REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, JUNE 13, 2017
7:00 P.M.

I. ROLL CALL OF MEMBERS

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REVISED REGULAR CAUCUS MEETING HELD ON OCTOBER 11, 2016.
   Note: Moved by motion from the May 23, 2017 Caucus meeting)

2. REVISED REGULAR CAUCUS MEETING HELD ON OCTOBER 25, 2016.
   Note: (Moved by motion from the May 23, 2017 Caucus meeting)

3. REVISED REGULAR CAUCUS MEETING HELD ON NOVEMBER 15, 2016

4. REVISED CAUCUS MEETING HELD ON NOVEMBER 22, 2016.

5. REGULAR CAUCUS MEETING HELD ON APRIL 25, 2017.

6. REGULAR CAUCUS MEETING HELD ON MAY 9, 2017.

IV. SAFETY COMMITTEE - CHAIRMAN, SALVATORE:

1. AN ORDINANCE AMENDING SECTION 141.02 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'COMPOSITION: EXECUTIVE HEAD' AND DECLARING AN EMERGENCY. Introduced by Council President Astorino. **Note:** (Moved by motion from the May 23, 2017 Caucus agenda).

V. LEGISLATIVE COMMITTEE - CHAIRMAN, TROYER:

1. AN ORDINANCE REPEALING CHAPTER 921 ENTITLED 'CONTROLLING POST-CONSTRUCTION WATER QUALITY RUNOFF' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

V. LEGISLATIVE COMMITTEE - CHAIRMAN, TROYER: CONT.

2. AN ORDINANCE ENACTING CHAPTER 921 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'CONTROLLING POST-CONSTRUCITON WATER QUALITY RUNOFF' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

3. AN ORDINANCE REPEALING CHAPTER 922 ENTITLED 'CONTROLLING' CONSTRUCTION SITE SOIL EROSION SEDIMENT AND OTHER WASTES AND STORM WATER RUNOFF' Introduced by Mayor Coyne

4. AN ORDINANCE ENACTING CHAPTER 922 ENTITLED 'CONTROLLING CONSTRUCTION SITE SOIL EROSION SEDIMENT AND OTHER WASTES AND STORM WATER RUNOFF' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

5. A RESOLUTION HONORING TINA BARR FOR BEING NOMINATED AS 2017 CITIZEN OF THE YEAR AND DECLARING AN EMERGENCY. Introduced by Councilman Scott

NOTE: Executive Session - PERSONNEL MATTERS - Mayor Coyne

VI. ADJOURNMENT:

Posted 6/9/17

P/C 2/7/17 Legislative
Cau 2/14/17 moved to Safety
1st R
2nd R
3rd R
B/C 2/14/17
Cau 5/9/17
B/C 5/9/17
CAUCUS 5-23-17
CAUCUS 6/13/17

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCIL PRESIDENT ASTORINO

AN ORDINANCE
AMENDING SECTION 141.02
OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED 'COMPOSITION: EXECUTIVE HEAD,'
AND DECLARING AN EMERGENCY

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: Section 141.02 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 2650-1966, passed November 1, 1966, and Ordinance No. 9621-2009, passed October 20, 2009 and reading as follows:

141.02 COMPOSITION; EXECUTIVE HEAD.

a) The Police Department shall consist of a Police Chief and not more than forty-three regular police officers.

(b) There is hereby established within the Police Department one Police Chief, one Police Captain, four Police Sergeants, four Police Lieutenants and a Detective Bureau. Such officers shall be appointed by the Director of Public Safety from the regular full-time membership of the Police Department.

(c) Under the direction of the Mayor, the Director of Public Safety shall be the executive head of the Police Department. He shall have all powers and duties connected with and incident to the appointment, regulation and government of such Department, except as otherwise provided by law

is hereby amended to read:

141.02 COMPOSITION; EXECUTIVE HEAD.

(a) The Police Department shall consist of a Police Chief and not less than thirty-eight regular police officers.

(b) There is hereby established within the Police Department one Police Chief, one Captain, not less than six Police Sergeants and not less than one Police Lieutenant, and a Detective Bureau. Such officers shall be appointed by the Director of Public Safety from the regular full-time membership of the Police Department.

(c) Under the direction of the Mayor, the Director of Public Safety shall be the executive head of the Police Department. He shall have all powers and duties connected with and incident to the appointment, regulation and government of such Department, except as otherwise provided by law.

SECTION 2: Former Section 141.02(a) of the Brook Park Codified Ordinances as enacted by Ordinance No. 2650-1966, passed November 1, 1966 and Ordinance No. 8664-2000, passed October 20, 2009, is hereby expressly repealed.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION: 4 This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason of amending Section 141.02 of the Brook Park Codified Ordinances; therefore, provided this ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

_____
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS

_____
DIRECTOR OF LAW

_____
DATE

P/C 6/6/17 Legislative
CA 6/13/17
1st R
2nd R
3rd R
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE
REPEALING CHAPTER 921 ENTITLED
'CONTROLLING POST-CONSTRUCTION WATER QUALITY RUNOFF,'
AND DECLARING AN EMERGENCY

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: Ordinance No. 9498-2008, passed September 2, 2008 is hereby repealed.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason that Council desires to repeal Chapter 921; therefore, provided this ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS
DIRECTOR OF LAW

PASSED: _____

_____
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

_____
DATE

P/C 6/6/17 Legislative
CA 6/13/17
1st R
2nd R
3rd R
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO._____

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE
ENACTING CHAPTER 921 OF THE BROOK PARK
CODIFIED ORDINANCES ENTITLED
'CONTROLLING POST-CONSTRUCTION WATER QUALITY RUNOFF,'
AND DECLARING AN EMERGENCY

WHEREAS, flooding and streambank erosion in the City of Brook Park are a significant threat to public health and safety and public and private property, and storm water quantity control slows runoff and reduces its erosive force, and flood damage; and,

WHEREAS, insufficient quality of storm water runoff can result in significant damage to receiving water resources, impairing the capacity of these resources to sustain aquatic systems and their associated aquatic life use designations; and,

WHEREAS, there is a regional effort to improve the quality of water in the rivers, streams, ponds, and lakes within various watersheds in the City of Brook Park and to protect and enhance the water resources of the City of Brook Park, and the City of Brook Park recognizes its obligation as a part of a watershed and the region to protect water quality by controlling runoff within its borders; and,

WHEREAS, the United States Environmental Protection Agency has approved a Total Maximum Daily Load (TMDL) for nutrients, bacteria, habitat, and dissolved oxygen in the Cuyahoga River, Lower watershed;

WHEREAS, the use of green infrastructure and runoff reduction practices improves water quality in our streams and Lake Erie and reduces the magnitude and frequency of flooding events through the infiltration, evapotranspiration, treatment and reuse of storm water runoff; and,

WHEREAS, the use of green infrastructure produces community benefits including, increased property values, increased retail sales and lower infrastructure costs; and,

WHEREAS, Title 40 Codified Federal Register (C.F.R.) Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, require designated communities, including the City of Brook Park, to develop a Storm Water Management Program to address the quality of storm water runoff, among other components, during and after soil disturbing activities; and,

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution and Chapter 1511 of the Ohio Revised Code grants municipalities the legal authority to adopt rules to abate water pollution by soil sediments; and,

WHEREAS, to promote public health and safety and sound economic development in the City of Brook Park, it is important to provide homebuilders, developers, and landowners with consistent, technically feasible, and operationally practical standards for water quality runoff management; and,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, that;

SECTION 1: Codified Ordinance Chapter 921 Controlling Post-Construction Water Quality Runoff is hereby adopted to read in total as follows:

CHAPTER 921
Controlling Post-Construction Water Quality Runoff

921.01 DEFINITIONS

BEST MANAGEMENT PRACTICE (BMP): Also STORM WATER CONTROL MEASURE (SCMs). Any practice or combination of management practices (both structural and non-structural) that is determined to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by non-point sources of pollution to a level compatible with water quality goals. BMPs may include structural practices, conservation practices and operation and maintenance procedures.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A person that has subscribed to the Code of Ethics and have met the requirements established by the CPESC Council of Certified Professional In Erosion and Sediment Control, Inc. to be a Certified Professional in Erosion and Sediment Control.

CHANNEL: A natural stream that conveys water, or a ditch or channel excavated for the natural flow of water.

CONSERVATION: The wise use and management of natural resources.

CRITICAL STORM: A storm that is determined by calculating the percentage increase in volume of runoff by a proposed development area for the 1 year 24 hour event. The critical storm is used to calculate the maximum allowable storm water discharge rate from a developed site.

DEVELOPMENT AREA: Any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership, where earth disturbing activity is to be performed.

DITCH: An excavation, either dug or natural, for the purpose of drainage or irrigation, and having intermittent flow.

EARTH DISTURBING ACTIVITY: Any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.

EROSION: The process by which the land surface is worn away by the action of water, wind, ice or gravity.

EROSION AND SEDIMENT CONTROL: A written and/or drawn soil erosion and sediment pollution control plan to minimize erosion and prevent off-site sedimentation throughout all earth disturbing activities on a development area.

EROSION AND SEDIMENT CONTROL PRACTICES: Conservation measures used to control sediment pollution and including structural practices, vegetative practices and management techniques.

EXISTING: In existence at the time of the passage of this ordinance and these regulations.

EXTENDED DETENTION FACILITY: A storm water control measure that replaces and/or enhances traditional detention facilities by releasing the runoff collected during the storm water quality event over at least 24 to 48 hours, retarding flow and allowing pollutants to settle within the facility.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The agency with overall responsibility for administering the National Flood Insurance Program.

GRADING: Earth disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.

GREEN INFRASTRUCTURE: Wet weather management approaches and technologies that utilize, enhance or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration and reuse.

GRUBBING: Removing, clearing or scalping material such as roots, stumps or sod.

IMPERVIOUS COVER: Any surface that cannot effectively absorb or infiltrate water. This includes roads, streets, parking lots, rooftops, and sidewalks.

INFILTRATION CONTROL MEASURE: A storm water control measure that does not discharge to a water resource during the storm water quality event, requiring collected runoff to either infiltrate into the groundwater and/or be consumed by evapotranspiration, thereby retaining storm water pollutants in the facility.

INTERMITTENT STREAM: A natural channel that may have some water in pools but where surface flows are non-existent or interstitial (flowing through sand and gravel in stream beds) for periods of one week or more during typical summer months.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

LANDSLIDE: The rapid mass movement of soil and rock material downhill under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.

LOCAL COUNTY SWCD: The local county Soil and Water Conservation District.

LOW IMPACT DEVELOPMENT: Low-impact development (LID) is a site design approach, which seeks to integrate hydrologically functional design with pollution prevention measures to compensate for land development impacts on hydrology and water quality. LID's goal is to mimic natural hydrology and processes by using small-scale, decentralized practices that infiltrate, evaporate, detain, and transpire storm water. LID storm water control measures (SCMs) are uniformly and strategically located throughout the site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are:

1. Owned or operated by the federal government, state, municipality, township, county, district, or other public body (created by or pursuant to state or federal law) including a special district under state law such as a sewer district, flood control district or drainage districts, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into water resources; and
2. Designed or used for collecting or conveying solely storm water,
3. Which is not a combined sewer, and
4. Which is not a part of a publicly owned treatment works.

NATURAL RESOURCES CONSERVATION SERVICE (NRCS): An agency of the United States Department of Agriculture, formerly known as the Soil Conservation Service (SCS).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the
United States without a permit.

NONSTRUCTURAL STORM WATER CONTROL MEASURE (SCM): Any technique that uses natural practices processes and features to prevent or reduce the discharge of pollutants to water resources and control storm water volume and rate.

OHIO EPA: The Ohio Environmental Protection Agency.

OUTFALL: An area where water flows from a structure such as a conduit, storm sewer, improved channel or drain, and the area immediately beyond the structure which is impacted by the velocity of flow in the structure.

PERSON: Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, or any combination thereof.

PRE-CONSTRUCTION MEETING: Meeting prior to construction between all parties associated with the construction of the project including government agencies, contractors and owners to review agency requirements and plans as submitted and approved.

PROFESSIONAL ENGINEER: A person registered in the State of Ohio as a Professional Engineer, with specific education and experience in water resources Engineering, acting in strict conformance with the Code of Ethics of the Ohio Board of Registration for Engineers and Surveyors.

REDEVELOPMENT: A construction project on land that has been previously developed and where the new land use will not increase the runoff coefficient used to calculate the water quality volume. If the new land use will increase the runoff coefficient, then the project is considered to be a new development project rather than a redevelopment project.

RETENTION BASIN: A storm water management pond that maintains a permanent pool of water. These storm water management ponds include a properly Engineered/designed volume dedicated to the temporary storage and slow release of runoff waters.

RIPARIAN AREA: Naturally vegetated land adjacent to watercourses which, if appropriately sized, helps to, limit erosion, reduce flood flows, and/or filter and settle out runoff pollutants, or which performs other functions consistent with the purposes of these regulations.

RIPARIAN SETBACK: Those lands within the City of Brook Park which are alongside streams, and which fall within the area that the City of Brook Park prohibits and restricts changes in land use and the building of structures.

SEDIMENT: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity or ice, and has come to rest on the earth's surface either on dry land or in a body of water.

SEDIMENT BASIN: A temporary Sediment Pond that releases runoff at a controlled rate. It is designed to slowly release runoff, detaining it long enough to allow most of the sediment to settle out of the water. The outlet structure is usually a designed pipe riser and barrel. The entire structure is removed after construction. Permanent storm water detention structures can be modified to function as temporary Sediment Basins.

SEDIMENT CONTROL: The limiting of sediment being transported by controlling erosion or detaining sediment-laden water, allowing the sediment to settle out.

SEDIMENT POLLUTION: A failure to use management or conservation practices to control wind or water erosion of the soil and to minimize the degradation of water resources by soil

sediment in conjunction with land grading, excavating, filling, or other soil-disturbing activities on land used or being developed for commercial, industrial, residential, or other purposes.

SEDIMENT TRAP: A temporary sediment-settling pond having a simple spillway outlet structure stabilized with geotextile and rip rap.

SENSITIVE AREA: An area or water resource that requires special management because of its susceptibility to sediment pollution, or because of its importance to the well-being of the surrounding communities, region, or the state and includes, but is not limited to, the following:

1. Ponds, wetlands or small lakes with less than five acres of surface area;
2. Small streams with gradients less than ten feet per mile with average annual flows of less than 3.5 feet per second containing sand or gravel bottoms.
3. Drainage areas of a locally designated or an Ohio designated Scenic River.
4. Riparian and wetland areas.

SETTLING POND: A runoff detention structure, such as a Sediment Basin or Sediment Trap, which detains sediment-laden runoff, allowing sediment to settle out.

SHEET FLOW: Water runoff in a thin uniform layer or rills and which is of small enough quantity to be treated by sediment barriers.

SLIP: A landslide as defined under "Landslides."

SLOUGHING: A slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth disturbing activity of man.

SOIL: Unconsolidated erodible earth material consisting of minerals and/or organics.

SOIL CONSERVATION SERVICE, USDA: The federal agency now titled the "Natural Resources Conservation Service," which is an agency of the United States Department of Agriculture.

SOIL STABILIZATION: Vegetative or structural soil cover that controls erosion, and includes permanent and temporary seed, mulch, sod, pavement, etc.

SOIL SURVEY: The official soil survey produced by the Natural Resources Conservation Service, USDA in cooperation with the Division of Soil and Water Conservation, ODNR and the local Board of County Commissioners.

STABILIZATION: The use of Best Management Practices or Storm Water Control Measures that reduce or prevent soil erosion by storm water runoff, trench dewatering, wind, ice, gravity, or a combination thereof.

STORMWATER OR STORM WATER: Defined at 40 CFR 122.26(b)(13) and means storm water runoff, snow melt runoff and surface runoff and drainage.

STORM WATER CONTROL MEASURE (SCM): Also Best Management Practice (BMP). Schedule of activities, prohibitions of practices, operation and maintenance procedures, treatment requirements, and other management practices (both structural and non-structural) to prevent or reduce the pollution of water resources and to control storm water volume and rate. This includes practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. For guidance, please see U.S. EPA's National Menu of BMPs at http://water.epa.gov/polwaste/npdes/swbmp/index.cfm.

STORM WATER RUNOFF: Surface water runoff which converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels or storm sewers, and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control sheet flow.

STREAM: A body of water running or flowing on the earth's surface, or a channel with defined bed and banks in which such flow occurs. Flow may be seasonally intermittent.

STRUCTURAL STORM WATER MANAGEMENT PRACTICE OR STORM WATER CONTROL MEASURE (SCM): Any constructed facility, structure, or device that or reduces the discharge of pollutants to water resources and controls storm water volume and rate.

SURFACE WATERS OF THE STATE: Also Water Resource. Any stream, lake, reservoir, pond, marsh, wetland, or other waterway situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.

USEPA: The United States Environmental Protection Agency.

WATERCOURSE: Any natural, perennial, or intermittent channel, stream, river or brook.

