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CITY OF BROOK PARK, OHIO

ORDINANCE NO. 10088-2017

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 do not 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 must be 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 and is not a part of a larger common plan of development or sale which will disturb five or more acres of land shall identify:

- (1) Storm Water Issues: A statement as to how the decreased storm water quality that will be caused by the planned development project will be handled.
- (2) Description of Measures: A description of the BMPs that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed.
- (3) Upland Areas: Structural measures placed on upland areas to the degree attainable.
- (4) Map: A map of the entire site showing the overall development.
- (5) Riparian and/or Wetland Setback: 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) BMPs: 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 WQ_v.
 - (c) Capture, treat and release 50 percent of the WQ_v.

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 WQ_v can be determined using the list in Table 1 or using the following equation to calculate the runoff coefficient:

$$C = 0.858i^3 - 0.78i^2 + 0.774i + 0.04, \text{ where:}$$

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 WQ_v 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 WQ _v
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
<p>1 Practices designed to fully infiltrate the WQv shall empty within 48 hours to provide storage for subsequent storm events.</p> <p>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.</p> <p>3 Provide both a permanent pool and an extended detention volume above the permanent pool, each sized with at least 0.75*WQV .</p> <p>4 Extended detention shall be provided for the WQv above the permanent water pool.</p> <p>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.</p> <p>6 This includes grassed linear bioretention, which was previously titled enhanced water quality swale.</p> <p>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.</p>	

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- (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, including off-site borrow, fill or spoil areas and off-site 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-foot 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 to 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: June 20, 2017

Jim Pastore
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak APPROVED:
CLERK OF COUNCIL

[Signature]
MAYOR
6/20/17
DATE

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

[Signature]
DIRECTOR OF LAW
F:\Jobs\187167-2016 Brook Park Ordinance\187167-2016 Ordinance\BP PConstWtrQualOrd-Rev.doc

CERTIFICATE

Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 10088-2017 passed on the 20th day of June 2017 by said council.
Michelle Blazak
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days, commencing June 21, 2017
Michelle Blazak
MICHELLE BLAZAK
Clerk of Council

	Yea	Nay
Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Powers	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Burgio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
McDonnell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>