

ORDINANCE NO. 8 , 2020

AN ORDINANCE ADOPTING AMENDED ARTICLES I, III, AND V, 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", or "Co-Permittees"); and

WHEREAS, the attached amended Rules and Regulations which have been adopted by the Hamilton County Board of County Commissioners on September 12, 2019 in order to carry out the responsibilities of MS4's 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 previously developed sites within the unincorporated regions of the County and within municipal corporations which are co-permittees under the MS4 permit; and

WHEREAS, the Council of the City of Montgomery, State of Ohio ("Council"), as a Co-Permittee municipal corporation under the Phase II Permit, has previously adopted through Ordinance and is implementing the HCSWD 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; and

WHEREAS, the above adopted Ordinance states that 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 will 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 equally stringent or more stringent than the Rules and Regulations of the HCSWD.

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

SECTION 1. The Council hereby adopts, establishes and implements

within the City of Montgomery, the amended Rules and Regulations of the Hamilton County Storm Water District, Article I – Definitions, Article III – Earthworks Regulations, and Article V – Post-Construction Storm Water Quality Regulations (“Post-Construction Regulations”), as the same are set forth in **Exhibit A** which are attached hereto and incorporated into this Ordinance as if fully rewritten herein.

SECTION 2. The Council and the appropriate administrative officials of the City of Montgomery will cooperate with the HCSWD in the enforcement of these amended 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 3. The City Manager, or his or her designee, is hereby authorized and directed to:

- a. 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 City of Montgomery corporate boundaries for any common plan of development that disturbs at least one (1) 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; and
- b. The City Manager, or his or her designee, 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 City of Montgomery corporate boundaries for any common plan of development that disturbs at least one (1) acre or more), require the control of 20% of the water quality volume for previously developed 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 4. It is the intent of the Council 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 5. 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 6. This Ordinance shall go into effect and become law from and after the earliest period allowed by law.

SECTION 7. The Clerk of the City is hereby directed to certify a copy of this Ordinance to the Board of County Commissioners of Hamilton County.

PASSED: June 3, 2020

ATTEST: Connie M. Gaylor
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi
Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon
Terrence M. Donnellon, Law Director

Exhibit A
**Amended Rules and Regulations of the Hamilton County Storm Water
District**

Article I – Defintions

Article III – Earthwork Regulations

**Article V – Post-Construction Storm Water Quality Regulations
(Post-Construction Regulations)**

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance
No. 8 - 2020.

Connie M. Gaylor
Connie M. Gaylor, Clerk of Council

Dated: June 4, 2020

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this
day to the County Auditor.

Connie M. Gaylor
Connie M. Gaylor, Clerk of Council

Dated: _____, 2020

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing
ordinance.

Hamilton County Auditor

Dated: _____, 2020