WATER QUALITY VOLUME: "Water Quality Volume (WQv)" means the volume of storm water runoff which must be captured and treated prior to discharge from the developed site after construction is complete. WQv is based on the expected runoff generated by the mean storm precipitation volume from post-construction site conditions at which rapidly diminishing returns in the number of runoff events captured begins to occur.

WATER RESOURCE OR SURFACE WATER OF THE STATE. Any stream, lake, reservoir, pond, marsh, wetland, or waterway situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.

WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

WETLAND SETBACK: Those lands within the City of Brook Park that fall within the area defined by the criteria set forth in these regulations.

921.02 PURPOSE

The intent of this regulation is to:

1. Allow development while reducing damage to receiving water resources and drainage systems that may be caused by new development or redevelopment activities.
2. Protect and maintain the receiving stream's physical, chemical, biological characteristics and stream functions.
3. Provide perpetual management of storm water runoff quality and quantity.
4. Establish consistent technically feasible and operationally practical standards to achieve a level of storm water quantity and quality control that will minimize damage to public and private property and degradation of water resources, and will promote and maintain the health, safety, and welfare of the residents of the City of Brook Park.
5. Control storm water runoff resulting from soil disturbing activities.
6. Preserve, to the maximum extent practicable (MEP), the natural drainage characteristics of the building site.
7. Preserve, to the maximum extent practicable (MEP), natural infiltration and groundwater recharge, and maintain subsurface flow that replenishes water resources, wetlands, and wells.
8. Assure that storm water quality controls are incorporated into site planning and design at the earliest possible stage.
9. Reduce the need for costly treatment and mitigation for the damage to and loss of water resources that are the result of inadequate storm water quality control.
10. Reduce the long-term expense of remedial projects needed to address problems caused by inadequate storm water quality control.
11. Require the incorporation of water quality protection that encourages and promotes habitat preservation into the construction of storm water management practices.
12. Ensure that all storm water quality practices are properly designed, constructed, and maintained.

921.03 DISCLAIMER OF LIABILITY

Neither submission of a plan under the provisions herein, nor compliance with the provisions of these regulations, shall relieve any person or entity from responsibility for damage to any person or property that is otherwise imposed by law.

921.04 CONFLICTS, SERVABILITY, NUISANCES & RESPONSIBILITY

1. Where this ordinance imposes a greater restriction upon land than is imposed or required by other Brook Park provisions of law, ordinance, contract or deed, the provisions of this ordinance shall prevail.
2. If a court of competent jurisdiction declares any clause, section, or provision of these regulations invalid or unconstitutional, the validity of the remainder shall not be affected thereby.

3. These regulations shall not be construed as authorizing any person to maintain a private or public nuisance on their property. Compliance with the provisions of this regulation shall not be a defense in any action to abate such nuisance.
4. Failure of the City of Brook Park to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the owner from the responsibility for the condition or damage resulting there from, and shall not result in the City of Brook Park, its officers, employees, or agents being responsible for any condition or damage resulting there from.

921.05 SCOPE

This ordinance applies to development areas having new or relocated projects involving highways, underground cables, pipelines, subdivisions, industrial projects, commercial projects, building activities on farms, redevelopment of urban areas and all other land uses not specifically exempted. This ordinance does not apply to:

1. Land-disturbing activities related to producing agricultural crops or Silviculture operations regulated by the Ohio Agricultural Sediment Pollution Abatement Rules (1501: 15-3-01 to 1501: 15-3-09 of the Ohio Administrative Code) and existing at the time of passage of this regulation.
2. Strip mining operations regulated by Chapter 1513 of the Ohio Revised Code and existing at the time of passage of this regulation.
3. Surface mining operations regulated by Chapter 1514 of the Ohio Revised Code and existing at the time of passage of this regulation.
4. Linear construction projects, (e.g., pipeline or utility line installation), which <u>do not</u> result in the installation of impervious surface and are independent of other construction projects (not part of a larger common plan of development or sale). However, linear construction projects <u>must be</u> designed to minimize the number of stream crossings and the width of disturbance.
5. Transportation projects that are subject to industry specific Ohio EPA Rules are exempt from these rules.
6. It is not the role of the City of Brook Park to point out each and every part of the rules and how to implement them on the individual job sites. It is the project owner's responsibility to be proactive in meeting the intent, purpose and requirements of these regulations.

921.06 CONSULTATIONS

In implementing these regulations the Brook Park City Engineer or other Brook Park officials may consult with the Cuyahoga SWCD, state and federal agencies, and other technical experts as necessary. Any costs associated with such consultations may be assessed to the applicant or his or her designated representative.

921.07 COMPREHENSIVE STORM WATER MANAGEMENT PLAN

The Post-Construction Water Quality Control Plan developed to meet this regulation will be coordinated and combined with the Riparian and Wetland Setback Plan and the Storm Water Pollution Prevention Plan (SWP3) that are developed for the same site. These plans will be titled

and numbered in one consecutive sequence to make a Comprehensive Storm Water Management Plan for the site. The Comprehensive Storm Water Management Plan so developed will serve as the Storm Water Pollution Prevention Plan (SWP3) required by Ohio EPA as part of the NPDES Storm Water Permit for General Construction.

This regulation requires that a Comprehensive Storm Water Management Plan be developed and implemented for all soil disturbing activities disturbing one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one (1) or more acres of total land, and on which any regulated activity is proposed. A Comprehensive Storm Water Management Plan must be developed and implemented for all commercial and industrial site development on sites disturbing more than 0.5 acres . The Brook Park Engineer may require a comprehensive storm water management plan on sites disturbing less than 1 acre.

The Comprehensive Storm Water Management Plan shall contain an application, narrative report, construction site plan sheets, a long-term Inspection and Maintenance Plan and Inspection and Maintenance Agreement and Inspection and Maintenance Plan, and a site description.

921.08 POST-CONSTRUCTION WATER QUALITY CONTROL PLAN

In order to control Post-Construction water quality damage and damage to public and private lands, the owner of each development area shall be responsible for developing a Post-Construction Storm Water Management Control Plan.

1. This plan will be combined with the Storm Water Pollution Prevention Plan and the Riparian Setback and Wetland Setback Plans that are also developed for the site.
2. The Post-Construction Water Quality Control Plan shall describe how the quantity and quality of storm water will be managed after construction is completed for every discharge from the site and/or into a water resource or small municipal separate storm sewer system (MS4).
3. This plan will contain a description of controls appropriate for each construction operation covered by these regulations, and the operator will implement such controls in a timely manner.
4. The BMPs used to satisfy the conditions of these regulations shall meet the standards and specifications in the current edition of the Ohio *Rain Water and Land Development* manual, ODOT Post-Construction storm water standards, or other manual that is acceptable to the Brook Park City Engineer or Ohio EPA.
5. The plan must make use of the practices that preserve the existing natural condition to the Maximum Extent Practicable (MEP).
6. To meet the Post-Construction requirements of this regulation, the Post-Construction Water Quality Control Plan must contain a description of the type, location, and dimensions of every structural and non-structural SCM incorporated into the site design, and the rationale for their selection. The rationale must address the anticipated impacts on the channel and floodplain morphology, hydrology, and water quality.
7. This plan will identify the person or entity responsible for continued maintenance of all vegetative and/or mechanical BMPs for both the construction and Post-Construction phases of the development.

8. Long-term maintenance requirements and schedules of all BMPs for both the construction and Post-Construction phases of the development will be identified.
9. This plan will contain long-term maintenance inspection schedules, including the printed name and contact point of the Post-Construction landowner (e.g., president of the homeowners association, store manager, apartment complex manager, etc.).
10. This plan will identify the person or entity financially responsible for maintaining the permanent inspection and maintenance of permanent storm water conveyance and storage structures and other conservation practices.
11. The method of ensuring that funding will be available to conduct the long-term maintenance and inspections of all permanent storm water; soil erosion and sediment control and water quality practices will be identified.
12. The Post-Construction Water Quality Control Plan will also contain the following information depending on the size of the development sites as well as any additional information required by the Brook Park City Engineer:

A. **Development Sites Smaller than Five Acres:** A development site that will disturb one (1) or more, but less than five (5) acres of land <u>and</u> is <u>not</u> a part of a larger common plan of development or sale which will disturb five or more acres of land shall identify:

(1) <u>Storm Water Issues</u>: A statement as to how the decreased storm water quality that will be caused by the planned development project will be handled.
(2) <u>Description of Measures</u>: A description of the BMPs that will be installed during the construction process to control pollutants in storm water discharges that will occur <u>after</u> construction operations have been completed.
(3) <u>Upland Areas</u>: Structural measures placed on upland areas to the degree attainable.
(4) <u>Map</u>: A map of the entire site showing the overall development.
(5) <u>Riparian and/or Wetland Setback</u>: All riparian and wetland setback areas will be identified on the plans. They will also be marked in the field prior to the start of construction.
(6) <u>BMPs</u>: Best Management Practices used in the Post-Construction Water Quality Control Plan may include but are not limited to:
(a) Permanent Storm Water Detention ponds that provide extended detention of the water volume.
(b) Flow attenuation by use of open vegetated swales and natural depressions
(c) Onsite infiltration of runoff
(d) Sequential systems that combine several practices
(e) Permanent conservation easements, preferably with the easement being held by a third party with no vested interest in ever seeing the property developed
(f) Natural Channel Design for drainageways
(g) BioEngineering in drainageways
(h) Recreating floodplains
(i) Chemical and biological filters in storm sewer inlets
(j) Sand Filters
(k) Allowing roof water from buildings to run across lawn areas to remove pollutants

(l) Onsite sewage disposals system replacement or conversion to sanitary sewers
(m) Low Impact Development Design
(n) Aquatic benches in Retention Basins and ponds.

(7) Technical Basis: The plans will contain a rational statement utilized to select the BMPs used to control pollution and to maintain and protect water quality.
(8) Post-Construction Water Quality Control Plans for redevelopment projects must accomplish one of the following options:
(a) Reduce existing site impervious areas by at least 25 percent, a one-for-one credit towards the 25 percent net reduction of impervious area can be obtained through the use green roofs.
(b) Infiltrate at least 25 percent of the WQv.
(c) Capture, treat and release 50 percent of the WQv.

B. **Development Sites 5 Acres or Larger:** A development site that disturbs five (5) or more acres of land or will disturb less than five (5) acres, but is a part of a larger common plan of development or sale, which will disturb five (5) or more acres of land shall identify:

(1) Storm Water Detention: The Post-Construction BMP(s) chosen must be able to detain storm water runoff for protection of the stream channels, stream erosion control, and improved water quality.
(2) Structural BMPs: Structural (designed) Post-Construction storm water treatment practices shall be incorporated into the permanent drainage system for the site.
(3) Properly Sized BMPs: The BMP(s) chosen must be sized to treat the water quality volume (WQ_v) and ensure compliance with Ohio's Water Quality Standards in OAC Chapter 3745-1. The WQ_v shall be equivalent to the volume of runoff from a 0.75-inch rainfall and shall be determined according to one of the two following methods:
(a) Through a site hydrologic study approved by the local municipal permitting authority that uses continuous hydrologic simulation and local long-term hourly precipitation records or
(b) Using the following equation:
1. $WQ_v = C * P * A / 12$ where: WQ_v = water quality volume in acre-feet C = runoff coefficient appropriate for storms less than 1 inch (see Table 1) P = 0.75 inch precipitation depth A = area draining into the BMP in acres

Runoff coefficients required by the Ohio Environmental Protection Agency (Ohio EPA) for use in determining the WQv can be determined using the list in Table 1 or using the following equation to calculate the runoff coefficient:

$C=0.858i^3 - 0.78i^2 + 0.774i + 0.04$, where:
i = fraction of the drainage area that is impervious

Table 1 Runoff Coefficients Based on the Type of Land Use

Land Use	Runoff Coefficient
Industrial & Commercial	0.8
High Density Residential (>8 dwellings/acre)	0.5
Medium Density Residential (4 to 8 dwellings/acre)	0.4
Low Density Residential (<4 dwellings/acre)	0.3
Open Space and Recreational Areas	0.2
Where the land use will be mixed, the runoff coefficient should be calculated using a weighted average. For example, if 60% of the contributing drainage area to the storm water treatment structure is Low Density Residential, 30% is High Density Residential, and 10% is Open Space, the runoff coefficient is calculated as follows (0.6)(0.3) + (0.3)(0.5) + (0.1)(0.2) = 0.35.	

(4) Each individual SCM must be sized to treat the WQv associated with its entire contributing drainage area. Exceptions to this may be granted by the Brook Park Engineer and/or the OEPA on a case-by-case basis.

(5) An additional volume equal to 20 percent of the WQ_v shall be incorporated into the BMP for sediment storage and/or reduced infiltration capacity. The BMPs will be designed according to the methodology included in the Ohio *Rainwater and Land Development* manual, ODOT Post-Construction storm water standards, or other manual that is acceptable to Ohio EPA.

(6) BMPs shall be designed such that the drain time is long enough to provide treatment, but short enough to provide storage available for successive rainfall events as described in Table 2 below

(7) Sites within watersheds of coldwater habitat streams shall include SCMs to infiltrate the water quality volume or reduce the temperature of discharged runoff. SCMs that reduce the temperature of discharged runoff include bioretention, permeable pavement, underground detention, and incorporation of shading and infiltration in parking lot design.

Table 2: Target Draw Down (Drain) Times for Storm Water Control Measures

Storm Water Control Measure	Drain Time of WQv
Infiltration Basin or Trench[1]	48 hours
Permeable Pavement – Infiltration[1]	48 hours
Permeable Pavement – Extended Detention	24 hours
Extended Detention Basin (Dry Basins)[2]	48 hours
Retention Basins (Wet Basins)[3]	24 hours

Constructed Wetlands (above permanent pool) [4]	24 hours
Sand & other Media Filtration[5], Bioretention[6]	24 hours
Pocket Wetland	24 hours

1 Practices designed to fully infiltrate the WQv shall empty within 48 hours to provide storage for subsequent storm events.
2 The use of a forebay and micropool is required on all dry extended detention basins. Each is to be sized at a minimum 10% of the WQv.
3 Provide both a permanent pool and an extended detention volume above the permanent pool, each sized with at least 0.75*WQV .
4 Extended detention shall be provided for the WQv above the permanent water pool.
5 The surface ponding area shall completely empty within 24 hours so that there is no standing water. Shorter drawdown times are acceptable as long as design criteria in Rainwater and Land Development have been met.
6 This includes grassed linear bioretention, which was previously titled enhanced water quality swale.
7 Pocket wetlands must have a wet pool equal to the WQv, with 25% of the WQv in a pool and 75% in marshes. The EDV EDv above the permanent pool must be equal to the WQv.

1

(8) The owner may request approval from the Brook Park City Engineer to use alternative structural Post-Construction BMPs if the owner can demonstrate, in a way that is acceptable to Ohio EPA rules and regulations that the alternative BMPs are equivalent in effectiveness to those listed in Table 2 above. The use of alternative or vender supplied Post-Construction BMPs should be limited to redevelopment projects where justification is provided that the traditional BMPs in Table 2 are technically and economically infeasible.

(9) Construction activities shall be exempt from this condition if it can be demonstrated that the WQ_v is provided within an existing structural Post-Construction BMP that is part of a larger common plan of development or sale or if structural Post-Construction BMPs are addressed in a regional or local storm water management plan.

(10) Post-Construction Water Quality Control Plans for redevelopment projects must accomplish one of the following options:
   (a) Reduce existing site impervious areas by at least 25 percent, a one-for-one credit towards the 25 percent net reduction of impervious area can be obtained through the use green roofs.
   (b) Infiltrate at least 25 percent of the WQv.
   (c) Capture, treat and release 50 percent of the WQv.

(11) Site Description:
   (a) The prior land uses of the site
   (b) The nature and type of construction activity (e.g., low density residential, shopping mall, highway, etc.)
   (c) Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavating, filling or grading, <u>including off-site</u> borrow, fill or spoil areas and <u>off-site</u> utility installation areas)
   (d) Amount of the impervious area and percent imperviousness created by the construction activity

(e) Name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water and the major river watersheds in which it is located.

(f) Selection (source and justification) and/or calculations of runoff coefficients for water quality volume determination, peak discharge control (curve number/critical storm method), and rational method

(g) Existing data describing the soils throughout the site, including soil map units including series, complexes, and association, hydrologic soil group, porosity, infiltration characteristics, depth to groundwater, depth to bedrock, and any impermeable layers.

(h) If available, the quality of any known pollutant discharge from the site such as that which may result from previous contamination caused by prior land uses.

(i) If applicable, identify the point of discharge to a municipal separate storm sewer system and the location where that municipal separate storm sewer system ultimately discharges to a stream, lake, or wetland. The location and name of the immediate receiving stream or surface water(s) and the first subsequent receiving water(s) and the aerial extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from undisturbed areas of the project.

(j) TMDLs applicable for the site [refer to TMDL community identifier table at http://www.neohiostormwater.com/]; demonstrate that appropriate (SCMs) have been selected to address these TMDLs.

