

READINGS:

1ST: 3.26.19
2nd 4.8.19
3rd 4.22.19

**ORDINANCE NO. O-2019- 11
VILLAGE OF MCCOMB, OHIO**

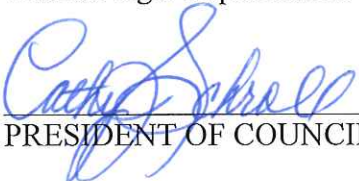
**AN ORDINANCE ESTABLISHING AND ADOPTING A STORM WATER
MANAGEMENT SYSTEMS POLICY FOR THE VILLAGE OF MCCOMB, OHIO**

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of McComb, Ohio,
two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: Council proposes to adopt the written Storm Water Management System Policy
as attached and put into effect for all purposes noted herein as Appendix "A".

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and
approval by the Mayor.

IT IS ALSO ORDAINED, that it is found and determined that all formal actions of this Council
concerning and relating to the adoption of this ordinance were adopted in an open meeting of this
Council, and all deliberations of this Council and of any of its committees that result in formal
action, were in meetings open to the public in compliance with all legal requirements including
Section 121.22 of the Ohio Revised Code.


PRESIDENT OF COUNCIL

DATE
PASSED April 22, 2019


MAYOR

ATTEST Laura Ewing
FISCAL OFFICER

APPROVED Bob Taylor Jr.
SOLICITOR

APPENDIX A

Chapter 1 Storm Water Management System

Section 1 Purpose and Objectives	Section 7 Billings and Terms of Payment
Section 2 Definitions	Section 8 Collection
Section 3 Necessity of Charges	Section 9 Adjustments
Section 4 Powers of the Village Administrator	Section 10 Right to Appeal
Section 5 Rate Structure	Section 11 Storm Water Management Bd.
Section 6 Storm Water Only Accounts	

Section 1 Purpose and Objective.

Chapter 1 establishes a storm water utility, storm water rates, and service charges. Monies collected from these charges are to be utilized solely for the management of storm water.

(a) The Storm Water Management System shall promote the public health, safety and welfare and provide for the safe and efficient capture of storm water runoff; mitigation of the damaging effects of storm water runoff; address the planning, design, regulations, education, coordination, construction, operation, maintenance, inspection, and enforce activities related to storm water. The System shall be used to establish just and equitable rates and charges to be paid to the Village for the use of such services.

Section 2 Definitions

For the purpose of this chapter, the following definitions shall apply. Words used in the singular shall include the plural, and the plural the singular. Words used in the present tense shall include the future tense. The word “shall” is mandatory and not discretionary. The word “may” is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use.

- (1) **“Abatement”** means any action taken to remedy, correct or eliminate a condition with, associated with or impacting a drainage system.
- (2) **“Adjustment”** means a modification in a non-residential customer’s storm water service fee for certain activities that impact storm water runoff or impacts the Village’s cost for providing storm water management.
- (3) **“Agricultural Property”** is considered to be an exempt property, unless improvements have been made. If improvements have been made the property will be considered a residential property and assigned one (1) ERU for billing purposes.
- (4) **“Apartment/Condominium Property”** is considered to be a lot or parcel of real estate on which is situated a building containing three (3) or more single family dwelling units.

- (5) **“Approved Plans”** shall mean plans approved according to the permits and plan review which will govern all improvements made within the Village of McComb that require storm water facilities or changes or alterations to existing storm water facilities.
- (6) **“Code”** means the Codified Ordinances of the Village of McComb.
- (7) **“Combined Sewer”** is a pipe or conduit primarily designed to convey sanitary sewage and secondarily intended to convey storm water.
- (8) **“Detention”** is described as the temporary storage of storm water runoff in a basin, pond, or other structure to control the peak discharge rates by holding the storm water for a period of time and slowly releasing the storm water into existing systems.
- (9) **“Detention Facility”** means a facility by means of a single control point, which provides temporary storage of storm water runoff in ponds, parking lots, depressed areas, rooftops, underground storage, etc. for future release, and used to delay and attenuate flow.
- (10) **“Equivalent Residential Unit”** is a value equal to 3,852 square feet of measured impervious area and is equal to the median amount of impervious area of a sample of 10% of the residential properties within the Village of McComb.
- (11) **“Exempt Property”** means public right of ways, public streets, public alleys and public properties owned by the Village of McComb.
- (12) **“Facilities”** means various storm water and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, catch basins, channels, outlets, retention/detention basins, and other components.
- (13) **“Impervious Area”** means an area that has been paved and/or covered with buildings and materials that do not allow natural infiltration, which includes but are not limited to, concrete, asphalt, rooftops, etc.
- (14) **“Infiltration”** is defined as a complex process of allowing runoff to penetrate the ground surface and flow through the upper soil surface.
- (15) **“Non-residential Properties”** are all properties not encompassed by the definition of Residential and shall be defined as Non-residential. Non-residential properties will include:
 - (1) Apartment and Condominium properties;
 - (2) Manufactured Home Parks;
 - (3) Commercial properties;
 - (4) Industrial property;
 - (5) Institutional property;
 - (6) Churches;
 - (7) Schools;
 - (8) Any other property not mentioned in this or the list of residential properties.
- (16) **“Owner”** means the person who holds actual, not merely equitable title to the property, Executors, administrators or estates, and persons who hold property in trust shall be considered owners.

