

**CODIFIED ORDINANCES OF OAKWOOD**  
**PART TWELVE – STORMWATER MANAGEMENT CODE**

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**Codified Ordinances of Oakwood  
PART TWELVE – Stormwater Management Code**

**CHAPTER 1201  
Intent, Scope and Administration**

<b>1201.01</b>	<b>Intent.</b>
<b>1201.02</b>	<b>Scope.</b>
<b>1201.03</b>	<b>Authorization of Manager.</b>
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**CROSS REFERENCES**

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**1201.01 INTENT.**

- A. To comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Program promulgated by the U.S. Environmental Protection Agency (USEPA) under the provisions of the Federal Clean Water Act;
- B. To comply with the requirements of the Ohio Environmental Protection Agency General Permit No. OHQ000002, "Authorization for Small Municipal Separate Storm Sewer Systems to Discharge Storm Water Under the National Pollutant Discharge Elimination System" or its successor permits; and
- C. To protect the land and water resources of the City of Oakwood by establishing standards to achieve a level of soil erosion and stormwater control that will minimize and abate degradation of land and water resources and damage to public and private property resulting from earth-disturbing activities. To further this general intention, the ordinance further intends to:
  - 1. Assure that those involved in earth-disturbing activities minimize both soil erosion and the volume and rate of stormwater runoff from their sites;
  - 2. Preserve to the extent practicable the natural drainage characteristics of the city and minimize the need to construct, repair, and replace enclosed, subsurface storm drain systems;
  - 3. Assure that stormwater controls are incorporated into site planning and design at the earliest possible stage and that all stormwater management practices are properly designed, constructed, and maintained;
  - 4. Prevent unnecessary stripping of vegetation and loss of soil and to promptly re-vegetate and stabilize sites following earth-disturbing activities;

5. Reduce the need for costly maintenance and repairs to roads, embankments, ditches, water resources, and wetlands, through the design and use of stormwater management practices;
6. Encourage the construction of stormwater management practices that serve multiple purposes such as flood control, erosion control, fire protection, water quality protection, recreation, and habitat preservation; and
7. Preserve to the maximum extent practicable natural infiltration and groundwater recharge.

**1201.02 SCOPE.**

- A. This Ordinance shall apply to both the development and redevelopment of land proposed for the following:
  1. Residential, institutional, commercial, office, and industrial purposes, including subdivision and land development proposals for non-agricultural uses in rural areas;
  2. Recreational facilities, non-agricultural water impoundments and waterway construction or improvement;
  3. Public infrastructure uses, including transportation and utilities; and
  4. Any earth-disturbing activity within critical and sensitive natural areas, including floodways, floodplains, highly erodible lands and wetlands.
- B. This Ordinance does not apply to earth-disturbing activities associated with agricultural activities.
- C. No earth-disturbing activity subject to regulation under this Ordinance shall be undertaken on any land proposed for development or redevelopment for uses specified under Section 1201.02 herein without the following:
  1. an approved Site Development Plan (SDP) as required under Section 1204.03 herein,
  2. an approved Stormwater Management Plan (SWMP) as required under Section 1204.04 herein,
  3. compliance with the City's Engineering Standards for Design of Stormwater Systems and Detention Facilities, and
  4. implementation of required elements of the approved Stormwater Management Plan (SWMP).

**1201.03 AUTHORIZATION OF MANAGER.**

- A. The City Manager, or his designated representative(s), shall be responsible for administration of this ordinance and for compliance with the Ohio Environmental Protection Agency General Permit OHQ000002 "Authorization for Small Municipal Separate Storm Sewer Systems to Discharge Storm Water Under the National Pollutant Discharge Elimination System," or its successor permits.

**1201.04 FEES.**

- A. The City Manager shall establish a schedule of fees, charges, expenses and collection procedure for same and other matters pertaining to this Ordinance. The schedule of fees shall be available at the city of Oakwood offices. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

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**CHAPTER 1202  
Definitions**

**1202.01 Definitions.**

**CROSS REFERENCES**

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**1202.01 DEFINITIONS.**

All words used in this Ordinance shall have their customary meanings and/or as defined by the *Rainwater and Land Development*<sup>1</sup> publication, except those specifically defined in this section.

**Applicant** is the owner and/or developer of a property applying for approval for a new development or redevelopment site.

**Authorized agent** is a City official, organization, or group of designated representatives to provide technical guidance in the development, implementation and enforcement of these regulations and to review and approve/disapprove all plans and calculation submittals for new development and redevelopment sites.

**Buffer** is a designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. Construction activities in this area are restricted or prohibited.

**Detention basin** is a dry impoundment area created by constructing an embankment, excavating a pit, or both, for the purpose of temporarily storing stormwater so that stormwater flows are released at a rate equal to or less than the pre-development peak rate, until the basin is dry.

**Detention facility** is a detention basin or alternative structure designed to temporarily store stormwater runoff and gradually release the stored water at a controlled rate, until the facility is dry.

**Development area** is any contiguous area owned by one person or operated as one development unit included within the scope of these regulations, upon which earth-disturbing activities are planned or underway.

**Earth-disturbing activity** is any grading, excavation, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or

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<sup>1</sup> Rainwater and Land Development: Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection. Second Edition, 1996. Ohio Department of Natural Resources, as amended.

contribute to erosion and sediment pollution except that such term shall not apply to agricultural activities.

**Erosion** is the wearing away of soils by the action of water and/or wind.

**Home Sewage Treatment System (HSTS)** is a residential underground system in which waste matter is treated through bacterial action.

**Illicit connection** is any man made conveyance, other than the municipal separate storm sewer system (MS4) connecting an illicit discharge directly to the MS4.

**Illicit discharge** is any discharge that is not composed entirely of stormwater except discharges authorized by a state or federal NPDES permit and those described in Section 1.04(b).