(k) For each SCM, identify the drainage area, percent impervious cover within the drainage area, runoff coefficient for water quality volume, peak discharge, and the time of concentration for each subwatershed per Appendix 1 of Ohio's storm water manual, Rainwater and Land Development. Pervious and impervious areas should be treated as separate subwatersheds unless allowed at the discretion of the community engineer. Identify the SCM surface area, discharge and dewatering time, outlet type and dimensions. Each SCM shall be designated with an individual identification number.

(12) A vicinity sketch locating:

(a) The development area

(b) The larger common plan of development or sale

(c) All pertinent surrounding natural features within 200 feet of the development site including, but not limited to:

(d) Water resources such as wetlands, springs, lakes, ponds, rivers and streams (including intermittent streams with a defined bed and bank)

(e) Conservation Easements

(f) Other sensitive natural resources and areas receiving runoff from the development

(13) The existing and proposed topography shown in the appropriate contour intervals as determined by the Brook Park City Engineer (generally one-foot contours are used).

(14) The location and description of existing and proposed drainage patterns and facilities, including any allied drainage facilities beyond the development area and the larger common plan of development or sale.

(15) Existing and proposed watershed boundary lines, direction of flow and watershed acreage.

(16) The person or entity responsible for continued maintenance of all permanent vegetative and/or mechanical Post-Construction water quality conservation practices (BMPs). Contact information: Company name and contact information as well as contact name, addresses, and phone numbers for the following:

(a) The Professional Engineer who prepared the Comprehensive Storm Water Management Plan.

(b) The site owner

(17) The location of any existing or planned riparian and/or wetland setback areas on the property.

(18) Inspection and Maintenance Agreement. The Inspection and Maintenance Agreement required for SCMs under this regulation as a stand-alone document between the City of Brook Park and the applicant. A copy of this agreement should be attached to the property deed. The agreement shall contain the following information and provisions:

(a) Identification of the landowner(s), organization, or municipality responsible for long term inspection and maintenance, including repairs, of the SCMs.

(b) The landowner(s), organization, or municipality shall maintain SCMs in accordance with this regulation.

(c) The has the authority to enter upon the property to conduct inspections as necessary, with prior notification of the property owner, to verify that the SCMs are being maintained and operated in accordance with this regulation.

(d) The City of Brook Park shall maintain public records of the results of site inspections, shall inform the landowner(s), organization, or municipality responsible for maintenance of the inspection results, and shall specifically indicate in writing any corrective actions required to bring the SCMs into proper working condition.

(e) If the City of Brook Park notifies the landowner(s), organization, or municipality responsible for maintenance of the maintenance problems that require correction, the specific corrective actions shall be taken within a reasonable time as determined by the City of Brook Park.

(f) The City of Brook Park is authorized to enter upon the property and perform the corrective actions identified in the inspection report if the landowner(s), organization, or municipality responsible for maintenance does not make the required corrections in the specified time period. The City of Brook Park shall be reimbursed by the landowner(s), organization, or municipality responsible for maintenance for all expenses incurred within 10 days of receipt of invoice from the City of Brook Park, or more with written approval from the Brook Park engineer.

(g) The method of funding long-term maintenance and inspections of all SCMs.

(h) A release of the City of Brook Park from all damages, accidents, casualties, occurrences, or claims that might arise or be asserted against the City of

Brook Park from the construction, presence, existence, or maintenance of the SCMs.

(19) Inspection and Maintenance Plan. This plan will be developed by the applicant and reviewed by the City of Brook Park. Once the Inspection and Maintenance Plan is approved, a recorded copy of the Plan must be submitted to the City of Brook Park as part of the final inspection approval. The plan will include at a minimum:

(a) The location of each SCM and identification of the drainage area served by each SCM.

(b) Photographs of each SCM, including all inlets and outlets upon completion of construction.

(c) Schedule of inspection.

(d) A schedule for regular maintenance for each aspect of the storm water management system and description of routine and non-routine maintenance tasks to ensure continued performance of the system as is detailed in the approved Comprehensive Storm Water Management Plan. A maintenance inspection checklist written so the average person can understand it shall be incorporated. The maintenance plan will include a detailed drawing of each SCM and outlet structures with the parts of the outlet structure labeled. This schedule may include additional standards, as required by the Brook Park Engineer, to ensure continued performance of SCMs permitted to be located in, or within 50 feet of, water resources.

(e) The location and documentation of all access and maintenance easements on the property.

Alteration or termination of these stipulations is prohibited.

921.09 EASEMENTS

Future access to all SCM and other areas, as required by the City of Brook Park Engineer, shall be secured by means of easements.

1. Easements shall be approved by the City Engineer and shall be recorded with the Cuyahoga County Auditor and on all property deeds.

2. Unless otherwise required by the City Engineer, access easements between a public right-of-way and all SCM shall be no less than 20-feet wide. The easement shall also incorporate the entire SCM, plus an additional 15-foot wide band around the perimeter of the SCM.

3. The easement shall be graded and/or stabilized as necessary to allow maintenance equipment to access and manipulate around and within each facility, as defined in the Inspection and Maintenance agreement for the site.

4. Easements to structural SCM shall be restricted against the construction therein of buildings, fences, walls, and other structures that may obstruct the free flow of storm water and the passage of inspector and maintenance equipment; and against the

changing of final grade from that described by the final grading plan approved by the City of Brook Park. Any re-grading and/or obstruction placed within a maintenance easement may be removed by the City of Brook Park at the property owners' expense.

921.10 INSPECTIONS AND MAINTENANCE

All temporary and permanent control practices developed in accordance with an approved Storm Water Control Plan shall be maintained and repaired in accordance with the approved Inspection and Maintenance Agreement and as needed to ensure continued performance of their intended function. All sediment control practices must be maintained in a functional condition until all slope areas they control are permanently stabilized. Any portion of the permanent water quality management systems, including on-site and off-site treatment/storage facilities that are constructed by the owner, will be continuously maintained into perpetuity. All maintenance plans must meet the following standards and those responsible for implementation of the maintenance plan must adhere to them:

1. Maintenance plans must ensure that pollutants collected within structural Post-Construction BMP practices are disposed of in accordance with local, state and federal guidelines.
2. Maintenance plans shall be provided by the owner of the site to both the City of Brook Park Engineer and the post-construction operator of the BMP (including homeowner associations) upon completion of construction activities and prior to the City of Brook Park Engineer giving final approval for the completed construction.
3. Single-Family Residential Developments: A Homeowners' Association or other entity acceptable to the City Engineer shall be created and placed in title of the affected lands and shall be continuously responsible for post-construction maintenance and inspections into perpetuity unless such maintenance and inspections become officially accepted by the City of Brook Park.
4. Multi-Family, Commercial and Industrial Developments: The plans will clearly state that the owner of the property shall be continuously responsible for post-construction maintenance and inspections into perpetuity unless such maintenance and inspections become officially accepted by the City of Brook Park.
5. Maintenance Design: Low maintenance requirements are a priority in the design and construction of all facilities. Multi-use facilities incorporating assets such as aesthetics and recreation may be incorporated into the design of the drainage facilities. All permanent drainage, soil erosion, sediment control, water quality management systems and BMPs, including on-site and off-site structures and vegetation that are constructed or planted, must be inspected and maintained into perpetuity by the responsible party designated in the plans and the requirements of this ordinance. Inspections and maintenance will be incorporated periodically throughout the year to ensure that the facilities are properly operational.
6. Permit Related Inspections: All controls on the site shall be inspected in accordance with the applicable individual NPDES Construction Activity Permit or Ohio EPA's NPDES Construction Activity Permit #OHC000002. This shall include procedures that all controls on the site are inspected at least once every seven calendar days and within 24

hours after any storm event greater than one-half inch of rain per 24 hour period until no longer required under the applicable Ohio EPA storm water control permit.

7. Perpetual Maintenance Inspections: One (1) inspection with a written report will be performed each year. The written report will be given to the Building Department for review by the City Engineer or their designee by May 1st of each and every year after the Best Management Practice (BMP) has been completed. The City Engineer retains the authority to require that the annual inspection report be a written and stamped report from a professional engineer or other individual possessing a valid state license that authorizes them to design the type of BMP inspected.
8. Structures that require a permit from the Ohio Division of Soil and Water Resources: A written and stamped report from a professional engineer on the status of all structural BMPs that require a permit from the Ohio Department of Natural Resources (ODNR) Division of Soil and Water Resources. This applies to all BMPs that require a permit either at the time of construction or fall under the jurisdiction of ODNR Division of Soil and Water Resources at any time after construction is completed.
9. Repair and maintenance: If an inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment settling pond, it must be repaired or maintained within three days of the inspection. Sediment settling ponds must be repaired or maintained within 10 days of the inspection.
10. Authority of the City to perform corrective actions: The City of Brook Park is authorized to enter upon the property and to perform the inspections or any necessary corrective actions if the landowner(s), person, or organization responsible for maintenance does not make the required inspection or correction within the specified time period in the maintenance plan or within a reasonable amount of time where no time period has been specified. The City of Brook Park shall be reimbursed by the landowner(s), person, or organization responsible for maintenance for all expenses related to inspection or correction incurred by the City within ten (10) days of receipt of invoice from the City.
11. Modification of the selected control practice: If an inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the Storm Water Control Plan must be amended by the person or entity responsible for maintenance and the new control practice must be installed after receiving approval from the City Engineer. If an inspection reveals that a planned control practice is not needed, the person or entity responsible for installation must request approval from the City Engineer to no longer implement the planned control practice.
12. Easements: A written report from an inspector on the status of all storm water management easements for each project shall be submitted to the City of Brook Park Building Department by May 1st of each year into perpetuity. These reports will document if restricted plantings, fences and structures are on the easement and will identify the location of the noted easement restriction violations.

921.11 MINIMUM STANDARDS

In order to control pollution of water resources, the owner or person responsible for the development area shall use conservation planning and practices to maintain the level of conservation established in the following standards.

1. Standards and Specifications: Post-Construction runoff practices used to satisfy these standards shall meet the standards and specifications in the current edition of the *Rainwater and Land Development* manual, NRCS Field Office Technical Guide for the local county, or the Ohio EPA, whichever is most stringent.
2. Water Quality Basins:
   A. Pool Geometry: The minimum length-to-width ratio for the pond is 4:1 (the length will be four (4) times the width).
   B. Riser in Embankment: The riser shall be located within the embankment for purposes of maintenance access. Access to the riser will be by manholes.
   C. Water Drains: Each retention basin shall have a drainpipe that can completely drain the pond. The drain shall have an elbow within the pond to prevent sediment deposition from plugging the drain.
   D. Adjustable Gate Valves: Both the Water Quality and the Storm Water Management Basin drains shall have adjustable gate valves. Valves shall be located inside of the riser at a point where they will remain dry and can be operated in a safe and convenient manner. During the annual inspections the valves shall be fully opened and closed at least once, and the certifying official shall attest to this on the inspection form. To prevent vandalism, the handwheel shall be chained to a ringbolt or manhole step.
   E. Principal Spillway: Each principal spillway shall be designed in accordance with the Natural Resources Conservation Service (NRCS) standards and specifications for the office serving the local county. Each principal spillway shall have the capacity to pass the 100 year design storm flows. The inlet or riser size for the pipe drops shall be designed so that the flow through the structure goes from weir flow control to pipe flow control without going into orifice control in the riser. The crest elevation of the primary spillway shall be no less than one foot below the emergency spillway crest. Premium joint pipe is required and a removable trash rack shall be installed at each location. Anti-seep collars shall be provided for all pipe conduits through an embankment.
   F. Emergency Spillway: An emergency spillway shall be provided on each Water Quality and Storm Water Management basin. Emergency spillways shall convey flood flows safely past the embankment, and shall be designed in accordance with NRCS standards and specifications for the office serving the local county. Emergency spillways shall have a 100-year design storm capacity unless exempted in writing by the Brook Park City Engineer.
   G. Embankments: Each dam embankment shall be designed in accordance with the NRCS standards and specifications for the office serving the county that the project is located in. Anti-seep collars shall be provided for all pipe conduits through an embankment.
   H. Safety Features:
      1) The primary spillway opening shall not permit access to the public and other non-maintenance personnel.
      2) The perimeter of all water pool areas that are deeper than three (3) feet shall be surrounded by benches that meet the following:
         a) A safety bench, with a maximum slope of 3%, which extends outward, on dry land, from the shoreline. This bench will be a minimum of 25 feet wide to provide for the safety of individuals and maintenance vehicles that are adjacent to the water pool. The safety bench may be landscaped, without the use of structures, to prevent access to the water pool.

b) Side slopes between the safety bench and the aquatic bench shall not be steeper than 3:1 (3 feet horizontal for every 1 foot vertical).
c) An aquatic bench that extends inward from the shoreline far enough to ensure public safety and has a maximum depth of 15 inches below the normal water surface elevations. The aquatic bench may be landscaped to prevent access to the deeper water pool. The aquatic bench may also be incorporated into the Post-Construction Water Quality Plan.
d) Side slopes beyond the aquatic bench and below the permanent water level shall not be steeper than 2:1 (2 feet horizontal for every 1 foot vertical).
e) The contours of the pond will be designed and managed to eliminate drop-offs and other hazards. Side slopes getting to the pond shall not exceed 3:1 and shall terminate on a safety bench.

I. Water Quality Basin: If a Water Quality Basin is needed and can not be incorporated into an existing or planned Detention or Retention Basin then a separate Water Quality Basin will need to be planned, designed, constructed and maintained into perpetuity.

J. Water Quality Basins will not be constructed in any permanent or intermittent stream channel.

K. Flexibility: These standards are general guidelines and shall not limit the right of the Brook Park City Engineer to impose at any time additional and/or more stringent requirements nor shall the standards limit the right of the Brook Park City Engineer to waive, in writing, individual requirements.
   1) If the Brook Park City Engineer waives, in writing, individual requirements the owner will provide the Brook Park City Engineer with the information and documentation required to assure Ohio EPA that the waived requirement will not degrade water quality.

L. Preservation of Existing Natural Drainage: Practices that preserve and/or improve the existing natural drainage shall be used to the maximum extent practicable. Such practices may include minimizing site grading and compaction; protecting and/or restoring water resources, riparian areas, and existing vegetation and vegetative buffer strips; phasing of construction operations in order to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing and grubbing practices; and maintaining unconcentrated storm water runoff to and through these areas. Post-construction storm water practices shall provide perpetual management of runoff quality and quantity so that a receiving stream's physical, chemical and biological characteristics are protected and ecological functions are maintained.

921.12 ALTERNATIVE ACTIONS

Where the Brook Park City Engineer determines that site constraints exist in a manner that compromises the intent of this ordinance to improve the management of storm water runoff as established in this ordinance, practical alternatives may be used to result in an improvement of water quality and/or a reduction of storm water runoff. Such alternatives must be in keeping with the intent and likely cost of those measures that would otherwise be required to meet the objectives of this section. Such alternatives shall achieve the same level of storm water quantity and quality control that would be achieved by the on-site controls required under this regulation. When possible, all practical alternatives shall be implemented within the drainage area of the

proposed development project. Alternatives shall be implemented in the same Hydrologic Unit Code (HUC) 14 12 watershed unit as the proposed development project. The mitigation ratio of the water quality volume is 1.5 to 1 or the water quality volume at the point of retrofit, whichever is greater. An inspection and maintenance agreement shall be established to ensure operations and treatment in perpetuity. Prior written approval from Ohio EPA shall be obtained. Practical alternatives can include, but are not limited to:

1. Fees shall be paid in an amount specified by the Brook Park City Engineer. The City of Brook Park shall apply these fees o SCMs that improve the existing water quality.
2. Implementation of off-site SCMs.
3. Watershed or stream restoration.
4. Retrofitting of an existing SCM.
5. Other practices approved by the Brook Park City Engineer in keeping with the intent of this section.

921.13 COMPLIANCE WITH OTHER RULES AND REGULATIONS

Approvals issued in accordance with this regulation do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from other federal, state, and/or county agencies. If requirements vary, the most restrictive shall prevail. These permits may include, but are not limited to, those listed below. Applicants are required to show proof of compliance with these regulations before the City of Brook Park will issue a building or zoning permit.

1. Ohio Dam Safety Laws: The provisions of the Ohio Dam Safety Laws shall be followed. Proof of compliance with the Ohio Dam Safety Law administered by the ODNR Division of Soil and Water Resources shall be, but is not limited to, a copy of the ODNR Division of Soil and Water Resources permit number or a copy of the project approval letter from the ODNR Division of Soil and Water Resources or a letter from the site owner explaining why the Ohio Dam Safety Law is not applicable. The written proof will be provided to the Brook Park City Engineer before a construction permit will be issued.

