

CITY OF CHEVIOT
STATE OF OHIO

ORDINANCE NO. 14-

6

TO ADOPT NEW RULES AND REGULATIONS FOR THE HAMILTON COUNTY STORM WATER DISTRICT; AND TO DECLARE AN EMERGENCY.

WHEREAS, on May 21, 2013, by Ordinance No. 13-12, this council adopted rules and regulations for the operation of the Hamilton County Storm Water District; and it has now become necessary to revise those rules and regulations; and

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 Waters 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 Hamilton County, Ohio, (the "County") and the City of Cheviot (the "City"), which own and/or operate an MS4, to develop and manage a Storm Water Management Program under the Phase II Permit to address the quality of storm Water runoff within their jurisdictions; and

WHEREAS, the attached rules and regulations, which have been established by the Board of Hamilton County Commissioners (the "Board") in order to carry out the responsibilities of MS4s 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 City of Cheviot under the MS4 permit; and

WHEREAS, the City of Cheviot 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 the City of Cheviot 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 CHEVIOT, STATE OF OHIO, TWO-THIRDS OF ALL MEMBERS CONCURRING THAT:

Section 1. The "Determinations and Background Pertinent to Storm Water Management in Hamilton County, Ohio," which are attached to this Ordinance as Exhibit A and fully incorporated herein, are hereby approved and adopted.

Section 2. The City of Cheviot hereby adopts, establishes, and implements within the City of Cheviot, 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 ("Post-Construction Regulations"), with the exception of geotechnical requirements for hillsides and slopes under Sections 311 and 315 of the Earthwork 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 from time to time, and Council shall adopt said amendments or modifications to these Rules and Regulations of the HCSWD unless Council enacts alternative rules and regulations that are agreed to be as stringent or more stringent than the Rules and Regulations of the HCSWD.

Section 4. This Council hereby:

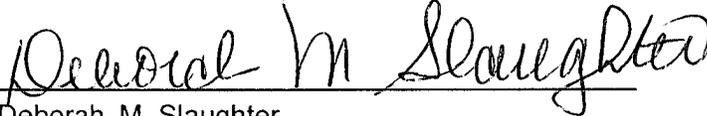
- (a) authorizes and designates the City Safety Service Director to act as the Enforcing Official for Article II – Illicit Discharge Regulations, Article III – Earthworks Regulations, Article IV – Stream Corridor Regulations, and Article V – Post-Construction Storm Water Quality Regulations ("Post-Construction Regulations") within the corporate boundaries of the City of Cheviot.

Section 5. It is the intent of the Council of the City of Cheviot that the remedies provided in this ordinance and 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 6. The provisions of this ordinance are 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 to be invalid, such invalidity shall not affect the other provisions or application of this ordinance.

Section 7. This ordinance shall be an emergency measure for the health, safety, and welfare of the citizens of Cheviot and shall become effective immediately. The emergency is necessary in order to allow the City of Cheviot, in the interest of public health, to protect its storm water quality at the earliest possible time.

Section 8. Upon passage, the Clerk of Council shall forward a copy of this ordinance to the Hamilton County Board of County Commissioners.



Deborah M. Slaughter
President of Council

February 18, 2014

Date passed



Samuel D. Keller
Mayor

2/18/14

Date approved

Attest:

Jenny M. Eilermann
Clerk of Council

APPROVED AS TO FORM:



MARK G. WATERS
LAW DIRECTOR

CERTIFICATION OF PUBLICATION

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing ordinance, or a succinct summary, was published in the *Western Hills Press*, a newspaper of general circulation in the City of Cheviot, Ohio, in accordance with Section 731.21 of the Ohio Revised Code, on the following dates :

- 1) _____, 2014, and
- 2) _____, 2014.

Jenny M. Eilermann
Clerk of Council

CERTIFICATION OF TRUE AND ACCURATE COPY

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that this is a true and accurate copy of the original Ordinance No. 14-_____, passed by the Cheviot City Council on February 18, 2014, at an open meeting, in accordance with Ohio law, and that the original ordinance is in my possession at the Cheviot City Hall.

Jenny M. Eilermann
Clerk of Council