

CHAPTER 1361

Stormwater Management

- 1361.01 **Authority and title.**
- 1361.02 **Purpose.**
- 1361.03 **Adoption of "City of Mansfield Stormwater Design Manual".**
- 1361.04 **Scope.**
- 1361.05 **Plan review.**
- 1361.06 **Permits.**
- 1361.07 **Fees.**
- 1361.08 **Assurance of completion.**
- 1361.09 **Disclaimer of liability.**
- 1361.10 **Maintenance of stormwater drainage facilities and control structures.**
- 1361.11 **Rights of access.**
- 1361.12 **Enforcement.**
- 1361.13 **Violations.**
- 1361.14 **Appeals.**
- 1361.99 **Penalty.**

CROSS REFERENCES

Stormwater erosion and sediment control - see BLDG. Ch. 1362

Illicit discharge and illegal connection control - see BLDG. Ch. 1365

1361.01 AUTHORITY AND TITLE.

This Chapter has been developed under authority of Article XVIII, Section 3 of the Ohio Constitution.

The official title of these rules shall be known as the "City of Mansfield, Ohio Stormwater Management Rules and Regulations." However, simply "Stormwater Rule and Regulations" may be used as a short title. (Ord. 22-045. Passed 3-15-22.)

1361.02 PURPOSE.

Council has adopted this chapter for the purpose of establishing feasible and economically reasonable standards to achieve a level of management and conservation practices which will abate erosion of the soil and abate the degradation of the water of the State by soil sediment in conjunction with nonfarm, earth-disturbing activities.

It is the further intent of this chapter to:

- (a) Permit development without increasing downstream flooding, erosion or sedimentation.
 - (b) Reduce damage to receiving streams and impairment of their capacity which may be caused by increases in the quantity and/or rate of water discharged.
 - (c) Establish a basis for design of all storm drainage systems which will preserve the rights and options of both the dominant and servient property owners and help assure the long-term adequacy of storm drainage systems.
- (Ord. 22-045. Passed 3-15-22.)

1361.03 ADOPTION OF "CITY OF MANSFIELD STORMWATER DESIGN MANUAL".

(a) Subject to the provisions set forth in this chapter, the City of Mansfield hereby adopts the "City of Mansfield Stormwater Design Manual" which provides policy, standards, applicability, criteria, requirements, recommendations and guidance for general stormwater drainage, stormwater quantity, and stormwater quality management in the City of Mansfield that are not provided explicitly in this chapter.

A copy of the "City of Mansfield Stormwater Design Manual" is hereby referenced and adopted as part of this chapter.

(b) The City Engineer is authorized to amend, supplement or revise the "City of Mansfield Stormwater Design Manual." The City of Mansfield Stormwater Design Manual, shall be made available in the Office of the City Engineer, and may be updated and expanded from time to time, at the discretion of the City Engineering Department, based on improvements in the engineering, science, monitoring, local maintenance experience, and federal and state regulations.

(c) At a minimum, the "City of Mansfield Stormwater Design Manual" shall meet the technical requirements set forth in the Ohio Environmental Protection Agency NPDES general stormwater permit(s) for construction activities and any subsequent Ohio Environmental Protection Agency issued permits.

(Ord. 22-045. Passed 3-15-22.)

1361.04 SCOPE.

This chapter shall apply to all earth-disturbing activities and projects adding impervious area as indicated within the Stormwater Design Manual.

(Ord. 22-045. Passed 3-15-22.)

1361.05 PLAN REVIEW.

All stormwater management plans and runoff calculations shall be submitted to the Bureau of Buildings, Inspection, Licenses and Permits. The Office of the City Engineer shall review the stormwater management plan and runoff calculations within thirty days of the receipt and indicate its approval or disapproval to the person who filed the plan. Indication of disapproval shall include the plan deficiencies and the procedure for filing a revised plan. Pending preparation and approval of the revised plan, earth-disturbing activities shall not be allowed until deficiencies have been properly addressed and an acceptable plan has been filed and approved by the Office of the City Engineer.

The Office of the City Engineer shall be responsible for the construction inspection of all stormwater management facilities.

(Ord. 22-045. Passed 3-15-22.)

1361.06 PERMITS.

Any impervious area or performance of earth-disturbing activities as indicated within the Stormwater Design Manual shall be required to file a stormwater management plan and obtain a stormwater management permit.

Permit application forms shall be made available in the Bureau of Buildings, Inspections, Licenses and Permits. Information required shall be sufficient for the Bureau to determine if a stormwater management plan is necessary and that the person intends to comply with this chapter. At a minimum, the application shall include the following:

- (a) Name, address and phone number of the property owner and/or other person responsible for the activity.
- (b) Location of the activity.
- (c) Description of the activity.
 - (1) Type of activity.
 - (2) Area to be disturbed.

(3) Area to be rendered permanently impervious.

(4) Size of parcel or lot on which activities will occur.

The Bureau shall review the permit application and if no stormwater management plan is required, an application shall be made to the Zoning Administration for a zoning certificate in accordance with Section 1155.03 of the Codified Ordinances.

In the event that a plan is required, the permit shall be issued upon approval by the City Planning Commission.
(Ord. 22-045. Passed 3-15-22.)

1361.07 FEES.

(a) Permit Fee. A permit fee in the amount of fifty-five dollars (\$55.00) shall be paid to the Bureau of Buildings, Inspections, Licenses and Permits upon submission of an application.