2. Ohio Environmental Protection Agency (Ohio EPA) National Pollutant Discharge Elimination System (NPDES) Permits authorizing storm water discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI) number from Ohio EPA, a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable

3. Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

4. Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands Permit is not applicable. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.
5. Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, public notice, or project approval, if an Individual Permit is required for the development project. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:
    1. A letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 404 of the Clean Water Act is not applicable.
    2. A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

921.14 VIOLATIONS

No person shall violate, or cause, or knowingly permit to be violated, any of the provisions of these regulations, or fail to comply with any such provisions or with any lawful requirements of any public authority made pursuant to these regulations, or knowingly use or cause or permit the use of any lands in violation of these regulations or in violation of any permit granted under these regulations.

921.15 PENALTIES

1. Whoever violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the first degree and shall be fined no more than one thousand dollars ($1,000.00) or imprisoned for no more than one hundred eighty (180) days, or both, for each offense.
2. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
3. Upon notice from the Brook Park City Engineer, or designated representative, that work is being performed contrary to this regulation, such work shall immediately stop. Such notice shall be in writing and shall be given to the owner or person responsible for the development area, or person performing the work, and shall state the conditions under which such work may be resumed; provided, however, in instances where immediate action is deemed necessary for public safety or the public interest, the Brook Park City Engineer may require that work be stopped upon verbal order pending issuance of the written order.
4. The imposition of any other penalties provided herein shall not preclude the City of Brook Park, by or through its Law Director and/or any of his or her assistants, from instituting an appropriate action or proceeding in a Court of Proper Jurisdiction to prevent an unlawful development or to restrain, correct or abate a violation, or to require compliance with the

provisions of this regulation or other applicable laws, or ordinances, rules or regulations or the orders of the Brook Park City Engineer.

921.16 PERFORMANCE BOND OR SECURITY

Unless the requirement is waived by the City Engineer, if a Comprehensive Storm Water Management Plan is required by this regulation, soil-disturbing activities shall not be permitted until a performance bond or security has been deposited with the City of Brook Park. The performance security or bond shall be posted for the City of Brook Park to perform the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the applicant for the SCM Plan or owner fails to comply with the provisions of this regulation. The amount of the performance security or bond shall be the total estimated construction cost of the SCM set forth in the Storm Water Control Plan, plus 20%. The performance security or bond will be returned when:

1 After the City Engineer has approved the As-built Certification required in Section 921.17(7); and

2 All temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of, and trapped sediment has been stabilized.

3 An Inspection and Maintenance Plan has been approved by the City of Brook Park and Inspection and Maintenance Agreement has been signed by the developer, the contractor, the City of Brook Park, and the private owner or homeowners association who will take long term responsibility for these SCMs, is accepted by the Brook Park Engineer.

921.17 APPLICATION PROCEDURES AND FINAL CERTIFICATION

1. Pre-Application Meeting: The applicant shall attend a Pre-Application Meeting with the City Engineer, Building Department, and Service Department or their designee to discuss the proposed project, review the requirements of this regulation, identify any unique aspects of the project that must be addressed during the review process, and establish a preliminary review and approval schedule.

2. Preliminary Comprehensive Storm Water Management Plan: The applicant shall submit three (3) paper sets and one (1) set of plans in PDF format of a Comprehensive Storm Water Management Plan (Preliminary Plan) and the applicable fees to the Building Department for review by the City Engineer or their designee. The Preliminary Plan shall show the proposed property boundaries, setbacks, dedicated open space, public roads, water resources, storm water control facilities, and easements in sufficient detail and engineering analysis to allow the City Engineer to determine if the site is laid out in a manner that meets the intent of this regulation and if the proposed SCM are capable of controlling erosion, sediment pollution and storm water runoff from the site in compliance with this regulation. The applicant shall submit three (3) paper sets and one (1) set of plans in PDF format of the Preliminary Plan and applicable fees as follows:

   A. For subdivisions and other building or improvement construction projects: In

conjunction with the submission of the preliminary subdivision plan.

B. For general clearing projects: for soil disturbing activities covered by this regulation; thirty (30) days prior to any soil disturbing activities.

3. Final Post-Construction Water Quality Control Plan: The applicant shall submit three (3) sets of a Comprehensive Storm Water Management Plan (Final Plan) and the applicable fees to the Building Department for review by the City Engineer or their designee in conjunction with the submittal of the final plat, improvement plans, or application for a building or zoning permit for the site. The Final Plan shall meet the requirements of Section 921.08 and shall be approved by the City Engineer prior to approval of the final plat and/or before issuance of either a zoning or building permit.

4. Review and Comment: The City Engineer shall review the Preliminary and Final Plans submitted, and shall approve or return for revisions with comments and recommendations for revisions within thirty (30) days after receipt of the plans. Failure to approve or return plans within thirty (30) days shall not constitute approval of the plan. A Preliminary or Final Plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised Preliminary or Final Plan.

5. Approval Necessary: Land clearing and soil-disturbing activities shall not begin and zoning and/or building permits shall not be issued without an approved Comprehensive Storm Water Management Plan.

6. Valid for Two Years: Approvals issued in accordance with this regulation shall remain valid for one (1) year from the date of approval.

7. Final Certification of Constructed BMP(s): After construction or implementation of all BMP(s) set forth in the approved Comprehensive Storm Water Management Plan, an As-Built Certification sealed, signed and dated by a Professional Engineer with a statement certifying that the storm water management practices, as designed and installed, meet the requirements of the Comprehensive Storm Water Management Plan approved by the City Engineer shall be submitted to the Building Department.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City; therefore provided this ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____ _____
PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
CLERK OF COUNCIL MAYOR

_____
DATE

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS

DIRECTOR OF LAW

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CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE
REPEALING CHAPTER 922 ENTITLED
'CONTROLLING
CONSTRUCTION SITE SOIL EROSION SEDIMENT
AND OTHER WASTES AND STORM WATER RUNOFF,'

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: Ordinance No. 9473-2008, passed May 20, 2008 is hereby repealed.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason that Council desires to repeal Chapter 922; therefore, provided this ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS

PASSED: _____

_____
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

_____
DATE

P/C 6/6/17 Legislative
CA 6/13/17
1st R
2nd R
3rd R
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE
ENACTING CHAPTER 922 ENTITLED
'CONTROLLING CONSTRUCTION SITE SOIL EROSION SEDIMENT
AND OTHER WASTES AND STORM WATER RUNOFF,'
AND DECLARING AN EMERGENCY

WHEREAS, flooding and streambank erosion in the City of Brook Park are a significant threat to public health and safety and public and private property, and storm water quantity control slows runoff and reduces its erosive force, and flood damage; and,

WHEREAS, insufficient control of storm water quantity can result in significant damage to receiving water resources, impairing the capacity of these resources to sustain aquatic systems and their associated aquatic life use designations; and,

WHEREAS, soil is most vulnerable to erosion by wind and water during soil disturbing activities and this eroded soil necessitates repair of sewers and ditches and dredging of rivers, harbors, and lakes; accelerates downstream bank erosion and damage to public and private property; endangers water resources by reducing water quality; and causes the siltation of aquatic habitat; and,

WHEREAS, there is a regional effort to reduce the flooding, erosion and sedimentation within various watersheds and the City of Brook Park and to protect and enhance the water resources of the City of Brook Park, and the City of Brook Park recognizes its obligation as a part of a watershed and the region to reduce flooding and erosion and to protect water quality by controlling runoff within its borders; and,

WHEREAS, the City of Brook Park has experienced and continues to experience significant costs associated with inadequate erosion and sediment control including legal fees, engineering services, and increased state and federal regulation; and,

WHEREAS, the United States Environmental Protection Agency has approved a Total Maximum Daily Load for nutrients (phosphorous; nitrogen), habitat, bacteria, and dissolved oxygen in the Cuyahoga River, Lower watershed;

WHEREAS, to promote public health and safety and sound economic development in the City of Brook Park, it is important to provide homebuilders, developers, and landowners with consistent, technically feasible, and operationally practical standards for storm water management and soil erosion and sediment control; and,

WHEREAS, Title 40 Codified Federal Register (C.F.R.) Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, require designated communities, including the City of Brook Park, to develop a Storm Water Management Program to address among other components, erosion, sedimentation, and the quality of storm water runoff during and after soil disturbing activities; and,

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution and Chapter 1511 of the Ohio Revised Code grants municipalities the legal authority to adopt rules to abate soil erosion and water pollution by soil sediments; and,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, that;

SECTION 1: Codified Ordinance Chapter 922 Controlling Construction Site Soil Erosion, Sediment, and Other Wastes and Storm Water Runoff is hereby adopted to read in total as follows:

CHAPTER 922
Controlling Construction Site Soil Erosion, Sediment, and Other Wastes and Storm Water Runoff

922.01 DEFINITIONS

APPROVING AUTHORITY: Also, ADMINISTRATOR. The official responsible for administering the applicable program(s).

ADMINISTRATOR: The person or entity having the responsibility and duty of administering and ensuring compliance with this regulation.

BEST MANAGEMENT PRACTICE (BMP): Also STORM WATER CONTROL MEASURE (SCM). Any practice or combination of practices that is determined to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources of pollution to a level compatible with water quality goals. BMPs may include structural practices, conservation practices and operation and maintenance procedures.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A person that has subscribed to the Code of Ethics and have met the requirements established by the CPESC Council of Certified Professional in Erosion and Sediment Control, Inc. to be a Certified Professional in Erosion and Sediment Control.

CHANNEL: A natural stream that conveys water, or a ditch or channel excavated for the natural flow of water.

COMMENCEMENT OF CONSTRUCTION: The initial disturbance of soils associated with clearing, grubbing, grading, placement of fill, or excavating activities or other construction activities.

CONCENTRATED STORM WATER RUNOFF: Surface water runoff which converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels or storm sewers, and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control sheet flow.

CONSERVATION: The wise use and management of natural resources.

CUT AND FILL SLOPES: A portion of land surface or area from which soil material is excavated and/or filled.

DENUDED AREA: A portion of land surface on which the vegetation or other soil stabilization features have been removed, destroyed or covered, and which may result in or contribute to erosion and sedimentation.

DETENTION BASIN: A storm water management pond that remains dry between storm events. Storm water management ponds include a properly engineered/designed volume which is dedicated to the temporary storage and slow release of runoff waters.

DEVELOPMENT AREA: Any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership, where earth-disturbing activity is to be performed.

DEWATERING VOLUME: See current *Ohio Rainwater and Land Development* Manual.

DISCHARGE: The addition of any pollutant to surface waters of the state from a point source.

DISTURBANCE: Any clearing, grading, excavating, filling, or other alteration of land surface where natural or man-made cover is destroyed in a manner that exposes the underlying soils.

DISTURBED AREA: An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities such as grading, excavating, or filling.

DITCH: An excavation, either dug or natural, for the purpose of drainage or irrigation, and having intermittent flow.

DRAINAGE WATERSHED: For the purpose of this regulation the total contributing drainage area to a BMP, i.e., the "watershed" directed to the practice. This includes offsite contributing drainage.

DRAINAGE WAY: A natural or manmade channel, ditch, or waterway that conveys surface water in a concentrated manner by gravity.

DUMPING: The grading, pushing, piling, throwing, unloading or placing of soil or other material.

EARTH DISTURBING ACTIVITY: Any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.

EARTH MATERIAL: Soil, sediment, rock, sand, gravel, and organic material or residue associated with or attached to the soil.

EROSION: The process by which the land surface is worn away by the action of water, wind, ice or gravity.

EXISTING: In existence at the time of the passage of these regulations.

FINAL STABILIZATION: All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 80% coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed. In addition, all temporary erosion and sediment control practices are removed and disposed of and all trapped sediment is permanently stabilized to prevent further erosion. Final stabilization also requires the installation of permanent (post-construction) storm water control measures (SCMs).

FREQUENCY STORM: A rainfall event of a magnitude having a specified average recurrence interval and is calculated with Natural Resources Conservation Service, USDA Type II twenty-four hour curves or depth-duration frequency curves.

GRADING: Earth disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.

GRUBBING: Removing, clearing, grinding, or scalping material such as roots, stumps or sod and other unwanted material below existing grade.

IMPERVIOUS: That which does not allow infiltration.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

LANDSLIDE: The rapid mass movement of soil and rock material downhill under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.

LOCAL COUNTY SWCD: The local county Soil and Water Conservation District.

MAXIMUM EXTENT PRACTICABLE (MEP): The technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in storm water discharges that

was established by the Clean Water Act §402(p). A discussion of MEP as it applies to small MS4s is found in 40 CFR 122.34.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are:

a. Owned or operated by the federal government, state, municipality, township, county, district, or other public body (created by or pursuant to state or federal law) including a special district under state law such as a sewer district, flood control district or drainage districts, or similar entity, or a designated and approved management agency under Section 208 of the Federal Water Pollution Control Act that discharges into surface waters of the state; and
b. Designed or used for collecting or conveying solely storm water,
c. Which is not a combined sewer, and
d. Which is not a part of a publicly owned treatment works.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES): The national program for issuing, modifying, revoking and reissuing, termination, monitoring and enforcing permits and enforcing pretreatment requirements, under sections 307, 402, 318, 405 under the Clean Water Act.

NATURAL RESOURCES CONSERVATION SERVICE (NRCS): An agency of the United States Department of Agriculture, formerly known as the Soil Conservation Service (SCS).

NPDES PERMIT: A National Pollutant Discharge Elimination System Permit issued by Ohio EPA under the authority of the USEPA, and derived from the Federal Clean Water Act.

OHIO EPA: The Ohio Environmental Protection Agency.

OPERATOR: Any party associated with a construction project that meets either of the following two criteria:

a. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
b. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with A Storm Water Pollution Prevention Plan (SWP3) for the site or other permit conditions (e.g. they are authorized to direct workers at a site

ORDINARY HIGH WATER MARK: The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

OWNER OR OPERATOR: The owner or operator of any "facility or activity" subject to regulation under the NPDES program.

OUTFALL: An area where water flows from a structure such as a conduit, storm sewer, improved channel or drain, and the area immediately beyond the structure which is impacted by the velocity of flow in the structure.

PERCENT IMPERVIOUSNESS: The impervious area created divided by the total area of the project site.

PERMANENT STABILIZATION: Establishment of permanent vegetation, decorative landscape mulching, matting, sod, rip rap, and landscaping techniques to provide permanent erosion control on areas where construction operations are complete or where no further disturbance is expected for at least one year.

PERSON: Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, or any combination thereof.

POINT SOURCE: Any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or the floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

PRE-CONSTRUCTION MEETING: A meeting between the City of Brook Park and all principle parties, prior to the start of any construction, at a site that requires a Storm Water Pollution Prevention Plan

PRE-WINTER STABILIZATION MEETING: A meeting between the City of Brook Park and all principal parties, prior to October 1, in order to plan winter erosion and sediment controls for a site that requires a Storm Water Pollution Prevention Plan

PROFESSIONAL ENGINEER: A person registered in the State of Ohio as a Professional Engineer, with specific education and experience in water resources engineering, acting in strict conformance with the Code of Ethics of the Ohio Board of Registration for Engineers and Surveyors.

REDEVELOPMENT: The demolition or removal of existing structures or land uses and construction of new ones.

RETENTION BASIN: A storm water management pond that maintains a permanent pool of water. These storm water management ponds include a properly engineered/designed volume dedicated to the temporary storage and slow release of runoff waters.

RIPARIAN AREA: The transition area between flowing water and terrestrial (land) ecosystems composed of trees, shrubs and surrounding vegetation which serve to stabilize erodible soil, improve both surface and ground water quality, increase stream shading and enhance wildlife habitat.

RIPARIAN SETBACK: Those lands within the City of Brook Park which are alongside streams where earth disturbing activities will not take place and natural vegetation will not be removed.

RUNOFF COEFFICIENT: The fraction of rainfall that will appear at the conveyance as runoff.

SEDIMENT: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity or ice, and has come to rest on the earth's surface either on dry land or in a body of water.

SEDIMENT SETTLING POND: A temporary Sediment Pond that releases runoff at a controlled rate. It is designed to slowly release runoff, detaining it long enough to allow most of the sediment to settle out of the water. The outlet structure is usually a designed pipe riser and barrel. The entire structure is removed after construction. Permanent storm water detention structures can be modified to function as temporary Sediment Basins.

SEDIMENT CONTROL: The limiting of sediment being transported by controlling erosion or detaining sediment-laden water and, allowing the sediment to settle out.

SEDIMENT BARRIER: A sediment control device such as a geotextile Silt Fence or a grass Filter Strip, usually capable of controlling only small flow rates. (Straw bale barriers are not acceptable.)

SEDIMENT POLLUTION: A failure to use management or conservation practices to control wind or water erosion of the soil and to minimize the degradation of water resources by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed for commercial, industrial, residential, or other purposes.

SEDIMENT STORAGE VOLUME: See current edition of *Rainwater and Land Development*.

SENSITIVE AREA: An area or water resource that requires special management because of its susceptibility to sediment pollution, or because of its importance to the well-being of the surrounding communities, region, or the state and includes, but is not limited to, the following:

1. Ponds or small lakes with less than five acres of surface area;
2. Small streams with gradients less than ten feet per mile with average annual flows of less than 3.5 feet per second containing sand or gravel bottoms.
3. Drainage areas of a locally or Ohio designated Scenic River.
4. Riparian areas.