**Impervious area** is any land area covered by buildings, pavement or other materials that prevent stormwater from penetrating the soil. (*one instance*)

**Infiltration basin** is an impoundment area created by constructing an embankment, excavating a pit, or both, for the purpose of temporarily storing stormwater until such time as stormwater infiltrates into the ground until the basin is dry.

**Municipal separate storm sewer system (MS4)** means all stormwater conveyances and structural controls including, but not limited to municipal streets, catch basins, manholes, dry wells (outside the Wellfield protection area), curbs, gutters, ditches, storm drains, storm sewer pipes, drive pipes, bridges, culverts, man-made channels, natural channels, detention basins, retention basins and infiltration basins, overflow weirs, orifice plates and other similar facilities owned by the City of Oakwood, which are designed or used for collecting, controlling or conveying stormwater.

**New development** is the performance of construction activities on a vacant parcel of land for the use of new buildings and public/private infrastructure, including but not limited to roadways, sidewalks and utilities, parking lots, etc.

**Parcel** is any legally described piece of land created by a partition, subdivision, deed or other instrument recorded with the appropriate entity or agency.

**Qualified inspection personnel** means a person knowledgeable in the principles and practice of erosion and sediment controls, who possesses the skills to assess all conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of stormwater discharges from the construction activity.

**Re-development** is the performance of demolitions and/or construction activities on a used parcel of land for the use of new/expanded buildings and public/private infrastructure, including but not limited to roadways, sidewalks, utilities and parking lots, etc.

**Sediment** consists of materials, such as soils, which are deposited by water or wind through erosion.

**Sedimentation** is the process through which materials, such as soils, are formed and deposited.

**Single Residential Property** means a single residential structure on a single zoning lot that consists of not more than four separate residential units.

**Site Development Plan (SDP)** means the written document and/or set of plans meeting the requirements of this Ordinance that provides information on the location of the area proposed for development, the site in relation to its general surroundings, and existing characteristics of the site, including limits of earth-disturbing activities.

**Stop-work order** is an order issued which requires that all work on the site must cease except work associated with bring the site into compliance with the approved SDP, SWMP and/or SWP3.

**Stormwater Management Plan (SWMP)** is the document meeting the requirements of this Ordinance that sets forth the plans and practices to be used to minimize stormwater runoff from a site and to safely convey or temporarily store and release post-development stormwater runoff at an allowable rate to minimize flooding and erosion.

**Stormwater Pollution Prevention Plan (SWP3)** is the document required by the Ohio EPA for compliance with its applicable NPDES Construction Activities General Permits. The requirements of the SWP3 are also required as part of the SWMP as described above and in this Ordinance.

**Stormwater** is any water flow created by a storm event that collects and runs off a site such as rain runoff, snow melt runoff, ice melt runoff or flooding. Stormwater can exist as surface drainage/runoff via overland flows, subsurface drainage/runoff through storm sewer pipes or open channel flow through natural or man-made drainage channels.

**Structural controls** are any man-made facility, structure, or device that is constructed to provide temporary storage and/or treatment of stormwater runoff. Examples include, but are not limited to detention basins, infiltration basins, retention basins, rock check dams, swales, and constructed wetlands.

**Watercourse** is any natural or artificial waterway (including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, waterways, gullies, ravines, or washes) in which waters flow in a definite direction or course either continuously or intermittently and including any area adjacent thereto which is subject to inundation by reason of overflow of flood waters. (*used once*)

**Wetlands** are swamps or marshes, watercourses, drainage tributaries, pools or ponds in either a perennial or intermittent state.

**Zoning Lot** is one or more contiguous tracts of land located within a single block, which (at the time of application for a building permit) is or was designated in that application or accompanying documents by its owner or developer as the tract to be used, developed or built upon as a unit, under single ownership or control as the site for the structure to be built under that building permit.

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**CHAPTER 1203  
Illicit Discharge Detection and Elimination**

<b>1203.01</b>	<b>General.</b>
<b>1203.02</b>	<b>Illicit Discharges.</b>
<b>1203.03</b>	<b>Non-Prohibited Discharges.</b>
<b>1203.04</b>	<b>Home Sewage Treatment Systems (HSTS).</b>
<b>1203.05</b>	<b>Complaint Procedures.</b>
<b>1203.06</b>	<b>Notifying Officials.</b>

**CROSS REFERENCES**

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**1203.01      GENERAL.**

- A. For the support of this Chapter, the city of Oakwood maintains a comprehensive set of plans and maps depicting and defining the entire storm sewer system. Current storm sewer system plans are on file at the Oakwood Public Works Center.

**1203.02      ILLICIT DISCHARGES.**

- A. No person(s) shall place, cause to be placed or maintain any material in the MS4 (Municipal Separate Storm Sewer System) which enters, obstructs or pollutes the stormwater flow or any part thereof;
- B. No person(s) shall erect any structure over any part of the MS4 so as to interfere with stormwater flow, or the maintenance or cleaning of the storm sewer system infrastructure;
- C. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any part of the MS4 without obtaining written approval from the city of Oakwood and/or its authorized agent(s);
- D. No person(s) shall install, cause to be installed, or maintain any illicit connection to the MS4;
- E. No person(s) shall cause any illicit discharge to the MS4;
- F. No person(s) may discharge, spill or dump sewage, industrial wastes, other wastes, or any substances or materials which are not entirely composed of stormwater into any water body or into the MS4 or streets, driveways, sidewalks, parking lots or other areas that drain into the MS4, except those discharges enumerated in Section 1203.03 herein;



- G. No person(s) causing or contributing to the occurrence of the above prohibitions shall fail to take all reasonable actions to prevent contamination or damage to the MS4;