- (17) **“Peak Discharge” or the “Peak Flow”** is the maximum rate of flow of water passing a given point during or after a rainfall event.
- (18) **“Private Storm Water Facilities”** are defined as various storm water and drainage works not under the control or ownership of the Village or other governmental agencies.
- (19) **“Public Storm Water Facilities”** are defined as various storm water and drainage works under the control and/or ownership of the Village or other governmental agencies.
- (20) **“Residential Property”** means all single family properties and duplexes within the Village of McComb.
- (21) **“Retention”** means the holding of storm water runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration, or emergency bypass.
- (22) **“Retention Facility”** means a facility, which provides storage of storm water runoff and is designed to eliminate subsequent surface discharges.
- (23) **“Square Feet of Impervious Area”** means, for the purpose of assigning an ERU number to a parcel of land, the square feet of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square feet, without regard for topographic features of the enclosed surface.
- (24) **“Storm Water”** means storm water runoff from storm events, snowmelt runoff, and surface runoff and drainage.
- (25) **“Storm Sewer”** means a sewer, which carries storm water, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.
- (26) **“Storm Water Service Charge”** is defined as a charge billed to users of the Village’s storm water collection system.
- (27) **“Storm Water System”** means all man-made facilities, structures, and natural watercourses owned by the Village of McComb, used for collection and conducting storm water to; through; and from drainage areas to the point of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, catch basins, swales, culverts, streets, curbs, gutters, and pumping stations.

Section 3 Necessity of Charges.

It is hereby determined necessary for the protection of public health, safety, and welfare and to conform with Federal, State and local laws and regulations that a system of charges for storm water service be established which allocates the cost of providing storm water service to each user in such a manner that the allocated costs are proportionate to the cost of providing storm water service to that user, insofar as those costs can reasonably be determined.

Section 4 Powers of the Village Administrator.

Storm water service charges levied pursuant to this chapter shall be billed and collected by the Utilities Department. The Village Administrator shall make and enforce such rules and regulations as deemed necessary for the safe, economical, and efficient management and protection of the Village's storm water system; for the construction and use of storm sewers and connections to the storm water systems consistent with policies established by the Village Council; and for the regulation, collection, rebating and refunding of such storm water charges. The Village Administrator shall track work activities and expenses related to storm water management (street sweeping and catch basin cleaning, repair, etc.) and compare them to the measurable goals and shall report to the Village Council as to the financial status of the Storm Water Utility Fund through monthly statements generated by the Clerk-Treasurer's Office.

Section 5 Rate Structure.

(a) A storm water service charge shall be billed to the owner of each and every lot and parcel of land within the Village that contains impervious area and contributes directly or indirectly to the storm water system of the Village. This charge is necessary to pay for the repair, replacement, planning, design, regulations, education, coordination, improvement, operation, inspection, maintenance, and enforcement of the existing and future storm water system. This charge is not related to water and/or sewer service and applies whether or not the property is occupied.

(b) All properties having impervious area within the Village of McComb will be assigned an Equivalent Residential Unit (ERU) or a multiple thereof, with all properties having any impervious area receiving at least one (1) ERU as follows:

(1) All residential properties, as defined, will be assigned one (1) ERU. A flat rate will apply to all residential properties.

(2) All non-residential properties, as defined, will be assigned an ERU multiple based upon the properties' individually measured impervious area (in square feet) divided by 3,852 square feet (1 ERU) but in no event less than one (1) ERU. This division will be calculated to the first decimal place and rounded accordingly.

(3) The storm water charge shall be an amount specified according to the attached rate structure per month per Equivalent Residential Unit (ERU).