SETTLING POND: A runoff detention structure, such as a Sediment Basin or Sediment Trap, which detains sediment-laden runoff, allowing sediment to settle out.

SHEET FLOW: Water runoff in a thin uniform layer or rills and which is of small enough quantity to be treated by sediment barriers.

SLIP: A landslide as defined under "Landslides."

SLOUGHING: A slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth disturbing activity of man.

SOIL: Unconsolidated erodible earth material consisting of minerals and/or organics.

SOIL CONSERVATION SERVICE, USDA: The federal agency now titled the "Natural Resources Conservation Service," which is an agency of the United States Department of Agriculture.

SOIL EROSION AND SEDIMENT CONTROL PLAN: A written and/or drawn soil erosion and sediment pollution control plan to minimize erosion and prevent off-site sedimentation throughout all earth disturbing activities on a development area.

SOIL EROSION AND SEDIMENT CONTROL PRACTICES: Conservation measures used to control sediment pollution and including structural practices, vegetative practices and management techniques.

SOIL STABILIZATION: Vegetative or structural soil cover that controls erosion, and includes permanent and temporary seeding, mulch, sod, pavement, etc.

SOIL SURVEY: The official soil survey produced by the Natural Resources Conservation Service, USDA in cooperation with the Division of Soil and Water Conservation, ODNR and the local Board of County Commissioners.

STORMWATER AND STORM WATER: Storm water runoff, snow melt and surface runoff and drainage.

STORM WATER CONTROL STRUCTURE: Practice used to control accelerated storm water runoff from development areas.

STORM WATER CONVEYANCE: All storm sewers, channels, streams, ponds, lakes, etc., used for conveying concentrated storm water runoff, or for storing storm water runoff.

STORM WATER POLLUTION PREVENTION PLAN (SWP3): The plan required by Ohio EPA to meet the requirements of its National Pollutant Discharge Elimination System (NPDES) Permit program for construction activities.

STREAM: A body of water running or flowing on the earth's surface, or a channel with a defined bed and banks in which such flow occurs. Flow may be seasonally intermittent.

STEEP SLOPES: Slopes that are 15 percent or greater in grade.

SUBDIVISIONS, MAJOR AND MINOR: See Ohio Administrative Code 711.001 for definition.

SURFACE OUTLET: A dewatering device that only draws water from the surface of the water.

SURFACE WATER OF THE STATE: Also Water Resource or Water Body. Any stream, lake, reservoir, pond, marsh, wetland, or other waterway situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.

TEMPORARY STABILIZATION: The establishment of temporary vegetation, mulching, geotextiles, sod, preservation of existing vegetation, and other techniques capable of quickly establishing cover over disturbed areas to provide erosion control between construction operations.

TOPSOIL: The upper layer of the soil that is usually darker in color and richer in organic matter and nutrients than subsoil.

TOTAL MAXIMUM DAILY LOAD: The sum of the existing and/or projected point source, nonpoint source, and background loads for a pollutant to a specified watershed, water resource or wetland, or water resource or wetland segment. A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into the water and still ensure attainment and maintenance of water quality standard.

UNSTABLE SOIL: A portion of land surface or area which is prone to slipping, sloughing or landslides, or is identified by Natural Resources Conservation Service methodology as having a low soil strength.

USEPA: The United States Environmental Protection Agency.

WASTEWATER: Any water that is contaminated with gasoline, fuel oil, hydrocarbon based chemicals, paint, paint washing liquids or other paint wastes, sanitary wastes, or any other Ohio EPA regulated contaminants.

WATERCOURSE: Any natural, perennial, or intermittent channel with a defined bed and banks, stream, river or brook.

Water Quality Volume (WQv): The volume of storm water runoff which must be captured and treated prior to discharge from the developed site after construction is complete. WQv is based on the expected runoff generated by the mean storm precipitation volume from post-construction site conditions at which rapidly diminishing returns in the number of runoff events captured begins to occur.

WATER RESOURCE Also SURFACE WATER OF THE STATE: Any stream, lake, reservoir, pond, marsh, wetland, or waterway situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.

WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 Codified Federal Register (CFR) 232, as amended). Wetlands shall be delineated by a site survey approved by the City of Brook Park using delineation protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of application of this regulation. If a conflict exists between the delineation protocols of these two agencies, the delineation protocol that results in the most inclusive area of wetlands shall apply.

WETLAND SETBACK: Those lands adjacent to wetlands where earth-disturbing activities will not take place and natural vegetation will not be removed.

WINTER: October 1st to April 1st of each year.

922.02 PURPOSE

The intent of this regulation is to establish consistent technically feasible and operationally practical standards to achieve a level of storm water management, and erosion and sediment control that will minimize damage to public and private property and the degradation of water resources, and will promote and maintain the health, safety, and welfare of the residents of the City of Brook Park.

This regulation further intends, but is not limited, to:

1. Allow development while minimizing increases in downstream flooding, erosion, and sedimentation.
2. Reduce damage to receiving water resources and drainage systems that are caused by new development or redevelopment activities.
3. Control storm water runoff resulting from soil disturbing activities.
4. Assure that development site owners control the volume and rate of storm water runoff originating from their property so that surface water and ground water are protected, soil erosion is controlled, and flooding potential is not increased.
5. Preserve to the maximum extent practicable the natural drainage characteristics of the building site and minimize the need to construct, repair, and replace enclosed storm drain systems.
6. Preserve to the maximum extent practicable natural infiltration and groundwater recharge, and maintain subsurface flow that replenishes water resources, and wells.
7. Assure that storm water controls are incorporated into site planning and design at the earliest possible stage.
8. Prevent unnecessary stripping of vegetation and loss of soil, especially adjacent to water resources.
9. Reduce the need for costly maintenance and repairs to roads, embankments, sewage systems, ditches, water resources, and storm water management practices that are the result of inadequate soil erosion, sediment and storm water control.

10. Reduce the long-term expense of remedial projects needed to address problems caused by inadequate storm water, erosion and sediment control.
11. Require the construction of storm water management practices that serve multiple purposes including flood control, soil erosion and sediment control, and require water quality protection; and encourage such practices that promote recreation and habitat preservation.
12. Ensure that all storm water management, soil erosion and sediment control practices are properly designed, constructed, and maintained.

922.03 DISCLAIMER OF LIABILITY

Neither submission of a plan under the provisions herein, nor compliance with the provisions of these regulations, shall relieve any person or entity from responsibility for damage to any person or property that is otherwise imposed by law.

922.04 CONFLICTS, SERVABILITY, NUISANCES & RESPONSIBILITY:

1. Where this ordinance imposes a greater restriction upon land than is imposed or required by other Community provisions of law, ordinance, contract or deed, the provisions of this ordinance shall prevail.
2. If a court of competent jurisdiction declares any clause, section, or provision of these regulations invalid or unconstitutional, the validity of the remainder shall not be affected thereby.
3. These regulations shall not be construed as authorizing any person to maintain a private or public nuisance on their property. Compliance with the provisions of this regulation shall not be a defense in any action to abate such nuisance.
4. Failure of the City of Brook Park to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the owner from the responsibility for the condition or damage resulting there from, and shall not result in the City of Brook Park, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

922.05 SCOPE

This ordinance applies to development areas having new or relocated projects involving highways, underground cables, pipelines, subdivisions, industrial projects, commercial projects, building activities on farms, redevelopment of urban areas and all other land uses not specifically exempted. This ordinance does not apply to:

1. Land disturbing activities related to producing agricultural crops or Silviculture operations regulated by the Ohio Agricultural Sediment Pollution Abatement Rules (1501: 15-3-01 to 1501: 15-3-09 of the Ohio Administrative Code) and existing at the time of passage of this regulation.
2. Coal surface mining operations regulated by Chapter 1513 of the Ohio Revised Code and existing at the time of passage of this regulation.
3. Other surface mining operations regulated by Chapter 1514 of the Ohio Revised Code and existing at the time of passage of this regulation.

922.06 CONSULTATIONS

In implementing these regulations the Brook Park City Engineer or other Community officials may consult with the local county SWCD, state and federal agencies, and other technical experts as necessary. Any costs associated with such consultations may be assessed to the applicant or his or her designated representative.

922.07 COMPREHENSIVE STORM WATER MANAGEMENT PLAN

The Storm Water Pollution Prevention Plan (SWP3) developed to meet this regulation will be coordinated and combined with the Riparian and Wetland Setback Plan and the Post-Construction Water Quality Plan that are developed for the same site. These plans will be titled and numbered in one consecutive sequence to make a Comprehensive Storm Water Management Plan for the site. The Comprehensive Storm Water Management Plan so developed will serve as the Storm Water Pollution Prevention Plan (SWP3) required by Ohio EPA as part of the NPDES Storm Water Permit for General Construction.

ISSUANCE OF BUILDING PERMITS FOR RESIDENTIAL PROJECTS: Two building permits will be issued for all single-family residential construction and similar types of construction as determined by the Brook Park City Engineer. The first building permit shall allow the construction of the footers and basement walls or slab. No additional construction shall be performed and no additional building materials shall be allowed on the site until the City of Brook Park has issued the second building permit. The Brook Park City Engineer may approve the stockpiling of additional construction materials on the site prior to the issuance of the second permit if a suitable location can be identified. Proper Soil Erosion and Sediment Control must be maintained on the stockpile area prior to, during, and after the area is used for stockpiling.

The second building permit, allowing delivery of the remaining building materials and the remaining construction activities, shall not be issued until the Brook Park City Engineer certifies that the required BMPs and any other BMPs identified in the Soil Erosion and Sediment Control Plan submitted with the Application for the first building permit have been properly installed, pursuant to the most recent edition of the Ohio *Rainwater and Land Development* manual.

922.08 DEVELOPMENT OF STORM WATER POLLUTION PREVENTION PLANS

This regulation requires that a Storm Water Pollution Prevention Plan (SWP3) be developed and implemented for all disturbing activities disturbing one (1.0) or more acres of total land, or less than one (1.0) acre if part of a larger common plan of development or sale disturbing one (1.0) or more acres of total land. A Storm Water Pollution Prevention Plan (SWP3) must be developed and implemented for all commercial and industrial site development that disturbs more than 0.5 acres of land. The City Engineer may require a Comprehensive Storm Water Management Plan on sites disturbing less than 1.0 acre.

1. **Development Sites Under One (1.0) Acre In Size:** Individual development sites that are larger than 10,500 square feet and smaller than one (1.0) acre (43,560 square feet) in total

size of disturbed area, can submit an abbreviated SWP3 with the topography plan for the requested permit(s). The abbreviated plan must cover the following items, in addition to any other items from this ordinance that are required by the Brook Park City Engineer.

A. Storm Water Issues: A statement as to how the increased storm water runoff that will be caused by the planned development project will be handled. This statement must identify the Best Management Practices (BMPs) the new construction project will include in order to address storm water runoff.
B. Redevelopment Exemption: Owners of development sites that were created by demolishing an older existing structure can request, in writing, that the Brook Park City Engineer exempt them from the storm water issues if the total soil surface area being made impermeable is the same or less than the total soil surface area that was impermeable due to the structure(s) being torn down and removed.
C. Riparian and Wetland Setbacks: All riparian and wetland-setback areas will be identified in the plan and in the field before construction starts.
D. Soil Erosion and Sediment Issues: A sketch of the entire development site must be submitted that identifies the location of:

1) All existing and planned impervious areas, storm water inlets, drainage swales, wetlands, streams, conservation easements and other natural features to be saved and protected on the property.
2) All existing and planned temporary and permanent conservation practices for the site. Residential lots shall include at a minimum the following:
   a) Soil erosion and sediment control BMPs, and;
   b) Construction Entrance, and;
   c) Temporary Grass Seeding with 2 tons per acre of straw mulch, and;
   d) Storm Drain Inlet Protection around every storm yard inlet on the site or accepting drainage from the site, and;
   e) Silt Fence protection for any stream located on or close to the site and lacking an adequate vegetative buffer, and;
   f) Silt Fence to prevent sediment discharge into street storm sewer inlets where no centralized sediment control exists for the drainage area that includes the lot, and;
   g) Construction fence to protect any conservation easements, riparian setbacks and wetland setbacks from encroachment by construction activities.

E. The schedule for the use of Temporary Seeding developed according to the Temporary Seeding Table contained in the Minimum Standards Section of this ordinance must be included. The location of construction material stockpile areas, if such have been approved by the Brook Park City Engineer, with a description of the Soil Erosion and Sediment Controls to be maintained on the stockpile area prior to, during, and after the area is used for stockpiling.

2. **Development Sites One (1.0) Acre In Size or Larger:** All developments that have a *larger common plan of development or sale* equal to or larger than one (1.0) acre in size of disturbed area are subject to this ordinance and shall follow all of the requirements set forth in this ordinance.

A. Description of the Plan of Construction: The following information shall be included in the Storm Water Pollution Prevention Plan:

1) Site Description:
   a) A description of the prior land uses of the site.
   b) A description of the nature and type of construction activity (e.g., low density residential, shopping mall, highway, etc.).
   c) A description of the total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavating, filling or grading, including off-site borrow, fill or spoil areas and off-site utility installation areas).
   d) An estimate of the impervious area and percent imperviousness created by the land disturbance activity.
   e) A calculation of the run-off coefficients for both the pre-construction and post-construction site conditions.
   f) The types of soils within, or affected by, the development area, and the location of all highly erodible or unstable soils as determined by the most current edition of the soil survey of the county, by the Natural Resources Conservation Service (NRCS),
   g) An onsite, detailed Soils Engineering Report if required by the Brook Park City Engineer.
   h) The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water and the aerial extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project. For discharges to a municipal separate storm sewer system (MS4), the point of discharge to the MS4 and the location where the MS4 ultimately discharges to a water resource shall be indicated.
   i) List TMDLs applicable for the site and demonstrate that appropriate BMPs or storm water control measures (SCMs) have been selected to address these TMDLs. [A TMDL identifier table for Northeast Ohio communities is available at http://www.neohiostormwater.com/]
   j) A log documenting grading and stabilization activities as well as amendments to the SWP3, which occur after construction activities commence.
   k) Each temporary and permanent storm water practice shall be designated with an individual identification number.

2) A vicinity sketch locating:
   a) The larger common plan of development or sale
   b) The development area
   c) All pertinent surrounding natural features within 200 feet of the development site including, but not limited to:
      01 Water resources such as wetlands, springs, lakes, ponds, rivers and streams (including intermittent streams with a defined bed and bank)
      02 Conservation Easements
      03 Other sensitive natural resources

04 The sensitive areas receiving runoff from the development

d) All off-site borrow or spoil areas
e) All off-site utility installation areas that are related to the planned project

3) The existing and proposed topography shown in the appropriate contour intervals as approved by the Brook Park City Engineer (generally one-foot contours are used).
4) The location and description of existing and proposed drainage patterns and facilities, including any allied drainage facilities beyond the development area and the larger common plan of development or sale.
5) Existing and proposed watershed boundary lines, direction of flow and watershed acreage.
6) The person or entity responsible for continued maintenance of all vegetative and/or mechanical BMPs for both the construction and post-construction phases of the development.
7) Long-term maintenance requirements and schedules of all BMPs for both the construction and post-construction phases of the development.
8) Long-term maintenance inspection schedules.
9) The person or entity financially responsible for conducting the inspections of, and the maintenance of, permanent storm water conveyance and storage structures and all other conservation practices.
10) The method of ensuring that funding will be available to conduct the long-term maintenance and inspections of all permanent storm water, soil erosion and sediment control and water quality practices.
11) The location of any existing or planned riparian and/or wetland setback areas on the property.
12) The plan must clearly describe, for each major construction activity, the appropriate BMPs and the general timing (or sequence) during the construction process of when the measures will be implemented; and, who (which contractor) will be responsible for implementation (e.g., Contractor A will clear, grub and install perimeter controls and Contractor B will maintain perimeter controls until final stabilization; Contractor C will conduct and document the scheduled inspections.)
13) Location and description of any storm water discharges associated with dedicated asphalt and concrete plants covered by this regulation and the Best Management Practices to address pollutants in these storm water discharges.
14) Sediment and storm water management basins including their sediment settling volume and the maximum expected disturbed area that will be directed to the sediment pond during construction. The plan should include a summary of the following:
    a) The required sediment storage and dewatering volumes
    b) The provided sediment storage and dewatering volumes
    c) The weir length or skimmer size, as applicable
    d) The weir length or skimmer size provided
15) Data sheets for all sediment traps, sediment basins, and SCMs that identify contributing drainage area, disturbed area, water quality volume, sedimentation volume, dewatering volume, practice surface area, facility discharge and dewatering time, outlet type and dimensions, and any other relevant parameters for each practice.