**1203.03 NON-PROHIBITED DISCHARGES.**

- A. Unless an individual discharge is identified by the city of Oakwood and/or its authorized agent(s) as a significant source of stormwater contamination, the following non-stormwater discharges are not prohibited by this ordinance to enter the MS4:

1. Potable water line flushing,
2. Landscape irrigation,
3. Diverted stream flows,
4. Rising ground waters,
5. Rising flood waters,
6. Uncontaminated ground water infiltration,
7. Uncontaminated pumped ground water,
8. Discharges from potable water sources,
9. Foundation drains,
10. Air conditioning condensation,
11. Irrigation water,
12. Springs,
13. Uncontaminated water from sump pumps,
14. Footing drains,
15. Lawn watering,
16. Non-commercial washing of vehicles or equipment,
17. Flows from riparian habitats and wetlands,
18. Dechlorinated swimming pool discharges,
19. Street wash waters,
20. Discharges or flows from emergency fire fighting and emergency response activities,
21. Unanticipated utility repairs or failures of potable water systems, and
22. Discharges from a properly operating Home Sewage Treatment Systems.

**1203.04 HOME SEWAGE TREATMENT SYSTEMS (HSTS).**

- A. An existing HSTS may be connected to the Oakwood MS4 only if it is determined by the City that it was legally installed and is properly functioning.
- B. For each existing HSTS that is non-functioning, the City will determine whether the system requires elimination and connection to the sanitary sewer or upgrade/replacement of the system if feasible and appropriate. For those HSTS that

cannot be feasibly eliminated, the owner shall obtain coverage under an appropriate Ohio EPA general NPDES permit.

- C. A new HSTS will only be approved by the City if the City determines that it is not feasible to connect to a sanitary sewer and the owner obtains coverage under an appropriate Ohio EPA general NPDES permit.

**1203.05 COMPLAINT PROCEDURES.**

- A. Existing procedures for all types of property complaints, including stormwater, are based on the city of Oakwood Property Maintenance Code, Chapter 17-One Administration, Enforcement, Inspections. The Ordinance and Zoning Department procedures include mechanisms for logging of complaints by the public, inspections by City officials and/or its authorized agent(s), notification to responsible parties of suspected and/or actual violations, remediation requirements, enforcement of requirements and penalties, if remediation is not ultimately performed.

**1203.06 NOTIFYING OFFICIALS.**

- A. Any person(s) witnessing violation(s) of this ordinance should contact the Oakwood Zoning Department or the Oakwood Public Safety Department, who will notify appropriate departments and agencies to halt the violation(s) and/or begin the above compliant procedure(s).

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**CHAPTER 1204  
Development of Construction and Post-Construction Site Runoff Control**

<b>1204.01</b>	<b>General.</b>
<b>1204.02</b>	<b>Performance Standards for Development of Site Runoff Controls.</b>
<b>1204.03</b>	<b>Site Development Plan (SDP).</b>
<b>1204.04</b>	<b>Stormwater Management Plan (SWMP).</b>

**CROSS REFERENCES**

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**1204.01 GENERAL.**

- A. Any person or persons proposing to develop, redevelop land, or undertake any activity covered in Section 1201.02, unless exempted under Section 1204.01(D), shall prepare and submit to the City Engineer for his approval a Site Development Plan (SDP) as described in Section 1204.03.
- B. Based on the information provided in the Site Development Plan, the City Engineer shall determine if the preparation and submission of a Stormwater Management Plan (SWMP) as described in Section 1204.04 will be required. This determination will be made based on the potential to result in erosion, runoff, or sedimentation impacts to the MS4.
- C. A SWMP shall always be required for any of the following:
  - 1. Any project requiring coverage under Ohio Environmental Protection Agency General Permit No. OHC00003, "Authorization for Storm Water Discharges Associated with Construction Activity Under the National Pollutant Discharge Elimination System," or its successor permits.
  - 2. Any project involving one or more of the following earth-disturbing activities:
    - a. Activities that require the extension of public utilities (roadways, water mains, sanitary sewer mains, storm sewers, etc.);
    - b. Activities that will modify an existing and/or approved drainage way, drainage structure, and/or drainage easement;
    - c. Activities that will channelize, straighten, and/or modify a watercourse.
- D. Any person or persons seeking approval to undertake any activity covered in Section 1201.02 herein shall be exempted from having to prepare a SDP and a SWMP provided they meet all of the following:
  - 1. Construction takes place on one zoning lot;
  - 2. The earth-disturbing activity takes place on a residentially zoned property and does

not affect more than one acre of the development site;

3. The site is not located within 100 feet of a sensitive natural area, including floodways, floodplains, highly erodible lands or wetlands;
  4. Earth-disturbing activities will not adversely affect adjacent properties or impacts to existing stormwater facilities including, but not limited to the general existing site drainage pattern(s), drainage structure, drainage tiles, drainage easements, storm sewers, detention facilities, retention facilities, infiltration facilities, drainage swales, watercourses, etc.; and
  5. One or both of the following:
    - a. Specifications are obtained and followed for controlling potential off-site stormwater and erosion impacts from single residential properties as set forth in Section 1207.03; or
    - b. The parcel is part of an overall development plan, which has an approved SWMP and the developer certifies that earth-disturbing activities will comply with said SWMP.
- E. Exemption under Section 1204.01(D) does not exempt any person or persons from other provisions of this Ordinance or liability from their activities.
- F. No development, redevelopment, construction or other earth-disturbing activities shall be undertaken except in conformance with an approved SDP, and where required, an approved SWMP, or with the City specifications if a SDP and SWMP are not required.

