

ORDINANCE NO. 15 , 2013

**AN ORDINANCE ADOPTING THE RULES AND REGULATIONS FOR THE
HAMILTON COUNTY STORM WATER DISTRICT**

WHEREAS, pursuant to the Storm Water Phase II Permit Program (the "Phase II Program") of the National Pollutant Discharge Elimination System ("NPDES") of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., 40 C.F.R. Parts 122.30 through 122.37; the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111); and Ohio Administrative Code Chapter 3745-39, referred to as Phase II Storm Water Rules for Small Municipal Separate Storm Sewer Systems ("MS4"); dischargers of storm water from Small MS4s must obtain a NPDES permit from the Ohio Environmental Protection Agency; and

WHEREAS, the Phase II Program, as administered by USEPA and the Ohio EPA, requires designated communities, including the County of Hamilton (the "County") and various local independent jurisdictions which own and/or operate an MS4, to develop a Storm Water Management Program under the Phase II Permit to address the quality of storm water runoff within their jurisdictions; and

WHEREAS, The Board of County Commissioners of Hamilton County (the "Board") has created the Hamilton County Storm Water District ("HCSWD") under Chapter 6117 of the Ohio Revised Code to address the requirements of the Phase II Program in the unincorporated regions of Hamilton County ("County"), and within those incorporated municipal corporations within the County which have assented to the formation of the HCSWD and consented to its operation within their corporate limits ("Member Municipalities" or "Members"); and

WHEREAS, the attached Rules and Regulations which have been established by the Board in order to carry out the responsibilities of Municipal Separate Storm Sewer System's ("MS4") under the Phase II Permit Program, are intended to apply to non-storm water discharges, storm water discharges generated by construction and/or earth disturbing activities, and post-construction storm water discharges from development and redevelopment sites within the unincorporated regions of the County and within municipal corporations which are Members of the HCSWD and co-permittees under the MS4 permit; and

WHEREAS, as a Member municipal corporation under the Phase II Permit, the City of Montgomery, Ohio ("Montgomery") wishes to adopt the attached Rules and Regulations to protect the health, safety and welfare of its citizens by preventing non-storm water discharges and controlling storm water discharges from construction, development, and re-development sites located within Montgomery to the maximum extent practicable, consistent with federal, state or local law, and further defined in Exhibit A "Determinations and Background Pertinent to Storm Water Management in Hamilton County, Ohio.

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

SECTION 1. City Council hereby approves and adopts the "Determinations and Background Pertinent to Storm Water Management in Hamilton County", which are attached to this Ordinance as Exhibit A and hereby fully incorporated herein.

SECTION 2. Council hereby adopts, establishes and implements within Montgomery, the Rules and Regulations of the Hamilton County Storm Water District, Article I – Definitions, Article II – Illicit Discharge Regulations, Article III – Earthworks Regulations, Article IV – Stream Corridor Regulations, and Article V – Post-Construction Storm Water Quality Regulations, as the same are set forth in Exhibit B which are attached hereto and incorporated into this Ordinance as if fully rewritten herein.

SECTION 3. These Rules and Regulations of the HCSWD may be duly amended or modified by the Board of County Commissioners of Hamilton County, Ohio from time to time, and that Council must adopt said amendments or modifications to these Rules and Regulations of the HCSWD unless Council enacts alternative rules and regulations that are mutually agreed to be as stringent or more stringent than the Rules and Regulations of the HCSWD.

SECTION 4. Council and the appropriate administrative officials of Montgomery will cooperate with the HCSWD in the enforcement of the Rules and Regulations, and shall exercise such legal authority as it may possess which may be reasonably required to assist the HCSWD in carrying out the intent of the Rules and Regulations within the municipal corporate boundaries in order to achieve and maintain compliance with the requirements of state and federal law regarding the Phase II Program.

SECTION 5. The Community Development Director is hereby authorized and directed to act as the ***Enforcing Official*** for Article II - Illicit Discharge Regulations and do all things reasonably necessary and proper to cooperate with the HCSWD in implementing and carrying out the Phase II Program and enforcing the Illicit Discharge

Regulations within the Montgomery corporate boundaries, and agrees to report such enforcement actions to the HCSWD in a format and frequency approved by the HCSWD.

SECTION 6. The Community Development Director is hereby authorized and directed to act as the ***Enforcing Official*** for Article III - Earthwork Regulations, to do all things reasonably necessary and proper to cooperate with the HCSWD in implementing and carrying out the Phase II Program and enforcing Article III Earthwork Regulations within the Montgomery corporate boundaries for any common plan of development that disturbs one acre or more, hereby names the Board of Zoning Appeals as the body designated to hear appeals under Section 320 of the Earthwork Regulations, and hereby agrees to report such enforcement actions to the HCSWD in a format and frequency approved by the HCSWD.

SECTION 7. The Community Development Director is hereby authorized and directed to act as the ***Enforcing Official*** for Article IV - Stream Corridor Regulations, to do all things reasonably necessary and proper to cooperate with the HCSWD in implementing and carrying out the Phase II Program and enforcing the Stream Corridor Regulations within the Montgomery corporate boundaries for any common plan of development that disturbs one acre or more, establish stream corridor protection zones according to the dimensions in Table 407-B of the Stream Corridor Regulations for any stream with a drainage area of one hundred acres or larger, hereby names the Board of Zoning Appeals as the body designated to hear appeals of notices of violation under Section 412 of the Stream Corridor Regulations, and hereby agrees to

report such enforcement actions to the HCSWD in a format and frequency approved by the HCSWD.

SECTION 8. The Community Development Director is hereby authorized and directed to act as the *Enforcing Official* for Article V Post-Construction Regulations, to do all things reasonably necessary and proper to cooperate with the HCSWD in implementing and carrying out the Phase II Program and enforcing Article V Post-Construction Regulations within the Montgomery corporate boundaries for any common plan of development that disturbs one acre or more, require the control of 20% of the water quality volume for redevelopment projects, hereby names the Board of Zoning Appeals as the body designated to hear appeals under Section 520 of the Post-Construction Regulations, and hereby agrees to report such enforcement actions to the HCSWD in a format and frequency approved by the HCSWD.

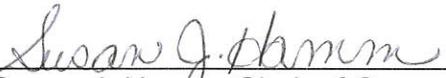
SECTION 9. It is the intent of the Council of the City of Montgomery that the remedies provided in this Ordinance and in the Rules and Regulations are intended to be in addition to and not exclusive of any other remedies as may be available under applicable federal, state or local law.

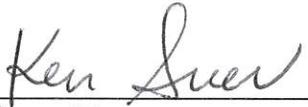
SECTION 10. The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

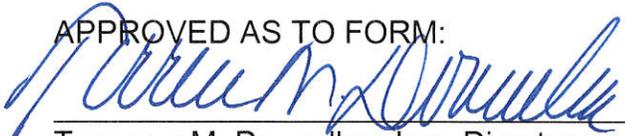
SECTION 11. This Ordinance shall go into effect and become law from and after the earliest period allowed by law.

SECTION 12. The Clerk of the City Council is hereby directed to certify a copy of this Ordinance to the Board of County Commissioners of Hamilton County.

PASSED: November 6, 2013

ATTEST: 
Susan J. Hamm, Clerk of Council


Ken Suer, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon, Law Director