16) A separate plan and profile view of each individual sediment settling pond and its outlet structure. Detail drawings of the outlet structure shall indicate the following elevations:
    a) Pond bottom
    b) Elevation required to store the required sediment storage volume
    c) For sediment basins, the elevation at which the skimmer is attached
    d) For sediment traps, the top and bottom of the stone outlet section
    e) Elevation required to store the dewatering volume, exclusive of the sediment storage volume
    f) Elevation of the top of embankment
    g) Crest of the emergency spillway
17) Where used as a sediment-settling pond during construction, the plan shall include a detail drawing of the temporary outlet configuration of the permanent storm water basin with the following information specified:
    a) Storage volume provided below the elevation at which the skimmer or other surface dewatering device is attached
    b) Elevation at which the skimmer or other surface dewatering device is attached
    c) Elevation at which the full dewatering zone is stored above the skimmer invert
    d) Any temporary modification to permanent outlet orifices or weirs required to ensure no discharge below the skimmer invert and only the skimmer controls the discharge up to the top of the dewatering volume.
    e) Calculations of the sediment storage volume, dewatering volume and skimmer drawdown time shall also be provided
18) The location of permanent SCMs to be used to control pollutants in storm water after construction operations have been completed.
19) Methods to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, and sanitary waste to precipitation, storm water runoff, and snow melt.
20) Measures to prevent and respond to chemical spills and leaks. Applicants may also reference the existence of other plans (i.e., Spill Prevention Control and Countermeasure (SPCC) plans, spill control programs, Safety Response Plans, etc.) provided that such plan addresses this requirement and a copy of such plan is maintained on site.
21) Methods to minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. No detergents may be used to wash vehicles. Wash waters shall be treated in a sediment basin or alternative control that provides equivalent treatment prior to discharge.

B. Storm Water Pollution Prevention Plan: the Storm Water Pollution Prevention Plan shall include, at a minimum, the following information:
    1) The Storm Water Pollution Prevention Plan shall include a map showing the location of:
        a) The limits of earth disturbing activity including excavations, filling, grading or clearing.
        b) Drainage patterns during major phases of construction.
        c) The location of each proposed soil erosion and sediment control BMP, including:

01 Permanent soil erosion control practices to be left in place after construction operations have been completed (e.g. level spreaders, permanent erosion control matting, gabions, rock lined channels, etc.),
02 Areas likely to require temporary stabilization during the course of site development,
03 Designated construction entrances where vehicles will access the construction site,
04 In-stream activities including stream crossings,
05 Areas designated for the storage or disposal of solid, sanitary and toxic wastes,
06 Dumpsters,
07 Cement truck washout,
08 Fuel tanks
09 BMPs that divert runoff away from disturbed areas and steep slopes where practicable including rock check dams, pipe slope drains, diversions to direct flow away from exposed soils, and protective grading practices,
10 Sediment settling ponds drawn to scale.

d) Existing and proposed locations of buildings, roads, parking facilities and utilities.
e) Boundaries of wetlands and stream channels the owner intends to fill or relocate for which the owner is seeking approval from the US Army Corps of Engineers and/or Ohio EPA.

2) The Storm Water Pollution Prevention Plan shall include a list of soil erosion and sediment control BMPs being used and the standards and specifications, including detailed drawings, for each BMPs. This list shall include:
   a) Methods of controlling the flow of runoff from disturbed areas so as to prevent or minimize erosion.
   b) Identification of the Structural Practices to be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. A description shall be included of how each selected control will store runoff so as to let sediments settle out and/or divert flows away from exposed soils or act to limit runoff from exposed areas.
   c) Identification for each Structural Practice of its size, detail drawings, maintenance requirements and design calculations.
   d) The type and amount of plant seed, live plants, fertilizer, agricultural ground limestone and mulch to be used. Specification of soil testing requirements for fertility and lime requirements will be included. Specification for the use of perennial grass seed will also be included.
   e) Settling ponds will be identified with basic dimensions and the calculations for size and volume.
   f) Detailed drawings and installation requirements of all other structural control BMPs.
   g) Any other soil erosion and sediment control related BMPs and items that are required by the Brook Park City Engineer.
   h) For developments where the overall plan does not call for centralized sediment control capable of controlling multiple individual lots, a detail drawing of a project specific typical individual lot showing standard individual lot soil erosion

and sediment control practices and the sequence and timing of BMP installation for the individual lots. This does not remove or eliminate the responsibility to designate and install specific soil erosion and sediment control practices for the storm water discharges.

3) The Storm Water Pollution Prevention Plan shall include the scheduling, phasing, and coordination of construction operations and erosion and sediment control BMPs, including vegetative plantings and mulch.

C. The Storm Water Pollution Prevention Plan shall include a description of the Storm Water Management (SWM) practices to be used on the site. The SWM element of the Plan shall include, at a minimum, the following:

1) A map showing the location, drawn to scale, of permanent SWM conveyance, detention and retention structures, other SWM control structures and the SWM easements.
2) A general description of the SWM strategy proposed to meet this ordinance.
3) Design calculations for all permanent SWM conveyance, detention and retention structures, and other SWM control structures.
4) Any other SWM related items required by the Brook Park City Engineer.

922.09 EASEMENTS

Future access to floodplains, flood control facilities, runoff drainage ditches and channels, runoff storage facilities, storm sewers and other drainage ways and structures, as required by the Brook Park City Engineer, shall be secured by means of easements.

1. Easements shall be approved by the City Engineer and shall be recorded with the Cuyahoga County Auditor and on all property deeds.
2. Unless otherwise required by the City Engineer, access easements between a public right-of-way and all storm water management practices shall be no less than 20-feet wide. The easement shall also incorporate the entire storm water management practice, plus an additional 15-foot wide band around the perimeter of the storm water management practice.
3. The easement shall be graded and/or stabilized as necessary to allow maintenance equipment to access and manipulate around and within each facility, as defined in the Inspection and Maintenance agreement for the site.
4. Easements to structural storm water management practices shall be restricted against the construction therein of buildings, fences, walls, and other structures that may obstruct the free flow of storm water and the passage of inspector and maintenance equipment; and against the changing of final grade from that described by the final grading plan approved by the City of Brook Park. Any re-grading and/or obstruction placed within a maintenance easement may be removed by the City of Brook Park at the property owners' expense.

922.10 INSPECTIONS AND MAINTENANCE

Any portion of the permanent drainage and soil erosion systems, including on-site and off-site storage facilities that are constructed by the owner, will be continuously maintained into perpetuity.

1. Maintenance plans must ensure that pollutants collected within structural Post-Construction BMPs are disposed of in accordance with local, state and federal guidelines.
2. Maintenance plans shall be provided by the owner of the site to both the City of Brook Park Engineer and the post-construction operator of the BMP (including homeowner associations) upon completion of construction activities and prior to the City of Brook Park Engineer giving final approval for the completed construction.
3. Single-Family Residential Developments: A Homeowners' Association or other entity acceptable to the City Engineer shall be created and placed in title of the affected lands and shall be continuously responsible for post-construction maintenance and inspections into perpetuity unless such maintenance and inspections become officially accepted by the City of Brook Park.
4. Multi-Family, Commercial and Industrial Developments: The plans will clearly state that the owner of the property shall be continuously responsible for post-construction maintenance and inspections into perpetuity unless such maintenance and inspections become officially accepted by the City of Brook Park.
5. Maintenance Design: Low maintenance requirements are a priority in the design and construction of all facilities. Multi-use facilities incorporating assets such as aesthetics and recreation may be incorporated into the design of the drainage facilities. All permanent drainage, soil erosion, sediment control, water quality management systems and BMPs, including on-site and off-site structures and vegetation that are constructed or planted, must be inspected and maintained into perpetuity by the responsible party designated in the plans and the requirements of this ordinance. Inspections and maintenance will be incorporated periodically throughout the year to ensure that the facilities are properly operational.
6. Permit Related Inspections: All controls on the site shall be inspected in accordance with the applicable individual NPDES Construction Activity Permit or Ohio EPA's NPDES Construction Activity Permit #OHC000003. This shall include procedures that all controls on the site are inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period until no longer required under the applicable Ohio EPA storm water control permit.
7. Perpetual Maintenance Inspections: One (1) inspection with a written report will be performed each year. The written report will be given to the Building Department for review by the City Engineer or their designee by May 1st of each and every year after the Best Management Practice (BMP) has been completed. The City Engineer retains the authority to require that the annual inspection report be a written and stamped report from a professional engineer or other individual possessing a valid state license that authorizes them to design the type of BMP inspected.
8. Structures that require a permit from the Ohio Division of Water: A written and stamped report from a professional engineer on the status of all structural BMPs that require a permit from the Ohio Department of Natural Resources (ODNR) Division of Water. This applies to all BMPs that require a permit either at the time of construction or fall under the jurisdiction of ODNR Division of Water at any time after construction is completed.
9. Repair and maintenance: If an inspection reveals that a BMP is in need of repair or maintenance, with the exception of a sediment settling pond, it must be repaired or maintained within three days of the inspection. Sediment settling ponds must be repaired

or maintained within three (3) to ten (10) days of the inspection as determined by the site inspector.

10. Authority of the City to perform corrective actions: The City of Brook Park is authorized to enter upon the property and to perform the inspections or any necessary corrective actions if the landowner(s), person, or organization responsible for maintenance does not make the required inspection or correction within the specified time period in the maintenance plan or within a reasonable amount of time where no time period has been specified. The City of Brook Park shall be reimbursed by the landowner(s), person, or organization responsible for maintenance for all expenses related to inspection or correction incurred by the City within ten (10) days of receipt of invoice from the City.
11. Modification of the selected BMP: If an inspection reveals that a BMP fails to perform its intended function and that another, more appropriate BMP is required, the Storm Water Control Plan must be amended by the person or entity responsible for maintenance and the new BMP must be installed after receiving approval from the City Engineer. If an inspection reveals that a planned BMP is not needed, the person or entity responsible for installation must request approval from the City Engineer to no longer implement the planned BMP.
12. Easements: A written report from an inspector on the status of all storm water management easements for each project shall be submitted to the City of Brook Park Building Department by May 1st of each year into perpetuity. These reports will document if restricted plantings, fences and structures are on the easement and will identify the location of the noted easement restriction violations.

922.11 MINIMUM STANDARDS

In order to control sediment pollution of water resources, the owner or person responsible for the development area shall use conservation planning and practices to maintain the level of conservation established in the following standards.

The approved Storm Water Pollution Prevention Plan (SWP3), and the sediment and erosion controls, and non-sediment pollution controls contained therein, shall be implemented upon the commencement of construction. Perimeter controls must be installed two working days prior to commencement of construction. The approved plan must be implemented until the site reaches final stabilization. All properties adjacent to the site of soil-disturbing activity shall be protected from soil erosion and sediment run-off and damage, including, but not limited to, private properties, natural and artificial waterways, wetlands, storm sewers and public lands.

It is the owner's responsibility to maintain current records of contractor(s) responsible for implementation the SWP3 and providing that information to Brook Park City Engineer. The SWP3 shall identify all subcontractors engaged in activities that could impact storm water runoff. The SWP3 shall contain signatures from all of the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the SWP3. The applicant shall review the SWP3 with the primary contractor prior to commencement of construction activities and keep a SWP3 training log to demonstrate that this review had occurred.

Erosion and sediment controls shall be designed, installed and maintained effectively to minimize the discharge of pollutants during the course of earth disturbing activities. The controls shall include the following minimum components:

1. The plan shall include measures that control the volume and velocity of storm water runoff within the site so as to prevent soil erosion from occurring. Peak flow rates and total storm water volume shall be controlled to minimize erosion and outlets, downstream channel, and streambank erosion. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected
2. Structural Practices shall be used to control erosion and trap sediment from areas remaining disturbed for more than 14 days.
3. Sediment Barriers: Sheet flow runoff from denuded areas shall be intercepted by Silt Fence or Diversions to protect adjacent properties and water resources from sediment. The design, installation and maintenance of erosion and sediment controls shall address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site. Where intended to provide sediment control, Silt Fence shall be placed on a level contour. The relationship between the maximum drainage areas to Silt Fence for a particular slope is shown in the table below. Placing silt fence in a parallel series does not extend the size of the permissible drainage area.

Table 1: Silt Fence Applicability

Maximum drainage area (in acres) to 100 linear feet of Silt Fence	Range of slope for a particular drainage area (in percent)
0.5	$<2\%$
0.25	$\geq 2\%$ but $<20\%$
0.125	$\geq 20\%$ but $<50\%$

This does not preclude the use of other sediment barriers designed to control sheet flow runoff. The total runoff flow treated by a sediment barrier shall not exceed the design capacity for that sediment barrier. Alternative perimeter controls for sheet flow discharges may be considered by the City of Brook Park, but their use shall not exceed the limitations indicated in Table 1, above. Detail drawings and plan notes shall specify the diameter of filter socks, compost berms and other such alternative perimeter controls if used instead of silt fence. Straw Bale Barriers and filter socks are not acceptable.

4. Storm Water Diversion Practices: Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes. Such devices, which include Swales, Dikes or Berms, Pipe Slope Drains and Diversions, may receive storm water runoff from areas up to ten (10) acres. Storm water diversion practices alone are not considered a sediment control practice unless those are used in conjunction with a sediment settling pond.
5. All sediment control practices must be capable of ponding runoff in order to be considered functional.

6. Clearing and Grubbing will be done in two (2) or more phases. The first phase will include only those locations necessary to install the perimeter soil erosion, sediment and storm water control BMPs. After the perimeter controls are in place and functioning, the remaining phase(s) of clearing and grubbing may continue.
7. Timing of Sediment Trapping Practices: Sediment control practices shall be functional throughout all phases of up slope earth disturbing activity. Settling facilities, perimeter controls and other practices intended to trap sediment shall be implemented **prior** to grading and within seven (7) days from the start of grubbing. They shall continue to function until the up slope development area is permanently re-stabilized. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns.
8. Stabilization of Denuded Areas: Disturbed areas must be stabilized as specified in the tables below, or according to the Ohio EPA NPDES Storm Water Permit Rules, whichever is most restrictive:

Table 2: Permanent Stabilization

Area requiring permanent stabilization	Time frame to apply erosion controls
Any areas that will lie dormant for one (1) year or more	Within seven (7) days of the most recent disturbance
Any areas within fifty (50) feet of a surface water of the state and at final grade	Within two (2) days of reaching final grade
Any other areas at final grade	Within seven (7) days of reaching final grade within that area

Table 3: Temporary Stabilization

Area requiring temporary stabilization	Time frame to apply erosion controls
Any disturbed areas within fifty (50) feet of a surface water of the state and not at final grade	Within two (2) days of the most recent disturbance if the area will remain idle for fourteen (14) days or more
Disturbed areas that will be dormant for more than 14 days but less than one (1) year and not within fifty (50) feet of a surface water of the	Within seven (7) days of the most recent disturbance within the area.
Residential subdivisions for disturbance which has occurred on building lots	Within 7 days of the most recent disturbance if housing unit construction on the lot is not scheduled to begin within 21 days of the disturbance. In any case, Temporary or Permanent Stabilization will be properly installed, pursuant to the most recent edition of the Ohio *Rainwater and Land Development* manual, before the second building permit is issued.
Non-residential subdivisions and commercial developments	Within 7 days of the most recent disturbance if further construction activity will not occur within 21 days of the disturbance. Where vegetative stabilization techniques may cause structural instability or are otherwise prohibited, alternative stabilization techniques must be employed.
Disturbed areas that will be idle over winter	Prior to the onset of winter weather

Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed.

9. Sediment Settling Ponds: Storm water runoff that exceeds the design capacity of sediment barriers and concentrated storm water flows shall pass through a sediment settling facility.

   A. Where storm sewer drainage areas include 10 or more acres disturbed at one time, a temporary (or permanent) sediment settling pond must be provided until final stabilization of the site. In single-family residential construction, final stabilization is after the houses are built and permanent landscaping is done.

      1) Alternative equivalent controls may be used if the owner can show, in writing, that the Ohio EPA approved the use the alternatives in the (Ohio EPA NPDES Permit for Construction Activity) Storm Water Pollution Prevention Plan (SWP3) for the site.

2) Sediment settling ponds shall be provided in the form of a sediment trap or sediment basin as defined in the latest edition of *Rainwater and Land Development*. The maximum allowable contributing drainage area to a sediment trap shall be limited to less than 5 acres. Contributing drainage areas of 5 acres or more shall be treated with a sediment basin. An equivalent best management practice may be utilized upon approval from Brook Park.

B. Each facility's storage capacity shall be no less than sixty-seven (67) cubic yards per acre of total contributing drainage area. The storage volume will be measured from the bottom of the basin to the top of the primary (principle) spillway.

The volume of the sediment storage zone shall be calculated by one of the following methods:

Method 1: The volume of the sediment storage zone shall be 1,000 ft3 per disturbed acre within the watershed of the basin.

Method 2: The volume of the sediment storage zone shall be the volume necessary to store the sediment as calculated with RUSLE or other generally accepted erosion prediction model.

