

Ordinance No. 89-09

Passed September 14, 2009

9/9/09-gmk  
(Water, Sewer & Rubbish)

Ordinance No. 89-09

An ordinance adopting Storm Water Quality Regulations, developed by the Stark County Soil and Water conservation District ("SWCD"), for erosion and sediment control and post-construction water quality design for all developments in the City of North Canton and declaring the same to be an emergency.

WHEREAS, land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds which can have adverse consequences including an increased risk of flooding, damage to fisheries and habitat quality in streams and wetlands, an increase in public expenditures for maintenance of storm water facilities, and damage to adjacent properties; and,

WHEREAS, soil is most vulnerable to erosion by wind and water during construction activities; and,

WHEREAS, 40 C.F.R. Parts 9, 122, 123, and 124, and Ohio Administrative Code 3745-39 require designated communities, including the City of North Canton, to develop a Storm Water Management Program that, among other components, requires the City of North Canton to address erosion and sediment control during soil disturbing activities and post construction storm water quality; and,

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution and Chapter 1511 of the Ohio Revised Code grants municipalities the legal authority to adopt rules to abate soil erosion and water pollution by soil sediments.

NOW, THEREFORE BE IT ORDAINED by the Council of City of North Canton, County of Stark, State of Ohio, that:

Section 1. GENERAL CRITERIA

The Storm Water Quality Regulations developed by the Stark County Soil and Water Conservation District (SWCD) are the standards for erosion and sediment control and post-construction water quality design in the City of North Canton and are available on the Stark County SWCD website at www.starkswcd.org. Excluding Section 108 of the Storm Water Quality Regulations, these regulations shall be applicable to all developments in the City of North Canton which are covered by the regulations as specified in the regulations.

Section 2. MONITORING THE PERMIT FOR COMPLIANCE

A. Sites are immediately considered non-compliant for the following reasons:

- 1. Soil disturbing activities without an earth disturbance permit.
- 2. Soil disturbing activities without an approved Storm Water Pollution Prevention Plan.
- 3. Soil disturbing activities without an Ohio EPA NPDES Permit.
- 4. Soil disturbing activities without a pre-construction meeting.

B. Following the initial inspection of erosion and sediment control devices by the developer's delegated representative, regular inspections (bi-monthly) will be performed by the Stark County SWCD for compliance with Storm Water Quality Regulations. If it appears that a violation of any of the regulations has occurred, the owner and developer will be notified of deficiencies or non-compliance in writing by certified mail, return receipt requested. If within 30 days after receipt of the letter, the owner or developer has not rectified the deficiency or received approval of plans for its correction, a second notice of violation will be issued. The owner or developer has another 15 days to rectify the violation. If the violation is not rectified, the violation shall be reported to the City of North Canton Engineer for consideration of referral to the City of North Canton Law Director for immediate enforcement of these regulations.

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C. The Stark County SWCD may require revisions to the Storm Water Pollution Prevention Plan as necessary to achieve compliance to the Storm Water Quality Regulations.

D. A final inspection will be made to determine if the criteria of the Storm Water Quality Regulations have been satisfied and a report sent to the City of North

Section 3. ENFORCEMENT

A. If the City of North Canton Engineer determines that a violation exists and requests the City of North Canton Law Director in writing, the Law Director shall seek an injunction to cease work immediately until compliance with these rules. A court may also order the construction of sediment control improvements for implementation or other control measures.

B. Nothing in this section and no action taken there under shall be held to exclude such criminal proceedings as may be authorized under the Ohio Revised Code.

Section 4. REMEDIES NOT EXCLUSIVE

The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state or local law and it is in the discretion of the City of North Canton to seek cumulative remedies.

Section 5. PENALTY

Whoever violates this section is guilty of a minor misdemeanor.

Section 6. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton and further necessary for the timely implementation of the Storm Water Quality Regulations; wherefore, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

North Canton, OH  
Passed: 9/14/09

  
MAYOR

SIGNED: 9/16, 2009

ATTEST:

  
CLERK OF COUNCIL