- and two-family residential properties in R-2, R-3, R-4, R-5 and nonresidential zoning districts. All other properties shall be furnished service equivalent to multiples of basic service units of 3,050 square feet of impervious surface as calculated for individual properties by the City Engineer's office.

(e) In no year shall the operating fund of the drainage utility show a loss.

(f) The established rates may be reduced for a property, other than conventionally developed one- and two-family, where approved runoff control measures and storm water management facilities have been implemented. Review and analysis of these measures shall be handled on an individual case basis by the City Engineer, according to established policies and standards. Maximum rate reduction shall be fifty percent (50%) of the established rate. Any person aggrieved by a decision of the City Engineer under this section may appeal such decision to the Court of Common Pleas under Ohio R.C. Chapter 2506.

(g) The owner of any property subject to a charge provided herein shall pay the same, when due, to the City. If any charges due hereunder are not paid when due, the Director of Law may collect them by actions at law in the name of the City, or they may be certified to the County Auditor for placement on the tax list and duplicate as a lien against the property served. Properties which have been assessed for storm drainage improvements as part of the East University Street Storm Sewer Project shall receive credit toward such utility charges equal to the total amount paid or being paid, including any interest, for the East University Street Storm Sewer Assessment and shall not be subject to a user charge until such credit is used up, thereby assuring that all properties in the City will be equitably treated with respect to storm drainage project financing.

(Ord. 1995-38. Passed 10-2-95; Ord. 1997-32. Passed 7-8-97.)

**925.04 STORM DRAINAGE UTILITY CHARGES; RATES.**

(a) The Director of Administration has the authority and responsibility to assess utility user charges of sufficient amounts and in such manner as s/he deems equitable from all premises supplied with utility services. In assessing such user charges, s/he shall strictly observe the policy on rate-setting for enterprise funds set forth in Ordinance 1989-54. The Director of Finance has authority and responsibility for billing and collecting utility user charges, assessments and fees. The customer has the right to appeal any action resulting from this section and any actions resulting from utility regulations. Such request shall be made to the responsible authority.

(b) Requesting and accepting City utility services shall be deemed to create a contractual relationship between the City and the customer by which the customer agrees to pay all user charges and abide by all regulations for the provision of utility services. Liability for all utility services user charges rests with the property owner of record regardless of billing name or address. All administrative fees, late charges and/or other collection expenses shall be added to the utility billing of the service address.

(c) When utility user charges are not paid when due, the Director of Finance or his representative may, in addition to charging delinquent charges and collection fees, do either or both of the following:

(1) Certify delinquent amounts, together with any penalties, to the County Auditor for placement on the tax duplicate as a lien on the property served and, collection in the same manner as other taxes.

(2) Collect delinquent amounts by action at law brought in the name of the City against the owner of the property, tenant or other person who is liable for the unpaid charges.

(d) In addition to the foregoing remedies, the Director of Administration or her/his representative may discontinue services to a property by reason of nonpayment of billed utility user charges. (Ord. 1997-32. Passed 7-8-97.)

**925.05 ADOPTION OF SITE DEVELOPMENT AND IMPROVEMENT MANUAL.**

There is hereby adopted, for the purpose of providing uniform minimum standards for surface water drainage and stormwater management within the jurisdiction of the City, a certain manual know as “City of Wooster, Site Development and Improvement Manual,” hereinafter referred to as “the Manual,” prepared by the Wooster City Engineer and being the 2007 edition of the Manual, and all amendments thereto to the effective date of this chapter as fully and completely as though wholly rewritten herein. Copies of the Manual are on file in the office of the Clerk of Council and the office of the Engineer.

**925.06 PROHIBITED DISCHARGES.**

(a) No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards. Any person who allows such prohibitions to continue is considered to be in violation of these regulations.

(b) Illicit Discharge Prohibition. The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited in accordance with the provisions this chapter and the Manual.

(c) Illicit Connection Prohibition. The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(d) Reporting. Notwithstanding other requirements of law, as soon as any person has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the MS4, or Waters of the State, said person shall take all necessary steps to notify the City Engineer, and the Wayne County Emergency Management Agency, if hazardous material release is suspected, of such release.

(e) Enforcement. An actual or threatened illicit discharge to the MS4 or other Waters of the State through illicit connection or otherwise that violates or would violate this chapter shall be subject to enforcement action.

#### **925.07 WATERCOURSE PROTECTION.**

(a) Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse in accordance with the provisions of the Manual.

(b) Control of Materials and Debris. Practices shall be implemented by any and all persons at all times to prevent toxic materials, hazardous materials, or other debris from entering the MS4, Waters of the State, Waters of the United States and any other water resources.

#### **925.08 NUISANCES.**

(a) This chapter shall not be construed as authorizing any person to maintain a private or public nuisance on his property, and compliance with the provisions of these regulations shall not be a defense in any action to abate such a nuisance.

(b) An actual or threatened illicit discharge to the MS4 that violates or would violate this chapter is hereby declared to be a nuisance.

(c) A line conveying sewage or designed to convey sewage that is connected to the MS4 is hereby declared to be a nuisance.

(d) Any condition caused or permitted to exist in violation of any of the provisions of this chapter that is a threat to public health, safety, and welfare and is

deemed a nuisance shall be considered a violation and may be subject to enforcement action according to this Chapter.

**925.09 FACILITY OR OPERATION SPILLS.**

(a) Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the MS4, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

(b) Emergency Response Notification. In the event of such a release of hazardous materials said person shall immediately notify the Wayne County Emergency Management Agency of the occurrence via emergency dispatch services.

(c) City Engineer Notification. In the event of a release of non-hazardous materials, said person shall notify the City Engineer according to the Manual.

(d) Records. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record according to the provisions of the Manual. This provision does not relieve the owner of record of any other requirements by law.

**925.10 ENFORCEMENT.**

The City Engineer or his/her duly authorized employees are hereby authorized to inspect sites and/or facilities subject to regulation under this Chapter, and to take any necessary enforcement action in relation thereto. Any such inspection and enforcement action shall occur in accordance with the regulations incorporated in the City of Wooster Site Development and Improvement Manual adopted herein at Section 925.05.