C. Permanent storm water management ponds that are designed to trap sediment during construction shall be designed to provide for a slow release of sediment-laden water. The dewatering structure of sediment basins draw down time must be at least 48 hours and, unless infeasible, be designed to always withdraw runoff from the surface of the pond throughout the storm cycle, or meet the criteria in the Ohio *Rainwater and Land Development* manual whichever is most stringent. As such, a skimmer discharge device consistent with *Rainwater and Land Development* shall be provided to dewater sediment basins. Sediment traps shall also provide both a sediment storage zone and dewatering zone, but the outlet structure shall be constructed consistent with the specifications contained in the latest edition of *Rainwater and Land Development*.

When post-construction detention/water quality ponds are to be used as temporary sediment trapping BMPs, a skimmer discharge device consistent with *Rainwater and Land Development* shall be utilized during construction phase and until the site is deemed permanently stabilized by Brook Park.

The skimmer shall be designed per the equivalent requirements of sediment basins and the operator must ensure that the outlet structure of the pond provides an equivalent or better sediment storage zone and dewatering zone. As such, temporarily while the site is under construction, there shall be no discharge of runoff below the elevation required for the sediment storage zone and the discharge of storm water within the dewatering zone shall only occur through the skimmer.

D. The design configuration between inlet(s) and the outlet of sediment settling ponds must provide at least two units of length for each one unit of width (> 2:1 length to width ratio).

E. The depth of the sediment settling pond must be less than or equal to five (5) feet.

F. Sediment must be removed from the sediment settling ponds when the design capacity of the sediment storage zone has been completely filled by sediment accumulations.

G. Public safety, especially as it relates to children, must be considered in the design. Alternative sediment controls must be used where site limitations would preclude a safe design.

H. Temporary sediment settling ponds will not be constructed in any stream channel.

10. Storm Sewer Inlet Protection:

A. All storm sewer inlets that accept water runoff from the development area shall be protected so that sediment-laden water will not enter the storm sewer, unless the storm drain system drains to a Sediment Settling Pond and is exempted in writing by the Brook Park City Engineer. Silt fence and other perimeter controls approved by the City of Brook Park shall be used to protect adjacent properties and water resources from sediment discharged via sheet (diffused) flow. Silt fence shall be placed along level contours and the permissible drainage area is limited to those indicated in Table 1 of these regulations. Straw, hay bales, and filter socks around catch basins are not acceptable forms of inlet protection. In areas where construction will be ongoing, such as subdivisions, the storm sewer protection shall be maintained until all up slope areas reach final stabilization, as determined by the Brook Park City Engineer.

B. At the end of this period the site owner shall hydraulically clean the storm sewers to the satisfaction of the Brook Park City Engineer. All sediments shall be removed from the system and shall not be flushed downstream.

11. Storm Sewer & Other Drainage Outlets: All storm sewers, footer drains, roof gutter drains and all other drains will be outletted at the bottom of the slope. The slope below the outlet will be able to control the water being drained through the storm sewer or other drains without causing erosion of the stream or channel banks or channel bottom or other areas that the water is outletted on.

12. Working Near, Or Crossing Surface Waters of the State:

A. Construction vehicles shall avoid water resources, and their setbacks. If construction vehicles must cross these areas during construction, an approved temporary crossing shall be constructed. Streams, including intermittent streams with a defined bed and banks, shall be re-stabilized immediately after in-channel work is completed, interrupted, or stopped. Erodible materials will not be used in making stream crossings.

B. No soil, rock, debris, or any other material shall be dumped or placed into a water resource or into such proximity that it may slough, slip, or erode into a water resource unless such dumping or placing is authorized by the approving authority and, when applicable, the US Army Corps Of Engineers and Ohio EPA, for such purposes as, but not limited to, constructing bridges, culverts, and erosion or sediment control structures.

C. If construction activities disturb areas adjacent to streams, structural practices shall be designed and implemented on site to protect the adjacent streams from the impacts of sediment runoff.
D. No temporary or permanent sediment controls will be constructed in a stream channel.
E. Streams and wetland setbacks required by the City of Brook Park will be implemented. As a minimum a setback of 50 feet, as measured from the ordinary high water mark of the surface water, will be maintained in its natural state as a permanent buffer. If it is infeasible to provide and maintain an undisturbed 50-foot natural buffer, the SWP3 shall comply with the stabilization requirements for areas within 50 feet of a surface water or riparian or wetland setbacks if applicable, whichever is greater; and minimize soil compaction and, unless infeasible, preserve topsoil. If a riparian or wetland setback is greater than 50 feet, no disturbance of natural vegetation shall occur within the riparian or wetland setback unless a variance to the riparian or wetland setback regulation has been granted.
F. Concentrated storm water runoff from BMPs to natural wetlands shall be converted to diffuse flow through the use of level spreaders or other such appropriate measure before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series to ensure non-erosive velocities.
G. Protected areas or critical areas, including wetlands and riparian areas shall be physically marked in the field prior to earth disturbing activities.

13. Construction Entrance:

A. Measures shall be taken to prevent soil transport onto public roads, or surfaces where runoff is not checked by sediment controls.
B. Stone with geotextile construction entrance(s) shall be implemented as required by the Brook Park City Engineer and the Ohio EPA. These will be planned and installed according to the requirements in the most recent edition of the Ohio *Rainwater and Land Development* manual.
C. Where soil is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day, or more frequently, in order to ensure public safety. Soil shall be removed from paved surfaces by shoveling or sweeping. Street washing shall be allowed only after shoveling or sweeping has removed most of the sediment and street sewer inlet protection is properly installed unless end of sewer sediment ponds exist and are properly functioning. No surfactants or detergents may be used to wash vehicles.
D. Erodible material ramps in streets will not be used to enable equipment to cross curbs. Non-erosive materials (e.g. wood and stone) can be used.

14. Unstable Soils:

A. Unstable soils will be as determined by the local county Soil Survey or by a detailed soils report.
B. The Brook Park City Engineer may require detailed soil reports when deemed necessary.

C. Unstable soils prone to slipping or land sliding shall not be graded, excavated, filled or have loads imposed upon them unless the work is performed in accordance with a qualified professional engineer's recommendations to correct, eliminate, or adequately address the problems.

15. Cut And Fill Slopes: Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion and slippage. Consideration shall be given to the length and steepness of the slope, soil type, up slope drainage area, groundwater conditions and slope stabilization. The minimum final unreinforced soil slopes will have a horizontal to vertical ratio of 2:1 (the horizontal will be two (2) times the vertical).
16. Stabilization of Outfalls and Channels: Outfalls and constructed or modified channels shall be designed and constructed to withstand the expected velocity of flow from the planned post-development frequency storm without eroding. The planned post-construction velocity and flow shall include the entire contributing watershed.
17. Establishment of Permanent Vegetation: A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until ground cover is achieved which, in the opinion of the Brook Park City Engineer, has 80% vegetative density over the entire disturbed area and provides adequate cover, and is mature enough to satisfactorily control soil erosion and survive adverse weather conditions.
18. Disposition of Temporary Practices: All temporary soil erosion and sediment control practices shall be disposed of immediately after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise required by the Brook Park City Engineer. Trapped sediment shall be permanently stabilized to prevent further erosion. The Construction Maintenance Guarantee shall not be released by the City of Brook Park until all temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and any trapped sediment has been stabilized.
19. Underground Utility Construction: The construction of underground utility lines, pipes, etc. shall be subject to the following criteria:

    A. Trenches shall remain open for no more than five days.
    B. There shall be no turbid discharges to surface waters resulting from dewatering activities. If trench or ground water contains sediment, it must pass through a sediment settling pond or other equally effective sediment control device, prior to being discharged from the construction site or to waters of the state.
    C. When discharging clean ground water care must be taken to ensure that it does not become pollutant laden by crossing over disturbed soils or other pollutant sources.

20. Inspections:

    A. If inspections or other information indicates a control has been used inappropriately or incorrectly or it has failed, it must be replaced or modified for the site conditions.
    B. The owner of the development area shall have the site inspected for soil erosion, sediment control and other environmental concerns every seven (7) calendar days, and within twenty-four (24) hours of a 0.5 inch or greater rainfall event until the Brook Park City Engineer certifies the site as being stable. The Brook Park City Engineer

certification does not relieve the permittee from meeting the Ohio EPA NPDES inspection requirements.

C. The owner, or his designated representative, shall keep a written log of each inspection and any subsequent improvements to the soil erosion, sediment control or other environmental controls. The inspections shall include the date of the inspection, the name of the inspector, weather conditions, and the actions needed to correct the identified problems. Certified inspection reports shall be submitted to the Brook Park Building Department within seven (7) working days from the inspection and retained at the development site.

D. The inspection log will include the date and actions taken to correct problems noted in past inspection logs.

E. If the construction site is subject to Ohio EPA's National Pollutant Discharge Elimination System (NPDES) permit for construction activity, a copy of all of the required inspection sheets will be submitted to the Brook Park City Engineer within three (3) working days of the date that the inspection was conducted.

F. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system.

G. Erosion and sediment controls identified in the Storm Water Pollution Prevention Plan shall be observed to ensure that they are operating correctly.

H. Discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters.

I. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.

J. If the inspection reveals that a control practice is in need of repair or maintenance, with the exception of sediment settling ponds, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.

K. If any inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the Construction Site Conservation Plan must be amended and the new control practice must be installed within 10 days of the inspection.

L. If the inspection reveals that a control practice has not been implemented in the time required by this ordinance it must be installed within ten (10) days from the date of inspection.

M. If the inspection reveals that a planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.

N. For sites that will not be completed by October 1, a Pre-Winter Stabilization Meeting shall be held by the landowner and the developer, Brook Park Building Department, City Engineer and contractor of the project prior to October 1, in order to plan and approve winter erosion and sediment controls as defined in the most current online edition of Rainwater and Land Development.

21. Control of Materials and Debris: Site management practices shall be implemented to prevent toxic materials, hazardous materials, or other debris from entering the City of Brook Park's

and state's water resources. These practices shall include, but are not limited to, the following:

A. A covered dumpster shall be made available for the proper disposal of construction site waste materials, garbage, plaster, drywall, grout, gypsum and etc. A second covered dumpster will be provided for the proper disposal of toxic and hazardous wastes.
B. The washing of excess concrete material into a street, catch basin, or other public facility, natural resource, or water of the state shall not occur. A designated area for concrete washouts shall be made available and used for all concrete washouts.
C. The discharge of washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials to a street, catch basin, other public facility, natural resource or waters of the state is prohibited. The discharge of soaps or solvents used in vehicle and equipment washing is also prohibited. If generated, these wastewaters must be collected and disposed of properly.
D. All fuel tanks and drums shall be stored in a marked storage area. The discharge of fuels, oils, and other pollutants used in vehicle and equipment operation and maintenance is prohibited. A dike shall be constructed around this storage area with a minimum capacity equal to 110% of the volume of the largest container in the storage area, and/or a spill kit shall be provided to clean up spills. The SWP3 shall contain spill prevention and response procedures and these procedures shall be discussed at the pre-construction meeting. All additional requirements of the local fire authority must be followed. If the fuel tanks have a self-contained "dike," the plug will be kept in the "dike" tank at all times.
E. Discovery of previously unknown contaminated soils onsite shall be self-reported to Ohio EPA and local authorities. Any toxic or hazardous wastes and/or contaminated soils must be disposed of according to all applicable environmental laws and statutes. Local health districts and Ohio EPA can provide guidance on these issues. Where construction activities are to occur on sites with contamination from previous activities, operators shall be aware that concentrations of materials that meet other criteria (i.e. not considered a Hazardous Waste, meeting Voluntary Action Program (VAP standards)) may still result in storm water discharges in excess of Ohio Water Quality Standards. Such discharges are not authorized by this code. Control measures which may be utilized to meet this requirement include, but are not limited to:
    i. Use berms, trenches, pits or tanks to collect contaminated runoff and prevent discharge.
    ii. Pump runoff from contaminated soils to the sanitary sewer with the prior approval of the sanitary sewer system operator, or pump into a container for transport to an appropriate treatment or disposal facility; and
    iii. Cover areas of contamination with tarps, daily cover or other such methods to prevent storm water from coming into contact with contaminated materials.

The SWP3 must include methods to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, and sanitary waste to precipitation, storm water runoff, and snow melt. The SWP3 shall include measures to prevent and respond to chemical spills and leaks. Applicants may also reference the existence of other plans (i.e., Spill Prevention

Control and Countermeasure (SPCC) plans, spill control programs, Safety Response Plans, etc.) provided that such plan addresses this requirement and a copy of such plan is maintained on site.

F. On a site with a prior industrial land use or a site that is contaminated with gasoline, fuel oil, hydrocarbon based chemicals or other Ohio EPA regulated contaminates, the storm water is considered wastewater. A permit from Ohio EPA is required to address these sites.
G. Proper permits shall be obtained for development projects on solid waste landfill sites.
H. Paint, paint washing liquids, excess paints and other paint wastes are considered solid wastes and shall be disposed of in accordance with applicable state regulations. Appropriate handling of these wastes shall occur at the site so as to prevent the discharge of these wastes into surface or ground waters.

    1. Water based paint washing liquids and small quantities of excess water based paints may be disposed of by flushing down a connected sanitary sewer but may not be disposed of in an on-lot disposal system.
    2. All other paints, paint thinners, and paint cleaning materials will be disposed of in the site's hazardous waste disposal dumpster.

I. Restroom facilities will be provided for site workers at all times that workers are present on the site and during all phases of the construction.
J. All required permits from appropriate federal, state, or local agencies are required to develop land with a previous industrial or commercial use or another use that may have led to soil contamination by a regulated pollutant.

22. Pre-winter Stabilization: If the development area will, or is planned to remain, active through the winter months, the owner of the development area shall hold a Pre-Winter Stabilization Meeting. The meeting will be held before October 1st. The owner shall invite the operator, developer, engineer, contractor, Community Engineer and anyone else requested by the Brook Park City Engineer to the meeting.

23. Storm Water Basins:
    A. Pool Geometry: The minimum length-to-width ratio for the pond is 3:1 (the length will be three (3) times the width).
    B. Riser in Embankment: The riser shall be located within the embankment for purposes of maintenance access. Access to the riser will be by manholes.
    C. Water Drains: Each retention basin shall have a drainpipe that can completely drain the pond. The drain shall have an elbow within the pond to prevent sediment deposition from plugging the drain.
    D. Adjustable Gate Valves: Both the storm water management and water quality basin drains shall have adjustable gate valves. Valves shall be located inside the riser at a point where they will remain dry and can be operated in a safe and convenient manner. During the annual inspections the valves shall be fully opened and closed at least once, and the certifying official shall attest to this on the inspection form. To prevent vandalism, the handwheel shall be chained to a ringbolt or manhole step.

E. Principal Spillway: Each principal spillway shall be designed in accordance with the NRCS standards and specifications for the office serving the county. Each principal spillway shall have the capacity to pass the 100-year design storm flow. The inlet or riser size for the pipe drops shall be designed so that the flow through the structure goes from weir flow control to pipe flow control without going into orifice control in the riser. The crest elevation of the primary spillway shall be no less than one foot below the emergency spillway crest. Premium joint pipe is required and a removable trash rack shall be installed at each location. Anti-seep collars shall be provided for all pipe conduits through an embankment.

F. Emergency Spillway: An emergency spillway shall be provided on each storm water management basin. Emergency spillways shall convey flood flows safely past the embankment, and shall be designed in accordance with NRCS standards and specifications for the office serving the local county. Emergency spillways shall have a 100-year design storm capacity unless exempted in writing by the Brook Park City Engineer.

G. Embankments: Each dam embankment shall be designed in accordance with the NRCS standards and specifications for the office serving the county that the project is located in. Anti-seep collars shall be provided for all pipe conduits through an embankment.

H. Safety Features:

1) The primary spillway opening shall not permit access to the public and other non-maintenance personnel.

2) The perimeter of all water pool areas that are deeper than three (3) feet shall be surrounded by benches that meet the following:

a) A safety bench, with a maximum slope of 3%, which extends outward, on dry land, from the shoreline. This bench will be a minimum of 25 feet wide to provide for the safety of individuals and maintenance vehicles that are adjacent to the water pool. The safety bench may be landscaped, without the use of structures, to prevent access to the water pool.

b) Side slopes between the safety bench and the aquatic bench shall not be steeper than 3:1 (3 feet horizontal for every 1 foot vertical).

c) An aquatic bench that extends inward from the shoreline far enough to ensure public safety and has a maximum depth of 15 inches below the normal water surface elevations. The aquatic bench may be landscaped to prevent access to the deeper water pool.

d) Side slopes beyond the aquatic bench and below the permanent water level shall not be steeper than 2:1 (2 feet horizontal for every 1 foot vertical).

e) The contours of the pond will be designed and managed to eliminate drop-offs and other hazards.

f) Side slopes getting to the pond shall not exceed 3:1 and shall terminate on a safety bench.

g) Soil erosion and sediment control practices used to satisfy these standards shall meet the standards and specifications in the current edition of the Ohio *Rainwater and Land Development* manual, NRCS Field Office Technical Guide for the local county or the Ohio EPA, which ever is most stringent.