Section 6 Storm Water Only Accounts.

Storm water only accounts are properties that do not utilize water and/or sanitary sewer services but do contain impervious area or hard surfaces and contributes directly or indirectly to the Village's storm water system as determined by the Village Administrator. A copy of every permit issued by the Village for new construction that does not utilize water and/or sanitary sewer services shall be sent to the Village Administrator for a determination of whether or not storm water service charges apply.

Section 7 Billing and Terms of Payment.

(a) The Storm water charges established under this Chapter shall be due and payable to the Village of McComb on the date noted on the bill provided by the Village of McComb.

(b) In the event the amount billed for storm water service is not paid in full on or before the due date on the bill, an amount equal to five percent (5%) of the amount billed shall be due and payable in addition to the total amount noted on the bill including, but not limited to, arrearages, administrative charges, deposits, deferments and local charges.

Section 8 Collection.

When charges for storm water service are not paid when due, the Village Administrator may:

(a) Transfer the delinquency to any other property owned by the account holder that receives service;

(b) Bring an action at law for the collection of the delinquent amount;

(c) Certify the charges, together with any penalties, to the County Auditor, who shall place the certified amount on the real property tax duplicate of the property served directly or indirectly by the storm water system of the Village. The amount certified shall be a lien on the property served from the date placed on the list and duplicate and shall be collected in the same manner as other taxes, except that, notwithstanding Section 323.15 of the Revised Code, a County Treasurer shall accept a payment in such amount when separately tendered as payment for the full amount of such unpaid storm water charges and associated penalties.

Section 9 Adjustments.

In the event the amount of impervious area on a non-residential property is increased above that assigned by the Village Administrator, an adjustment may be made to the ERU multiplier assigned to the property to properly reflect the amount of impervious area. The new ERU multiplier shall be billed from the date on which the department mails a notification of the change to the owner of the property and shall not be stayed by an appeal. If the Village Administrator finds that it has been under billing a non-residential property as a result of the increase in impervious area, the owner may be charged for the difference between the amount actually billed and the amount that should have been billed for a period of time not to exceed one year prior to the date of the mailing of the notification to the owner that an adjustment is being made to the property's ERU multiplier.

Section 10 Right To Appeal.

(a) A non-residential property owner may challenge the ERU multiplier assigned the property by filing an appeal with the Village Administrator for adjustment thereof, stating in writing the grounds for the appeal. The Administrator shall cause the appropriate investigation thereof and report the findings to the property owner. The Administrator shall consider the appeal and determine whether an adjustment of the ERU multiplier for any such lot or parcel is necessary, and adjust such ERU multiplier if appropriate.

(b) If the property owner is not satisfied with the findings, an administrative hearing may be requested in writing by the property owner to the Village Administrator. At the hearing, the property owner, the Administrator and Village Engineer may present evidence to the SASSSG

Committee. After consideration, the Board shall issue a written decision to the parties. This written decision shall be the final decision of the Administrator.

Section 11 Storm Water Management Committee.

(a) A SASSSG Committee is an advisory panel for the Village of McComb which shall concern itself with questions dealing with the implications of the storm water utility and make recommendations to the Village Administrator. The Storm Water Management Committee shall be under the direction and duty of the Utility Board.

(b) The SASSSG Committee shall:

- (1) Shall work with the Legislative Authority to develop a five-year plan to address all areas of concern relating to storm water requirements and a ten-year implementation plan as the resolution of all areas of concern relating to storm water management.
- (2) Shall work with the Legislative Authority to develop a Capital Improvement Plan that will allow for equipment and capital projects to address areas of concern related to the SASSSG Committee Plan.
- (3) Hold regular public meetings in which open discussions regarding the operation, maintenance, and repair of the existing storm water system to include future expansion in the area of concern. (Meetings shall be held a minimum of once per year.)

(c) The SASSSG Committee shall also review the following:

- (1) Review the nature and condition of the Village's storm water drainage system, including problems involving the illicit discharge of pollutants to the Village's storm water removal system, and make recommendations on control measures suitable for the Village;
- (2) Review the status and results of the Village's current runoff control measures from construction and post-construction sites and recommend regulation for any required improved control for contaminated construction site runoff;
- (3) Review the mapping of the entire drainage system and location of all storm sewers under the control of the Village;
- (4) Review complaint handling, document follow-up and render final decisions in regards to Section 10, Right to Appeal contained herein;
- (5) Set measurable performance goals related to water quality and storm water activities;