**1204.02 PERFORMANCE STANDARDS FOR DEVELOPMENT OF SITE RUNOFF CONTROLS.**

- A. Erosion and Sediment Kept on Site. Erosion and sedimentation caused by accelerated wind or stormwater runoff over the site due to earth-disturbing activities shall be stabilized and confined to be within the boundaries of the development site to the maximum extent practicable.
- B. Discharge of Untreated Stormwater. To the maximum extent practicable, the site shall not discharge untreated stormwater directly into a receiving body of water during or after construction activities.
- C. Stream and Wetland Riparian Buffers. The site owner and/or applicant shall leave an undisturbed riparian buffer on both sides of and/or surrounding water resources, except for crossings and other riparian area and wetland impacts approved by the city of Oakwood Engineer and all other authorities having jurisdiction, if applicable. Buffer width will be determined using criteria established in the city of Oakwood Zoning Ordinance. The City Engineer may increase the widths required based upon floodplain, topography, vegetative cover, canopy cover, and soil types, etc if deemed necessary.
- D. Accessibility and Easements. All permanent stormwater management measures shall have easements sufficient to cover the facility and to provide access for inspection and maintenance.
- E. Best Management Practices. The City Engineer shall maintain a list of Best Management Practices, which shall be available to an applicant and serve as guidelines

for determining whether the Performance Standards identified in this Section have been met. Each application shall be reviewed on a case by case basis and some may require additional and more stringent practices, while others may have individual practices waived by the City Engineer and/or his authorized agent(s).

### **1204.03 SITE DEVELOPMENT PLAN (SDP).**

#### **A. Site Development Plan Submission, Review and Action.**

1. Applicants are encouraged to have a pre-submission meeting with the city of Oakwood to determine the need for, and requirements of, a SDP.
2. Submission of five copies of a SDP and supporting documentation as required in Section 1204.03(B) by an applicant seeking approval initiates the review process;
3. The city of Oakwood or its authorized agent(s) shall review the Site Development Plan (SDP) and conduct a site inspection of the proposed site;
4. Review of the Site Development Plan (SDP) shall commence within seven (7) working days after receipt of the submittal;
5. Following its review, the city of Oakwood or its authorized agent(s) shall:
  - a. Approve the Site Development Plan (SDP); or
  - b. Conditionally approve the Site Development Plan (SDP) pending additional information and/or the incorporation of required changes; and/or
  - c. Require the submission of a Stormwater Management Plan (SWMP) based on written findings of the city of Oakwood or its authorized agent(s).

#### **B. Site Development Plan Requirements.**

1. Each applicant shall provide information that details the location of the area proposed for development, the site in relation to its general surroundings, predevelopment site conditions, existing characteristics of the site, and the extent of proposed earth-disturbing activities. At a minimum the Plan shall include the following elements:
  - a. General location map that shows the area proposed for development and pertinent adjacent areas and features;
  - b. A description of the nature and type of the earth-disturbing/construction activity (e.g. residential, commercial, roadway, etc.);
  - c. A photocopy of the appropriate soil survey sheet found in the USDA Soil Survey of Montgomery County with location of site identified;
  - d. A Site Plan Map that shows the location of existing features and proposed improvements on the site including:
    - i. For sites with relief less than 50', the scale provided shall be not smaller than 1" = 60'; for sites with greater than 50' relief, the scale provided shall be not smaller than 1' = 40';
    - ii. Total area of the site and the area of the site that is expected to be

disturbed (i.e. grubbing, clearing, excavation, filling or grading, including off-site borrow areas);

- iii. Surface water locations, including springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the site, including the boundaries of wetlands or stream channels and the first subsequent named receiving water(s) the permittee intends to fill or relocate for which the permittee is seeking approval from the Army Corps of Engineers and/or Ohio EPA;
- iv. The general directions of surface water flow;
- v. All improvements, including buildings, retaining walls, sidewalks, streets, parking lots, driveways, utilities and stormwater basins, drainage impoundments, channels and outlets, etc.

e. An estimate of the impervious area and percent imperviousness created by the earth-disturbing activity.

- C. Review of a Site Development Plan under this section is solely for the purpose of determining compliance with the Stormwater Management Code and does not constitute, nor substitute for, a plan review under any other Ordinance of the city of Oakwood.

#### **1204.04        STORMWATER MANAGEMENT PLAN (SWMP).**

- A. Stormwater Management Plans (SWMPs) are intended to provide information on all soil erosion, sediment and runoff control activities and Best Management Practices (BMPs) to be used and incorporated on the site both during and after site development. This information includes, but is not limited to, site grading, stormwater management facilities and practices, erosion, sediment and runoff control information, maintenance plans, and other measures that focus on managing the effects of earth-disturbing activities that occur as a result of site development.

- B. Stormwater Management Plan Administration.

- 1. The applicant is encouraged to have a pre-submission meeting with the city of Oakwood, and its authorized agent(s) if necessary.
- 2. Submission of five (5) sets of the SWMP and other supporting data required by this ordinance to the city of Oakwood initiates the review process.
- 3. Upon submission of the SWMP, the city of Oakwood and/or its authorized agent(s) shall complete a review of the SWMP provided that the applicant has submitted all information required. The SWMP shall be reviewed by the City of Oakwood and/or its authorized agent(s) to:
  - a. Verify background information furnished by the applicant and evaluate the proposed development in relation to existing site conditions; and
  - b. Assess the SWMP in relation to the Performance Standards and requirements of this Ordinance.
- 4. Within thirty (30) days of receiving a complete SWMP, the city of Oakwood shall:

- a. Approve the SWMP as submitted by the applicant; or
  - b. Conditionally approve the SWMP and require the submission of additional and/or revised information by the applicant, in order to fully meet the intent and standards of this Ordinance. Revisions to conditionally approved SWMPs shall be prepared and submitted by the applicant to the city of Oakwood for final review to ensure that the plan requirements have been fully met; or
  - c. Disapprove the SWMP.
    - i. Upon disapproval of the SWMP, the applicant shall be required to contact the city of Oakwood and/or its authorized agent(s) within thirty (30) days of denial to discuss the status of the project;
    - ii. If the project does not proceed, the applicant shall pay all related fees incurred by the city to date within thirty (30) days of the disapproval and the project file shall be closed.
    - iii. If the project does proceed, the applicant shall schedule a review meeting with the city of Oakwood and/or its authorized agent(s) to discuss how the SWMP will be modified to fit the requirements and standards of this Ordinance.
5. Once a SWMP has been approved all fees related to the SWMP have been paid to the city of Oakwood, the Soil Erosion and Sedimentation Permit shall be issued.
- C. When a SWMP is required under Sections 1204.01(C), the SWMP shall meet the requirements of a Stormwater Pollution Prevention Plan as described in Ohio Environmental Protection Agency General Permit No. OHC00003, "Authorization for Storm Water Discharges Associated with Construction Activity Under the National Pollutant Discharge Elimination System," or its successor permits.
  - D. When a SWMP is required under Section 1204.01(B) but not under Section 1204.01(C), the City Engineer may reduce the requirements for a SWMP as long as he determines that the elements that are required will ensure that earth-disturbing activities at the site during and after development will be managed in a manner that will not result in increased erosion and sedimentation from the site nor result in negative impacts to water quality.
  - E. When applicable as determined by the City Engineer, the SWMP shall incorporate the requirements of Chapter 1207, Stormwater System and Detention Facility Design. This requirement is in addition to the requirements of Section 1204.04(C) and 1204.04(D).

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**CHAPTER 1205**

**Implementation and Enforcement of Construction and Post-Construction Site Runoff Control**

- 1205.01      General.**
- 1205.02      Performance Standards for Implementation and Enforcement of Site Runoff Controls.**
- 1205.03      Construction and Post-Construction Requirements.**
- 1205.04      Inspection and Enforcement.**

**CROSS REFERENCES**

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**1205.01      GENERAL.**

- A.      The intent of this Chapter is that the site runoff controls approved for construction and post-construction are constructed, operated and maintained in good working order prior to final acceptance of permanent stormwater management facilities.
- B.      During the construction activities and up to final acceptance by the city, the developer/owner and/or contractor shall install, maintain and inspect all construction and post-construction site runoff controls in conformance with the approved plans, and any additional instructions provided by the City Engineer and/or by the Zoning Inspector.
- C.      The Zoning Inspector and/or his designee or authorized agent(s) shall ensure the implementation and enforcement during construction of both construction and post-construction site runoff controls. The specific procedures meeting the below requirements are on file at the city of Oakwood Administrative Offices.

**1205.02      PERFORMANCE STANDARDS FOR IMPLEMENTATION AND ENFORCEMENT OF SITE RUNOFF CONTROLS.**

- A.      The owner/developer shall implement the SWMP as approved by the City Engineer in all respects including, but not limited to, the following:
  - 1. Implementation, maintenance and inspection of all temporary stabilization practices throughout the construction period, and until final site stabilization is achieved.
  - 2. Removal of temporary measures within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed.
  - 3. Installation and maintenance of all permanent runoff controls.
  - 4. Establishment of all required easements for permanent runoff controls.
  - 5. Maintenance of required records.
- B.      Properties, public right-of-ways, and thoroughfares within the city of Oakwood adjacent to the site of an earth-disturbing activity, either within or outside the city of Oakwood, shall be protected from sediment deposition at all times. If the protection measures fail during the course of construction activities, the owner/developer shall cease all work and



restore said measures to good working order within three (3) days.

- C. All inlet protection devices shall be inspected, maintained and repaired weekly and after all significant storm events by the owner/developer as needed to ensure proper working order throughout the course of construction activities.

**1205.03 CONSTRUCTION AND POST-CONSTRUCTION REQUIREMENTS.**

- A. Earth-disturbing activities regulated under this Ordinance shall not begin until all required city, state and federal permits and appropriate approvals of SDP and/or SWMP have been granted to the site owner/developer.
- B. The applicant is responsible for carrying out all provisions of the approved SDP and/or SWMP and for meeting all the standards and requirements of this Ordinance.
- C. Internal Inspections By Owner/Developer
  - 1. For sites under construction, all controls on the site shall be inspected at least once every seven (7) calendar days and within twenty-four (24) hours after any storm event greater than three-quarters of an inch (0.75") of rain per twenty-four (24) hour period. The site owner and/or applicant shall assign qualified inspection personnel experienced in the installation and maintenance of erosion and runoff controls to conduct these inspections to ensure that all stormwater control practices are functional, that all provisions of the SWMP and this regulation are being met, and whether additional control measures are required;
  - 2. As a post construction measure, the site owner/developer shall maintain for three (3) years following the final stabilization of the site and final inspection conducted by a City official or its authorized agent(s), a record summarizing inspections, names(s) and qualifications of personnel making the inspections, the date(s) of inspections, major observations relating to the implementation of the SWMP and a certification as to whether the site is in compliance with the SWMP and identify any incidents of non-compliance. A copy of these records shall be provided to the city of Oakwood on a quarterly basis.
  - 3. If the city of Oakwood deems, via inspections, that any stormwater control practice is not functional, the site owner/developer may be required to install additional erosion and runoff controls, assign other inspection personnel and/or cease all other work until the City accepts the stormwater control practices.

**1205.04 INSPECTION AND ENFORCEMENT.**

- A. The city of Oakwood shall have the right and authority to inspect, at any reasonable time and without prior notice, all site runoff controls, whether temporary or permanent. Inspections under this Section in no way relieve the owner/developer of the inspections required by them under the SWMP.
  - 1. During construction, and until final acceptance by the city of Oakwood, the City Engineer and/or his designee or authorized agent(s) shall have primary responsibility for City inspections and for enforcement of this Ordinance as he deems necessary.

2. After final acceptance by the city of Oakwood, the City Zoning Inspector and/or his designee or authorized agent(s) shall have primary responsibility for City inspections and for enforcement of this Ordinance as he deems necessary.