No permit fee shall be required for the following: Nonfarm, earth-disturbing activities which have been provided for in an already approved stormwater management plan. (Example: home construction on a lot in an approved subdivision with an approved stormwater management plan).

(b) Plan Review and Field Inspection Fees. A fee in the amount of two-hundred dollars (\$200.00) shall be paid to the Bureau of Buildings, Inspections, Licenses and Permits before issuance of the stormwater management permit to offset the cost of plan review and field inspection of such construction to assure its conformance with the plans.

(Ord. 22-045. Passed 3-15-22.)

1361.08 ASSURANCE OF COMPLETION.

The Bureau of Buildings, Inspections, Licenses and Permits shall not issue a Certificate of Occupancy until the stormwater management facilities have been constructed in accordance with the appropriate stormwater management plan and have been approved by the Office of the City Engineer.

Stormwater management facilities that are being constructed as part of a subdivision subject to the Subdivision Regulations of the City shall be considered and improvement. As such they shall be subject to the bonding requirements therein. The value of the stormwater management facilities shall be included in the amount of the performance bond for the subdivision improvements.

If it can be shown that assurance of completion is being provided through another regulation of this City or other governmental subdivisions, this section of the Stormwater Management Regulations shall be waived.

(Ord. 22-045. Passed 3-15-22.)

1361.09 DISCLAIMER OF LIABILITY.

Neither submission of a plan under provisions of the chapter nor compliance with provisions of this chapter shall relieve any person from responsibility for damage to any person property otherwise imposed by law, nor impose any liability upon the City for damage to any person or property. (Ord. 22-045. Passed 3-15-22.)

1361.10 MAINTENANCE OF STORMWATER DRAINAGE FACILITIES AND CONTROL STRUCTURES.

When stormwater management facilities and control structures are located on private property, it is the private post-construction operator's/developer's responsibility to inspect and properly maintain the facilities. In addition, an Operation and Maintenance Plan shall be developed and implemented in accordance with the Stormwater Design Manual. The maintenance of minor detention in areas such as swales, etc. on individual parcels or lots in new subdivisions shall be the responsibility of the individual parcel or lot owners. Special provisions shall be written into the deeds for the individual parcels or lots in new subdivisions, so the owners are aware that the parcels or lots are used for temporary stormwater storage. The City shall require all of the stormwater drainage facilities and control structures to be designed to minimize maintenance costs.

(Ord. 22-045. Passed 3-15-22.)

1361.11 RIGHT OF ACCESS

The City of Mansfield shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.

(Ord. 22-045. Passed 3-15-22.)

1361.12 ENFORCEMENT

(a) If the City of Mansfield or its duly authorized representative determines that a violation of the rules adopted under this code exists, the City of Mansfield 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 the City Engineer and/or designee to ensure compliance with the regulation.

(c) After each external inspection, the City Engineer and/or designee shall prepare and distribute a status report to the applicant.

(d) If an external inspection determines that the operations are being conducted in violation of any of the provisions of this regulation the City Engineer and/or designee may take action as detailed in Section 1361.13 of this regulation.

(Ord. 22-045. Passed 3-15-22.)

1361.13 VIOLATIONS

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

(b) Upon notice, the City Engineer and/or designee may suspend any active soil disturbing activity for a period not to exceed ninety (90) days and may require immediate erosion and sediment control measures whenever he or she determines that such activity is not meeting the intent of this regulation. Such notice shall be in writing, shall be given to the applicant, and shall state the conditions under which work may be resumed. In instances, where the City Engineer and/or designee finds that the immediate action is necessary for public safety or the public interest, he or she may require that work be stopped upon verbal order pending issuance of the written notice.

(c) Notice of Violation. Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the City may order compliance by written notice of violation to the owner and/or occupant. Such notice may require without limitation:

(1) Specific details about the violation;

(2) Violating discharges, practices, or operations shall cease and desist;

(3) Specific details about the elimination of illicit connections or discharges;

(4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(5) The timeframe within which the violator must cure any deficiencies;

(6) In addition to any other monetary penalties set forth in these regulations, the owner and/or occupant shall reimburse the City for the time expended by its representatives and the City shall further be reimbursed any remediation costs via an administrative fee and costs passed through to the owner;

(7) The implementation of source control or treatment Sediment Control Measures; and,

(8) The performance of monitoring, analyses, and reporting required.

(d) If it is determined that a violation of this Chapter exists fourteen (14) days following the notice of violation, the responsible

person shall be notified of the deficiencies or noncompliance and stop work order by the Office of the City Engineer in writing and by certified mail. Upon issuance of the final letter for noncompliance and stop work order, the deficiencies or noncompliance shall be reported to the law director.

(e) Abatement. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the works will be completed by a designated governmental agency or contractor of the City's choosing and the expenses thereof, including actual City representatives' time, shall be charged to the violator.
(Ord. 22-045. Passed 3-15-22.)

1361.14 APPEALS.

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the City of Mansfield in relation to this regulation may appeal to the City Planning Commission or Court of Common Pleas. Written notice of appeal shall be served on the City of Mansfield. (Ord. 22-045. Passed 3-15-22.)

1361.99 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a minor misdemeanor. Whoever violated any provision of his chapter or fails to comply with any of its requirements shall be fined not more than one hundred dollars (\$100.00) for each offense.

Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.
(Ord. 22-045. Passed 3-15-22.)