

DATE: MARCH 17, 2008

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 54 - 2008

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 920 "EROSION/SEDIMENT CONTROL" of the Codified Ordinances of the City of Massillon, Ohio, by repealing existing SubSections 920.10(b), 920.04(c) and (f), 920.06(a), and 920.07(b), and replacing said SubSections with new Sections 920.10(b), 920.04(c) and (f), 920.06(a), and 920.07(b).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

Existing SubSections 920.10(b), 920.04(c) and (f), 920.06(a), and 920.07(b), are hereby repealed and replaced with the following revised Subsections:

SEE EXHIBIT "A" ATTACHED HERETO

Section 2:

Existing Chapter 920 "EROSIONS/SEDIMENT CONTROL" is hereby amended by the addition of the following definitions and performance standards contained in Section 920.03 and 920.05:

SEE EXHIBIT "B" ATTACHED HERETO

Section 3:

This Ordinance is hereby declared to be an emergency measure for preservation of the health, safety, and welfare of the community and for the additional reason that the revisions and amendments to existing Chapter 920 "EROSION/SEDIMENT CONTROL" are required by the Ohio Environmental Protection Agency to keep the city in compliance with its regulations. Provided it receives the affirmative vote of two thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS 17th DAY OF March, 2008

APPROVED: Mary Beth Bailey
MARY BETH BAILEY, CLERK OF COUNCIL

Glenn E. Gamber
GLENN E. GAMBER, PRESIDENT

APPROVED: March 18, 2008

Francis H. Cicchinelli, Jr.
FRANCIS H. CICCHINELLI, JR., MAYOR

I hereby certify that the foregoing ordinance
is a true copy of the original, as passed by
the Council of the City of Massillon, Ohio,
and approved as noted thereon:

Mary Beth Bailey
Clerk of Council

Date 3/17/08

These are Amendments to Existing Subsections

ATTACHMENT "A"

920.01 FINDINGS/PURPOSE AND SCOPE

- (b) These rules are adopted in accordance with the City of Massillon's authorization for small municipal separate storm sewer systems (MS4's) to discharge storm water under the national pollutant discharge elimination system and shall apply to all soil-disturbing activities on land within the incorporated area of the City of Massillon used or being developed for non-farm commercial, industrial, residential, or other non-farm purposes, including, but not limited to, individual or multiple lots, subdivisions, multi-family developments, condominium units, commercial and industrial developments, recreational projects, general clearing and grading projects, underground utilities, highways, building activities on farms, redevelopment of urban areas and all other uses unless expressly excluded as follows:

920.04 REGULATED ACTIVITIES

- (c) The owner shall submit three ESC plans to the City of Massillon Engineer and to the Stark SWCD no less than thirty (30) days before any soil-disturbing activity at the proposed site. This process is explained in Section 920.06.
- (f) Erosion and sediment control practices used to satisfy the performance criteria of these Rules shall meet the specifications provided in the most current edition of Rainwater & Land Development Manual, Ohio's Standards for Storm Water Management and Land Development, and Urban Stream Protection, published by Ohio Department of Natural Resources. The SWPPP shall meet the minimum requirements listed in the most recent Ohio EPA Construction General Permit. The City in conjunction with the Stark SWCD shall review any new or innovative practice before incorporating them into a plan. (See Section 920.05 for performance standards and requirements.)

920.06 APPLICATION PROCEDURES FOR ESC PLAN

- (a) Three (3) copies of the ESC Plan for all projects which are subject to the City of Massillon Subdivision Regulations, as adopted and administered by the City of Massillon, Engineering Department in accordance with Section 711.10 of the Ohio Revised Code, shall be submitted to the City of Massillon Engineering Department and to the Stark SWCD thirty (30) working days prior to any earth-disturbing activity for general clearing projects.

920.03 FEE

<p>** Please note: Non-compliance sites will incur an additional inspection fee of \$45.00/hour for each inspection required until the site is in compliance.</p>
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**These are Amendments to Existing SubSections
ATTACHMENT "B"**

920.03 TERMS DEFINED

(The following definitions are hereby added to the existing section)

As-built Survey: A survey shown on a plan or drawing prepared and sealed by a Professional Surveyor and/or Engineer licensed in the State of Ohio indicating information such as, but not limited to: actual dimensions, elevations, and locations of any structures and their components, underground utilities, roads, swales, ditches, detention/retention facilities, storm and sanitary sewers, water quality practices, or other infrastructure and facilities after construction has been completed to the satisfaction of the City Engineer.

CPESC: Certified Professional in Erosion and Sediment Control.

920.04 PERFORMANCE STANDARDS

(The following definition is hereby added)

- 15) Roadway and highway transportation projects that fall under these regulations are to be in compliance with the current City of Massillon standards and specifications and the Ohio Department of Transportation (ODOT) Manual for SWPP design and submittals.