B. Enforcement.

1. All development sites are subject to inspections by the city of Oakwood and/or its authorized agent(s) under Section 1205.04(A) to ensure compliance with the approved SDP and/or SWMP.
2. After each inspection a status report shall be prepared and placed on file at the City offices or with its authorized agent(s).
3. If it is found that the operations are being conducted in violation of the approved SDP and SWMP, a stop-work order may be issued until the identified violations cease and are corrected.
4. After the issuance of a stop-work order provided for above, but before the imposition of any fines, the applicant shall have the opportunity to request a meeting with the city of Oakwood and/or its authorized agent(s) to show cause why work should not be stopped. A meeting shall be scheduled at the time that a request for such a meeting is made to the city of Oakwood.
5. Following the issuance of a stop-work order, the city of Oakwood and/or its authorized agent(s) shall determine if and when the development may proceed.
6. If the applicant ceases work and vacates the site, the entire site shall be stabilized by the applicant and inspected by the city of Oakwood and/or its authorized agent(s) to determine that adequate stabilization is achieved.
7. Any determination by the city of Oakwood or its authorized agent(s) pursuant to this section is a final order for purposes of judicial review.

C. Complaints.

1. The city of Oakwood or its authorized agent(s) shall investigate any complaint related to earth-disturbing activities covered by this Ordinance.

**Codified Ordinances of Oakwood  
PART TWELVE – Stormwater Management Code**

**CHAPTER 1206  
Operation and Maintenance of Permanent Stormwater Management Controls**

- 1206.01      General.**
- 1206.02      Ownership and Maintenance of Stormwater Management Facilities.**

**CROSS REFERENCES**

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**1206.01      GENERAL.**

- A.      The intent of this Chapter of the Stormwater Management Code is to ensure the long-term maintenance and functionality of all permanent stormwater management controls after construction is complete and the post-construction stormwater management controls have been accepted by the city of Oakwood.

**1206.02      OWNERSHIP AND MAINTENANCE OF PERMANENT STORMWATER  
MANAGEMENT FACILITIES.**

- A.      In cases where permanent stormwater management facilities are proposed on single private properties, the city of Oakwood and/or its authorized agent(s) shall approve an inspection and maintenance agreement. This agreement shall bind all current and subsequent owners and tenants of land served by the permanent stormwater management facilities;
- B.      In the case of proposed industrial, commercial and/or residential subdivisions, inspection and maintenance agreements shall be approved before the city of Oakwood accepts the final plat of the proposed development. This agreement shall bind all current and subsequent owners and tenants of land served by the permanent stormwater facilities;
- C.      All inspection and maintenance agreements shall do the following:
  - 1.      Designate the party(ies) responsible for the maintenance of all permanent stormwater management facilities and practices including mowing, landscaping, debris pick-up, and to ensure all inlet and outlet structures are free of obstructions and in good repair;
    - a.      This includes, but is not limited to an individual property owner, a tenant, a homeowner association, a condo association, etc. Unless otherwise approved by the city of Oakwood, there shall be an entity of common ownership (e.g. Land/Homeowner’s Association) within a proposed subdivision. Each parcel sold in the proposed subdivision shall require continued membership in the Land/Homeowners Association, until dissolved, at which time the individual property owners shall be held responsible for the ownership and maintenance of stormwater

management facilities.

2. Allow approved authorized alterations of all permanent stormwater management facilities provided that such alterations are designed by a professional engineer and are submitted to the city of Oakwood and/or its authorized agent(s) for review and approval.
  3. Provide adequate access to all stormwater management facilities for inspection by the city of Oakwood and/or its authorized agent(s) and corrective actions by the owner.
- D. In the case of subdivisions, all permanent stormwater management facility easements shall be included on the final plat, prior to approval by the city of Oakwood, and a reference shall be made to the entity or individual(s) responsible for their maintenance;
- E. The owner/developer shall submit five (5) sets of as-built drawings of all stormwater management facilities and improvements to the city of Oakwood.
- F. The following conditions shall apply to all drainage easements:
1. Easements shall be approved by the city of Oakwood and/or its authorized agent(s) prior to recording, or in the case of subdivisions prior to approval of the final plat and shall be recorded with said plat;
  2. Unless otherwise required or approved by the city of Oakwood and/or its authorized agent(s) drainage easements shall have a width no less than the following:
    - a. A storm sewer easement minimum width shall be the greater of twelve (12) feet or as determined by the total of the outside diameter of the pipe, plus three (3) feet, plus one (1) foot of width for every one (1) foot of depth over the top of the pipe;
    - b. A conveyance channel easement minimum width shall be determined by the total top width of the channel plus five (5) feet on each side of the channel;
    - c. A detention, retention and/or infiltration basin easement minimum width shall be determined by the total top width of the structure, plus the width of any section of berm constructed in fill, plus ten (10) feet on each side of the structure;
    - d. Where an underground type of detention, retention and/or infiltration system is used, the easement minimum width shall be determined by the total of the outside to outside width of the structure, plus three (3) feet, plus one (1) foot of width for every one (1) foot of depth from the ground surface to the bottom of the structure.
  3. Unless otherwise required or approved by the city and/or its authorized agent(s), permanent stormwater management facilities, including basins, ponds or other retention/detention/infiltration practices, shall be on separate lots held and maintained by an entity of common ownership (Land/Homeowners Association) or on individually owned private property; and

4. Those lots that contain and/or are crossed by a drainage easement shall have the following restriction:
  - a. “Any lot area reserved for drainage purposes, shall at all times be kept free of any obstructions to the flow of water. No improvements, structures or modifications within the identified drainage easement area will be allowed without the approval of the city of Oakwood’s Engineer. Maintenance of the drainage easement area, stormwater management control facility(ies), and drainage areas shall be the responsibility of the individual owner(s) of the lot or Land/Homeowners Association, whichever is applicable, on which these facilities and/or drainage areas are located.”

