

FIRST READING: 11-13-17
SECOND READING: 11-27-17
THIRD READING: 1-22-18

ORDINANCE NO. 92-17

BY: JOHN B. SHEPHERD

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1311.01 ENTITLED "DEFINITIONS" PERTAINING TO CONSTRUCTION SITE REGULATIONS, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

WHEREAS: the Administration of the City of Rocky River, has deemed it necessary to amend Section 1311.01 of our Codified Ordinances regarding construction site regulations; and

WHEREAS: it is the desire of the Administration and Council of the City of Rocky River that Section 1311.01 entitled "Definitions" of the Codified Ordinances of the City of Rocky River concerning construction site regulations be amended, as further described in the attached Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. That Section 1311.01 of the Codified Ordinances of the City of Rocky River entitled "Definitions" concerning construction site regulations, be amended as further described in the attached Exhibit "A".

SECTION 2. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: January 22nd, 2018

JAMES W. MORAN
President of Council

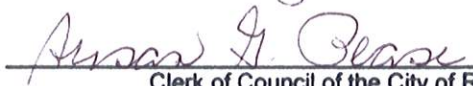
PRESENTED
TO MAYOR: January 22nd, 2018 APPROVED: January 23rd, 2018

ATTEST:


SUSAN G. PEASE
Clerk of Council


PAMELA E. BOBST
Mayor

I, the undersigned clerk of council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 22nd day of January, 20 18.


Clerk of Council of the City of Rocky River, Ohio

City of Rocky River } ss
County of Cuyahoga }

THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 92-17 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 22nd DAY OF January, 20 18 THAT THE PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND CERTIFIED OF RECORD ACCORDING TO LAW, THAT NO PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND THE CERTIFICATE OF PUBLICATION THEREOF, ARE OF RECORD IN ORDINANCE RECORD NO. 92-17

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 22nd DAY OF January, 20 18.


CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

1311.01 DEFINITIONS.

ACRE: A unit of measure equaling 43,560 square feet.

AS-BUILT CERTIFICATION: A survey shown on a plan or drawing prepared by a registered surveyor or a Professional Engineer indicating the actual dimensions, elevations, and locations of any structures, underground utilities, swales, detention facilities, and sewage treatment facilities after construction has been completed.

Structural or nonstructural facilities or activities that control soil erosion and/or storm water runoff at a development site.

BEST MANAGEMENT PRACTICE (BMP): Any practice or combination of practices that is determined to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources of pollution to a level compatible with water quality goals. BMPs may include structural practices, conservation practices and operation and maintenance procedures.

CHANNEL: A natural bed that conveys water or a ditch excavated for the flow of water.

BUILDING COMMISSIONER: Building Commissioner shall be one of the following officials of the City of Rocky River: Building Commissioner, Engineer or Safety Service Director or their designee.

CONSERVATION: The wise use and management of natural resources.

CRITICAL STORM: A storm, which is calculated by means of the percentage increase in volume of runoff by a proposed development area.

DETENTION BASIN: A storm water management pond that does not maintain a permanent pool of water, but includes a properly engineered/designed volume dedicated to the temporary storage and slow release of run-off waters.

DEVELOPMENT AREA: Any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership, where earth-disturbing activity is to be performed.

EARTH DISTURBING ACTIVITY: Any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.

EROSION: The process by which the land surface is worn away by the action of water, wind, ice or gravity.

EROSION AND SEDIMENT CONTROL PRACTICES: Conservation measures used to control sediment pollution and including structural practices, vegetative practices and management techniques.

EXISTING: In existence at the time of the passage of these regulations.

GRADING: Earth disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.

GRUBBING: Removing, clearing or scalping material such as roots, stumps or sod.

IMPERVIOUS SURFACE: Any surface that can not effectively absorb or infiltrate water. This includes roads, streets, parking lots, rooftops, and sidewalks.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

MAXIMUM EXTENT PRACTICABLE: The level of pollutant reduction that operators of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, must meet.

NPDES PERMIT: A National Pollutant Discharge Elimination System Permit issued by Ohio EPA under the authority of the USEPA, and derived from the Federal Clean Water Act.

OHIO EPA: The Ohio Environmental Protection Agency.

OUTFALL: An area where water flows from a structure such as a conduit, storm sewer, improved channel or drain, and the area immediately beyond the structure which is impacted by the velocity of flow in the structure.