24. These standards are general guidelines and shall not limit the right of the Brook Park City Engineer to impose at any time additional, more stringent requirements, nor shall the standards limit the right of the Brook Park City Engineer to waive, in writing, individual requirements.
25. Soil limitations shall be determined by using the current edition of the county soil survey written by the NRCS, USDA.
26. Methods for controlling increases in storm water runoff peaks and volumes may include, but are not limited to:

    A. Retarding flow velocities by increasing friction; for example, grassed road ditches rather than paved street gutters where practical, discharging roof water to vegetated areas, or grass and rock-lined drainage channels.
    B. Grading and use of grade control structures to provide a level of control in flow paths and stream gradients.
    C. Induced infiltration of increased storm water runoff into soil, where practical; for example, constructing special infiltration areas where soils are suitable, retaining topsoil for all areas to be vegetated, or providing good infiltration areas with proper emergency overflow facilities.
    D. Provisions for detention and retention, for example, permanent retention ponds and lakes, dry detention basins, and subsurface detention tanks.

922.12 STREAM CHANNEL AND FLOODPLAIN EROSION DESIGN CRITERIA

1. Runoff Rate: The peak runoff rate from the development area shall not be greater after development than it was before development. The applicant shall provide calculations proving no increase in the runoff rates from the one (1), two (2), five (5), ten (10), twenty-five (25), fifty (50) and one hundred (100) year storms.
2. Runoff Volume: Increases in the runoff volume shall be offset by further restricting runoff rates. Based on the increase in runoff volume, the applicant shall determine the critical storm for the development area. The runoff rate from the critical storm shall be restricted to the one (1) year pre-development storm runoff rate. The critical storm shall be calculated as follows:

    A. Determine the total volume of runoff from a one-year frequency, twenty-four hour storm, occurring on the development area before and after development. Runoff rates and volumes shall be calculated using Type II Rainfall Distributions and the City of Brook Park rainfall data (if available).
    B. From the volumes in paragraph (1) determine the percent of increase in volume of runoff due to development according to the equation (Q after divided by the Q before) X 100 and, using this percentage, select the critical storm from this table:

Table 4: Critical Storm Selection

The Percentage Increase In Volume Of Runoff Is:		
Equal To Or Greater Than	**And Less Than**	**The 24-Hour "Critical Storm" For Discharge Will Be**

0	10	1 Year
10	20	2 Years
20	50	5 Years
50	100	10 Years
100	250	25 Years
250	500	50 Years
500	----	100 Years

C. The peak discharge rate of runoff from the Critical Storm and all more frequent storms occurring under post-development conditions shall not exceed the peak discharge rate of runoff from a 1-year, 24-hour storm occurring on the same development drainage area under pre-development conditions.

D. Storms of less frequent occurrence (longer return periods) than the Critical Storm, up to the 100-year, 24-hour storm shall have peak runoff discharge rates no greater than the peak runoff rates from equivalent size storms under pre-development conditions. The 1, 2, 5, 10, 25, 50, and 100-year storms shall be considered in designing a facility to meet this requirement.

3. Detention Or Retention Basin Exemption For Redevelopment Or For Expansion Of Existing Facilities:

A. For any development regulated by this ordinance, the construction of a detention or retention basin may not be required for the development if the post-development peak discharge for a 100 year frequency 24 hour storm increases the existing peak discharge by one (1) cubic foot per second or less using the TR-55 method of calculation or other method approved by the Brook Park City Engineer. The Brook Park City Engineer can waive this requirement if existing storm sewers and drainage structures can safely handle the expected increase in flow.

B. Only one (1) exemption will be allowed per parcel. Any subsequent expansion must provide for detention or retention and must include the previously exempted area.

4. Where the Brook Park City Engineer determines that site constraints exist in a manner that compromises the intent of this ordinance to improve the management of storm water runoff as established in this section, practical alternatives may be used to result in an improvement of water quality and/or a reduction of storm water runoff. Such alternatives must be in keeping with the intent and likely cost of those measures that would otherwise be required to meet the objectives of this section. When possible, all practical alternatives shall be implemented within the drainage area of the proposed development project. Practical alternatives can include, but are not limited to:

A. Fees shall be paid in an amount specified by the Brook Park City Engineer. These fees shall be applied by the City of Brook Park to storm water management practices that reduce existing storm water runoff.

B. Implementation of off-site storm water management practices.

C. Watershed or stream restoration.

D. Retrofitting of an existing storm water management practice.

E. Other practices approved by the Brook Park City Engineer in keeping with the intent of this section.

922.13 COMPLIANCE WITH OTHER RULES AND REGULATIONS

1. Ohio Dam Safety Laws: The provisions of the Ohio Dam Safety Laws shall be followed. Proof of compliance with the Ohio Dam Safety Law administered by the ODNR Division of Water shall be, but is not limited to, a copy of the ODNR Division of Water permit number or a copy of the project approval letter from the ODNR Division of Water or a letter from the site owner explaining why the Ohio Dam Safety Law is not applicable. The written proof will be provided to the Brook Park City Engineer before a construction permit will be issued.
2. NPDES Permits: The provisions of the National Pollutant Discharge Elimination System (NPDES) Permits, issued by the Ohio EPA, shall be followed. Proof of compliance shall be, but is not limited to, a copy of the Ohio EPA NPDES Permit number or a letter from the site owner explaining why the NPDES Permit is not applicable. The written proof will be provided to the Brook Park City Engineer before a construction permit will be issued.
3. Federal And State Wetland Permits: The provisions of the U.S. Army Corps of Engineers dredge and fill permits for federally-protected wetlands shall be followed. The provisions of Ohio EPA's Isolated Wetlands Permits shall also be followed. Wetlands and other waters of the United States shall be delineated by protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of the application of these regulations. Written proof of compliance with both permit programs will be provided to the Brook Park City Engineer before a construction permit will be issued. Proof of compliance shall be, but is not limited to, the following:

   A copy of the U.S. Army Corps of Engineers Individual Permit, if required for the project, showing project approval and any restrictions that apply to site activities; **or**

   A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit; **or**

   A letter from the site owner verifying that a qualified professional has evaluated the site and found no wetlands or other waters of the United States and provide documentation. Such a letter shall be noted on site plans submitted to the City of Brook Park.

922.14 VIOLATIONS

No person shall violate, or cause, or knowingly permit to be violated, any of the provisions of these regulations, or fail to comply with any such provisions or with any lawful requirements of any public authority made pursuant to these regulations, or knowingly use or cause or permit the use of any lands in violation of these regulations or in violation of any permit granted under these regulations.

922.15 PENALTIES

1. Fees: The SWP3 and Abbreviated SWP3 review, filing, and inspection fee is part of a complete submittal and is required to be submitted to the City of Brook Park and the Cuyahoga SWCD before the review process begins. Consult with Brook Park Building Department for current fee schedule.
2. Bond: If a SWP3 or abbreviated SWP3 is required by this regulation, soil disturbing activities shall not be permitted until a cash bond or deposit has been deposited with the City of Brook Park Finance Department. The bond amount shall be a $1,500 minimum, and an additional $1,500 paid for each subsequent acre or fraction thereof or the cost of stabilizing disturbed areas based on a fee schedule established by the City of Brook Park. The bond will be used for the City of Brook Park to perform the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the applicant fails to comply with the provisions of this regulation. The cash bond shall be returned, less City of Brook Park administrative fees as detailed in the City of Brook Park Codified Ordinances, after all work required by this regulation has been completed and final stabilization has been reached, all as determined by the City of Brook Park Engineer.

   No project subject to this regulation shall commence without a SWP3 or Abbreviated SWP3 approved by the City of Brook Park Engineer.

3. Enforcement:
   a. If the City of Brook Park or its duly authorized representative determines that a violation of the rules adopted under this code exist, the Brook Park Building Department or representative may issue an immediate stop work order if the violator failed to obtain any federal, state, or local permit necessary for sediment and erosion control, earth movement, clearing, or cut and fill activity.
   b. All development areas may be subject to external inspections by City of Brook Building Department or its duly authorized representative to ensure compliance with the approved SWP3 or Abbreviated SWP3.
   c. After each external inspection, City of Brook Building Department or its duly authorized representative shall prepare and distribute a status report to the applicant.
   d. If an external inspection determines that operations are being conducted in violation of the approved SWP3 or Abbreviated SWP3 City of Brook Park Building Department may take action as detailed in this regulation.
   e. Failure to maintain and repair erosion and sediment controls per the approved SWP3 plan may result in the following escalation:
      i. First Violation: The Brook Park Building Department will issue a Notice of Deficiency to the owner or operator. All controls are to be repaired or maintained per the SWP3 plan within three (3) days of the notification. If controls have not been corrected after this time, the City of Brook Park Building Department may issue a Stop Work Order for all activities until corrections have been made.
      ii. Second Violation: The Brook Park Building Department may issue a formal Notice of Violation which includes a $250 administrative fee against the SWP3 Bond or site plan deposit. All controls are to be repaired

or maintained per the approved SWP3 plan within three (3) days of the Notice of Violation. If controls have not been corrected after this time, the City of Brook Park Building Department may issue a Stop Work Order for all activities until corrections have been made.

iii. Third and subsequent violations: The City of Brook Park Building Department may issue a Stop Work Order for all construction activities and charge a $250 administrative fee against the SWP3 bond or site plan deposit. The Stop Work Order will be lifted once all controls are in compliance with the approved SWP3 plan.

f. The Brook Park Building Department shall have the authority to make immediate on-site adjustments to the SWP3 in order to achieve compliance with this ordinance.

g. A final inspection will be made to determine if the criteria of this code has been satisfied and a report will be presented to the City of Brook Park on the site's compliance status.

h. The City of Brook Park Building Department will monitor soil-disturbing activities for non-farm residential, commercial, industrial, or other non-farm purposes on land of less than one contiguous acre to ensure compliance required by these Rules.

i. The City of Brook Park Building Department shall notify the U.S. Army Corps of Engineers when a violation on a development project covered by an Individual or Nationwide Permit is identified. The City of Brook Park Building Department shall notify the Ohio Environmental Protection Agency when a violation on a development project covered by a Section 401 Water Quality Certification and/or Isolated Wetland Permit is identified.

j. The City of Brook Park shall not issue building permits for projects regulated under this code that have not received approval for an SWP3 for said project(s).

922.16 CONSTRUCTION AND MAINTENANCE GUARANTEE

Unless the requirement is waived by the City Engineer, if a Storm Water Pollution Prevention Plan or a Comprehensive Storm Water Management Plan is required by this regulation, soil-disturbing activities shall not be permitted until a performance bond or security has been deposited with the City of Brook Park. The performance security or bond shall be posted for the City of Brook Park to perform the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the applicant for the Storm Water Pollution Prevention Plan or owner fails to comply with the provisions of this regulation. The amount of the performance security or bond shall be the total estimated construction cost of the storm water management practices set forth in the Storm Water Pollution Prevention Plan, plus 20%. The performance security or bond will be returned when:

1. After the City Engineer has approved the As-Built Certification required in Section 922.18; and
2. All temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and trapped sediment has been stabilized.

922.17 APPLICATION PROCEDURES FOR STORM WATER POLLUTION PREVENTION PLAN

1. This plan will be combined with the Post-Construction Water Quality, Riparian Setback and Wetland Setback Plans that have also been developed for the site.
2. Plans developed by the site owners and approved by the City of Brook Park in accordance with this regulation do not relieve the site owner of responsibility for obtaining and complying with all other necessary permits and/or approvals from federal, state, county, and local agencies and departments. If requirements vary, the most stringent requirement shall be followed. Plans submitted to the Brook Park City Engineer for review and approval, shall be accompanied by all other required permits and documentation relevant to the project, including but not limited to the permits required and issued by the US Army Corps of Engineers, Ohio EPA and ODNR Division of Water.
3. Three (3) sets of the plans and necessary data required by this regulation shall be submitted to the Brook Park City Engineer with text material being submitted on 8.5 by 11 inch paper and drawings on no larger than 24 by 36 inch sized paper. Submittals shall include:
    1) At the preliminary plan approval request, the preliminary plans only need to show all of the following existing and planned features: streams, water bodies, wetlands, riparian and wetland-setback areas, permanent BMPs and storm water management detention and retention basins.
    2) At the improvement plan approval request, the entire Comprehensive Storm Water Management Plan must be submitted.
4. The Brook Park City Engineer shall review the plans and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the plan as described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.
5. Approved plans shall remain valid for one (1) year from the date of approval. After one (1) year the plan(s) approval automatically expires.
6. No soil disturbing activity shall begin before all necessary local, county, state and federal permits have been granted to the owner or operator. Soil disturbing activities shall not begin and zoning permits shall not be issued without
    1) Approved SWP3 or Abbreviated SWP3
    2) Installation of erosion and sediment controls
    3) Physical marking in the field of protected areas or critical areas, including wetlands and riparian areas
7. The City of Brook Park will do construction inspections until the site reaches final stabilization as determined by the Brook Park City Engineer.
8. The developer, engineer and contractor, and other principal parties, shall meet with the Brook Park Building Department and/or his duly authorized representatives for a Pre-Construction Meeting no less than seven (7) days prior to soil-disturbing activity at the site to ensure that erosion and sediment control devices are properly installed, limits of disturbance and buffer areas are properly delineated and construction personnel are aware of such devices and areas. Pre-Construction Meetings for Abbreviated SWP3s may be waived at the discretion of the Brook Park Building Department.

922.18 AS-BUILT INFORMATION

1. Storm water detention/retention as-built plans shall be submitted to the Brook Park Building Department upon the completion of installation of the detention/retention system. The developer shall submit two copies of the as-built plans signed and sealed by a Professional Land Surveyor. The as-built plans shall contain, at a minimum, the following information:

   a. Topographic Plan that shows as-built grades (contours) of the Detention/Retention Basin
   b. The size, length and material of conduits installed if subsurface detention methods were used
   c. Elevations of all outlet structures
   d. Size of all discharge features
   e. Verify existence of adjustable gate valves, when required
   f. Spillway and weir cross-sections

   The as-built information shall be clearly identified on the drawings. As-built information shall be blocked in, such as 985.25, or indicated in a different color than that of the design information. As-built elevations shall be based on NAVD88.

2. Hydraulic analysis of the storm water detention/retention system for as-built conditions shall be submitted to the Building Department upon completion of installation of the detention/retention system. The hydraulic analysis shall be based on the information obtained as part of the storm water detention/retention as-built survey. The as-built sizes and elevations of the outlet control structure(s) shall be used in the as-built hydraulic analysis. Storage volumes calculated from the as-built survey shall be used for all flood routing analysis. The as-built hydraulic analysis shall utilize the same software program that was used for the design analysis. Parameters used for the as-built hydraulic analysis such as rainfall depths, runoff coefficients and times of concentration shall be the same as that used for the design analysis unless otherwise approved by the Building Department. Two copies of the as-built hydraulic analysis shall be submitted to the Building Department. The two copies shall be signed and sealed by a Professional Engineer and shall include a statement indicating that the detention/retention system satisfies the design criteria outlined in the various sections.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City; therefore, provided this ordinance receives the affirmative vote of at least five (5) members

elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____ _____
PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
CLERK OF COUNCIL MAYOR

_____
DATE

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS

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DIRECTOR OF LAW

P/C 5-16-17 LEGISLATN
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1st R
2nd R
3rd R
B/C

CITY OF BROOK PARK, OHIO

RESOLUTION NO. _____

INTRODUCED BY: COUNCILMAN SCOTT

A RESOLUTION
HONORING TINA BARR
FOR BEING NOMINATED AS 2017 CITIZEN OF THE YEAR,
AND DECLARING AN EMERGENCY

WHEREAS, Tina Barr is the mother of four children; two sons and two daughters; and

WHEREAS, Tina's two daughters Sophie and Sierra were in a horrendous car accident and hospitalized for 17 days in ICU at Fairview Hospital, then transferred to the Cleveland Clinic Children's Rehab Center where Sophie was in a coma for weeks; and

WHEREAS, at the time Sophie and Sierra were clinging to life and struggling to recover their mother Tina continued helping seniors and those less fortunate; and

WHEREAS, Tina helped a child at the Cleveland Clinic Children's Rehab Center who was there and had no family, no support and no clothes at the same time Tina's own world around her was in turmoil; and

WHEREAS, Council nominated Tina Barr as the 2017 Citizen of the Year in Brook Park;

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Brook Park, State of Ohio that:

SECTION 1: The Mayor and Council wish to honor and commend Tina Barr for her support of putting other people's needs first in volunteering, as well as caring and sharing compassion with others.

SECTION 2: The Clerk of Council is hereby directed to forward a certified copy of this Resolution to Tina Barr.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to honor Tina Barr as being a nominee for Citizen of the Year in Brook Park; therefore, provided this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

_____
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

_____
DATE

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS

DIRECTOR OF LAW