**Codified Ordinances of Oakwood  
PART TWELVE – Stormwater Management Code**

**CHAPTER 1207  
Stormwater System and Detention Facility Design**

- Chap. 1207.01      Intent and Scope.**
- Chap. 1207.02      Conventional Retention/Detention Facility Design.**
- Chap. 1207.03      Single Residential Property Retention/Detention Facility Design.**
- Chap. 1207.04      Stormwater Quality Control.**
- Chap. 1207.05      Storm Sewer System Design.**
- Chap. 1207.06      Exemptions.**

**CROSS REFERENCES**

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**1207.01      INTENT AND SCOPE.**

The intent and scope of this Ordinance is to provide the city of Oakwood requirements for the design of stormwater systems and their components including retention/detention facilities for new or re-development projects.

This stormwater ordinance provides guidance for conforming with the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Program as required and regulated by the city of Oakwood and the Ohio Environmental Protection Agency (Ohio EPA).

**1207.02      CONVENTIONAL RETENTION/DETENTION FACILITY DESIGN.**

- A. Design of stormwater controls for storage volume and runoff rate for all sites, with the exception of those exempted on single residential properties under the provisions of Section 1207.03, shall be provided by a civil engineer licensed by the State of Ohio and having substantial experience in drainage matters, who shall determine that on-site drainage facilities will be adequate to accommodate surface and storm drainage from water falling upon, or passing across, the land according to the following requirements:
  - 1. All proposed land uses and developments, which increase the runoff rate and/or volume, shall be required to control the rate of runoff discharging from the site.
  - 2. The United States Department of Agriculture, Conservation Engineering Division of the Natural Resources Conservation Service, “Urban Hydrology for Small Watersheds,” Technical Release No. 55, June 1986 or the most current edition, shall be the method used by the applicant to determine the changes in runoff rates and volumes for the proposed development, unless an alternate method is approved in advance by the City Engineer.

3. The type and amount of runoff control required for the site shall be as determined using the engineering standards and procedures maintained by the City Engineer.
4. Detailed construction plans for all measures to control runoff rate and/or volume shall be submitted to, and approved by, the City Engineer or his designee prior to commencing construction.

**1207.03 SINGLE RESIDENTIAL PROPERTY RETENTION/DETENTION FACILITY DESIGN.**

- A. A written stormwater runoff opinion shall be required for all new or redevelopment projects on single residential properties except in the following situations:
1. If the proposed buildings or improvements are on a property where a SDP is required under 1204.01 herein.
  2. If the proposed buildings or improvements will create a net increase in the impervious surface area on the lot of less than 350 square feet. In this case, no retention or detention facilities are required.
  3. If the proposed buildings or improvements are to be located upon an area that has an existing impervious surface. Provided, however, that this exception shall not apply and the drainage opinion must still be given if the entire surface of the site is impervious or if an existing building or improvement on the site is to be torn down completely in order to make room for the new improvements.
  4. If the site is to be limited to particular buildings or improvements that do not exceed 625 sq. ft. for any lot that is 40,000 sq. ft. or less, or 1,000 sq. ft. for any lot that exceeds 40,000 sq. ft. in size. Provided, however, that in such event an on-site retention/detention facility, designed in accordance with the City's specifications to accommodate drainage for up to 625 or 1,000 sq. ft., as applicable based on the total lot size, shall be installed by the property owner.
  5. If a sufficient amount of impervious surface has been removed from the lot and not replaced to equal or exceed the new impervious surface resulting from the proposed buildings or improvements. Any such surface removed may be counted only one time as an offset against subsequent buildings or improvements.
  6. If a sufficient amount of impervious surface has been removed from the lot and not replaced thereby reducing the new impervious surface to the 625 or 1,000 sq. ft. area, whichever is applicable, based on lot size as described in subparagraph "4" above. Provided, however, that in such event an on-site retention/detention facility, designed in accordance with the City's specifications to accommodate drainage for up to 625 or 1,000 sq. ft., as applicable based on the total lot size, shall be installed by the property owner. Any such impervious surface removed may be counted only one time as an offset against subsequent buildings or improvements.
- B. Where the written stormwater opinion is required, it shall be prepared and signed by a civil engineer licensed by the State of Ohio and having substantial experience in drainage matters. The opinion shall state whether or not on-site drainage facilities will be adequate to accommodate surface and storm drainage from water falling upon the

land or passing across it and whether the site runoff rate or volume will increase as a result of a 10-year, 24-hour rainfall yielding 4 inches of rain. This opinion shall assume that the proposed buildings or other improvements creating the greatest possible run-off problem has been added to the property, and otherwise shall be based on site conditions existing on the date of the opinion.

- C. If the stormwater runoff opinion states that the buildings or improvements will cause an increase in the runoff rate and/or volume, a drainage plan will be required. The drainage plan shall show the stormwater retention/detention facilities to be added to the site to prevent the post-development runoff from exceeding the pre-development runoff. The plan shall also show the manner in which surface and storm drainage from that land will be channeled into the drainage system of the City.
- D. All such opinions and drainage plans must be approved by the City Engineer and/or his designated agent(s).