PERSON: Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, or any combination thereof.

POST-DEVELOPMENT: The conditions which exist following the completion of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, or direction of storm water runoff.

PRE-DEVELOPMENT: The conditions which exist prior to the initiation of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, or direction of storm water runoff.

PROFESSIONAL ENGINEER: A person registered in the State of Ohio as a Professional Engineer, with specific education and experience in water resources engineering, acting in strict conformance with the Code of Ethics of the Ohio Board of Registration for Engineers and Surveyors.

QUALIFIED INSPECTION PERSONNEL: Qualified Inspection Personnel shall be a person knowledgeable in erosion and sediment control practices; with skills to assess all conditions at the construction site that would impact storm water quality; has ability to assess effectiveness of sediment and erosion control measures.

RAINWATER AND LAND DEVELOPMENT MANUAL: is a manual describing construction and post-construction best management practices and associated specifications. A copy of the manual may be obtained by contacting the Ohio Department of Natural Resources, Division of Soil & Water Conservation.

REDEVELOPMENT: The demolition or removal of existing structures or land uses and construction of new ones.

RETENTION BASIN: A storm water management pond that maintains a permanent pool of water. These storm water management ponds include a properly engineered/designed volume dedicated to the temporary storage and slow release of runoff waters.

RIPARIAN AREA: Means the transition area between flowing water and terrestrial (land) ecosystems composed of trees, shrubs and surrounding vegetation which serve to stabilize erodible soil, improve both surface and ground water quality, increase stream shading and enhance wildlife habitat.

SEDIMENT: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity or ice, and has come to rest on the earth's surface either on dry land or in a body of water.

SEDIMENT BASIN: A temporary sediment pond that releases runoff at a controlled rate. It is designed to slowly release runoff, detaining it long enough to allow most of the sediment to settle out of the water. The outlet structure is usually a designed pipe riser and barrel. The entire structure is removed after construction. Permanent storm water detention structures can be modified to function as temporary Sediment Basins.

SEDIMENT CONTROL: The limiting of sediment being transported by controlling erosion or detaining sediment-laden water and, allowing the sediment to settle out.

SEDIMENT POLLUTION: A failure to use management or conservation practices to control wind or water erosion of the soil and to minimize the degradation of water resources by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed for commercial, industrial, residential, or other purposes.

SEDIMENT TRAP: A temporary sediment-settling pond having a simple spillway outlet structure stabilized with geotextile and rip rap.

SETTLING POND: A runoff detention structure, such as a Sediment Basin or Sediment Trap, which detains sediment-laden runoff, allowing sediment to settle out.

SHEET FLOW: Water runoff in a thin uniform layer or rills and which is of small enough quantity to be treated by sediment barriers.

SOIL: Unconsolidated erodible earth material consisting of minerals and/or organics.

SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is altered or destroyed and which may result in, or contribute to, erosion and sediment pollution.

STORM WATER MANAGEMENT PLAN: The written document meeting the requirements of this regulation that sets forth the plans and practices to be used to minimize storm water runoff from a development area and to safely convey or temporarily store and release post-development storm water runoff at an allowable rate to minimize flooding and erosion and also sets forth the plans and practices to be used to minimize soil erosion, prevent off-site disposal of soil sediment by minimizing soil disturbance, by containing sediment and non-sediment materials on-site, and/or by passing sediment-laden runoff through sediment control measures during and after development, and increasing water quality. This plan shall also meet all the requirements for a Storm Water Pollution Prevention Plan as required by the Ohio EPA. Referred to as "SWM Plan".

STREAM: A surface watercourse with a well defined bed or bank, either natural or artificial, which confines and conducts continuous or periodical flowing water in such a way that terrestrial vegetation cannot establish roots within the channel.

USEPA: The United States Environmental Protection Agency.

WATER RESOURCES: All streams, lakes, ponds, wetlands, water courses, waterways, drainage systems, and all other bodies or accumulations of surface water, either natural or artificial, which are situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those private waters which do not combine or affect a junction with natural surface waters.

WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 Codified Federal Register (CFR) 232, as amended).

WETLAND SETBACK: Those lands within the City of Rocky River that fall within the area defined by the criteria set forth in Chapter 1311.

(Ord. 70-12. Passed 11-13-12; Ord. 92-17. Passed 01-22-18.)