**1207.04 STORMWATER QUALITY CONTROL.**

- A. All proposed land uses and developments that disturb one acre or more of land shall incorporate post-construction Best Management Practices (BMPs) for control of stormwater quality.
  - 1. A list of stormwater quality BMPs approved for use in the city of Oakwood shall be maintained by the City Engineer.
  - 2. Alternative stormwater quality BMPs may be proposed by the owner/developer for review and approval by the city of Oakwood.
  - 3. The approved stormwater quality BMPs shall be incorporated into the SDP required under Section 1204.03 and the SWMP required under Section 1204.04.
- B. All proposed land uses and developments, which disturb five acres or more of land shall design one or more BMPs to detain and treat a water quality volume equivalent to the volume of runoff from a 0.75-inch rainfall.
  - 1. Procedures for determining water quality volume and a list of stormwater quality BMPs approved for use in the city of Oakwood shall be maintained by the City Engineer.
  - 2. Alternative stormwater quality BMPs may be proposed by the owner/developer for review and approval by the city of Oakwood.
  - 3. The approved stormwater quality BMPs shall be incorporated into the SDP required under Section 1204.03 and the SWMP required under Section 1204.04.

**1207.05 STORM SEWER SYSTEM DESIGN.**

- A. All street curb and gutters, closed pipes, manholes, culverts and open channels/drainage ways used to collect and convey water through a site shall be classified as a storm sewer system.
- B. All proposed storm sewer system elements shall be designed by a professional engineer registered in the State of Ohio in accordance with the city of Oakwood design standards



as maintained by the City Engineer.

- C. All proposed storm sewer system elements shall be shown on the SDP required under Section 1204.03 and the SWMP required under Section 1204.04.

**1207.06 EXEMPTIONS.**

- A. Stormwater Control Facilities. All stormwater control facilities shall be contained within the proposed development. Exceptions to requiring that permanent runoff control be located on the site may be considered by the City of Oakwood's Planning Commission and the authorized agent(s) provided the applicant can prove that:
  - 1. The intent and standards of this Ordinance for runoff control can be best achieved by the utilization of off-site stormwater control facilities;
  - 2. Runoff from the site can be conveyed to off-site stormwater facilities in a manner and by means, which satisfies or surpasses the standards of this Ordinance;
  - 3. The applicant has ownership of or the right to use the off-site facility in question.
  - 4. Easements meeting the conditions of Section 1206.02(F) are provided for off-site stormwater facilities where required by the city of Oakwood.
  - 5. An inspection and maintenance agreement is provided that meets the requirements of Section 1206.02.

**Codified Ordinances of Oakwood  
PART TWELVE – Stormwater Management Code**

**CHAPTER 1208  
Violations and Penalties.**

<b>1208.01</b>	<b>Violations.</b>
<b>1208.02</b>	<b>Penalties.</b>
<b>1208.03</b>	<b>Penalties Subsequent to Issuance of Stop-Work Order.</b>
<b>1208.04</b>	<b>Performance Liability.</b>
<b>1208.05</b>	<b>No Release from other Requirements.</b>
<b>1208.06</b>	<b>Effective Date and Validity.</b>

**CROSS REFERENCES**

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**1208.01 VIOLATIONS.**

Any violation of this ordinance constitutes a public nuisance. No person shall violate or cause or knowingly permit to be violated any of the provisions of this Ordinance, or fail to comply with any of its provisions or with any lawful requirements of any public authority made pursuant to it, or knowingly use or cause or permit the use of any lands in violation of this Ordinance or in violation of any approval permit granted under this Ordinance.

**1208.02 PENALTIES.**

- A. Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree for each offense. A separate offense shall be deemed to be committed each day during or on which a violation occurs or continues. Nothing herein contained shall prevent the City officials and/or its authorized agent(s) from taking such other lawful action as necessary to prevent or remedy any violation;
- B. Upon notice from the city of Oakwood and/or its authorized agent(s), that work is being done contrary to this Ordinance, and where applicable, the approved Stormwater Management Plan, such work shall immediately stop. Such notice shall be in writing and shall be given to the applicant, and shall state the conditions under which such work may resume; provided, however, in instances where immediate action is deemed necessary for the public safety or the public interest, the city of Oakwood and/or its authorized agent(s) may require that work be stopped upon verbal order pending issuance of the written order. A stop work order remains in effect until lifted by the city of Oakwood and/or its authorized agent(s).

**1208.03 PENALTIES SUBSEQUENT TO ISSUANCE OF STOP-WORK ORDER.**

- A. Subsequent to the issuance of a stop-work order, one or more of the following penalties may be imposed:
  - 1. All non-compliant earth-disturbing activities are subject to applicable penalties (including fines) of the city of Oakwood;

2. The city of Oakwood and/or its authorized agent(s), on behalf of the city of Oakwood, may enter the site and make any modifications necessary to correct the situation(s) involving excessive erosion or sedimentation, and invoice the owner for actual costs incurred;
  3. The city of Oakwood and/or its authorized agent(s) may request the legal representative of the city of Oakwood to seek an injunction or other appropriate relief to abate excessive erosion or sedimentation and secure compliance with this Ordinance. In granting such relief, the court may order the construction of sediment control improvements and/or the implementation of other control measures and/or fines or any other relief the court determines. The owner shall be invoiced for actual costs incurred by the city and/or its authorized agent(s).
- B. The imposition of any other penalties provided herein shall not preclude the city of Oakwood, 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, ordinances, rules, or regulations, or the orders of the authorized agent(s).

**1208.04 PERFORMANCE LIABILITY.**

No provision of this Ordinance shall limit, increase or otherwise affect the liabilities of the applicant nor impose any liability upon the city of Oakwood not otherwise imposed by law.

**1208.05 NO RELEASE FROM OTHER REQUIREMENTS.**

No condition of this permit shall release the applicant from any responsibility or requirements under other federal, state, or local environmental regulations. If requirements vary, the most restrictive requirement shall prevail.

**1208.06 EFFECTIVE DATE AND VALIDITY.**

This Ordinance shall take effect from and after the earliest period allowed by law. If any section, subsection, paragraph, clause, phrase, or provision of this Ordinance is adjudged invalid or held unconstitutional, such a decision shall not affect or void any of the remaining portions of this Ordinance.

(Ord. 4670, enacted 5/4/09, effective 6/4/09)