

EMERGENCY

CFG

-2024

MODIFYING Title VII, “General Regulations,” of the Cincinnati Municipal Code by **AMENDING** Sections 720-1-01, “Order,” Section 720-3, “Organization of Utility Division,” Section 720-7, “Erosion, Siltation, Sedimentation, and Improper or Illicit Discharge,” 720-13, “Private Facilities,” 720-17, “Ancillary Improvements,” 720-19, “Routine and Remedial Maintenance,” 720-23, “Rules and Regulations,” 720-27, “Master Plan,” 720-29, “Permits and Plan Review,” 720-31, “Application for Permit,” 720-33, “Permits Issued,” 720-35, “Permit Limitations,” 720-37, “Permit and Inspection Fees,” 720-39, “Posting of Permit,” 720-41, “Revocation of Permit,” 720-43, “Inspection and Surveillance,” 720-44, “Prohibition of Illicit Discharges and Connections,” 720-45, “Notice of Violations,” 720-53, “Storm Drainage Service Charge,” 720-61, “Rates,” 720-69, “Notice To Correct Drainage,” 720-71, “Emergencies and Abatement,” 720-73, “Abatement Costs,” and 720-99, “Penalties,” for the purpose of vesting administrative authority for the Stormwater Management Utility in the Deputy Director of Stormwater Management Utility.

WHEREAS, the Stormwater Management Utility (“SMU”) is a division of the Greater Cincinnati Water Works (“GCWW”), charged with improving the health and safety of the public by providing for the safe and efficient capture and conveyance of stormwater runoff, correction of stormwater problems, and management of major flood management infrastructure including responsibility for planning, designing, constructing, and managing the City of Cincinnati’s (“City”) stormwater systems in order to enhance the regional environment through responsible urban stormwater management techniques; and

WHEREAS, in recent years, extreme rainfall events and more impervious surface in the City have caused increased overland flooding beyond the capacity of the City’s aging stormwater infrastructure, damaging private property and public infrastructure in the City; and

WHEREAS, in addition to stormwater and flood management, GCWW is responsible for providing safe drinking water to over 1.1 million customers within the City, unincorporated areas of Hamilton County, and over 20 jurisdictions in Southwest Ohio and Northern Kentucky; and

WHEREAS, GCWW is challenged to provide sufficient leadership and strategic focus on the City’s stormwater needs due to new major federal drinking water regulations that require significant leadership attention on drinking water issues, including the requirement to remove over 30,000 lead service lines; and

WHEREAS, the City has created a new Deputy Director position within GCWW to elevate the importance of stormwater management above the division level to work directly and more effectively with other departments, outside agencies, the public, and City leadership; increase the planning and strategic management of stormwater investments, and improve service to Cincinnati stormwater customers; and

WHEREAS, it is necessary to amend certain sections of Chapter 720 of the Cincinnati Municipal Code to vest the Deputy Director with the administrative authority over SMU and leadership over the City's stormwater services; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Sections 720-1-01, "Order," 720-3, "Organization of Utility Division," Section 720-7, "Erosion, Siltation, Sedimentation, and Improper or Illicit Discharge," 720-13, "Private Facilities," 720-17, "Ancillary Improvements," 720-19, "Routine and Remedial Maintenance," 720-23, "Rules and Regulations," 720-27, "Master Plan," 720-29, "Permits and Plan Review," 720-31, "Application for Permit," 720-33, "Permits Issued," 720-35, "Permit Limitations," 720-37, "Permit and Inspection Fees," 720-39, "Posting of Permit," 720-41, "Revocation of Permit," 720-43, "Inspection and Surveillance," 720-44, "Prohibition of Illicit Discharges and Connections," 720-45, "Notice of Violations," 720-53, "Storm Drainage Service Charge," 720-61, "Rates," 720-69, "Notice To Correct Damage," 720-71, "Emergencies and Abatement," 720-73, "Abatement Costs," and 720-99, "Penalties," of the Cincinnati Municipal Code are hereby amended as follows:

Sec. 720-1-01. – Order.

"Order" shall mean the whole or any part of the final disposition (whether affirmative, negative, injunctive or declaratory in form) or any matter issued by the ~~utility engineer~~ deputy director of stormwater management utility or city manager or person designated by them pursuant to any provisions of this chapter.

Sec. 720-3. – Organization of Utility Division.

The stormwater management utility division of the department of greater Cincinnati water works of the City of Cincinnati shall have the responsibility for planning, developing and implementing stormwater management plans; financing, constructing, maintaining, rehabilitating, inspecting, and managing existing and new stormwater facilities; collecting fees and charges for the utility division; implementing and enforcing the provisions of this code; and other related duties as directed by the city manager.

The utility division shall be administered by the ~~utility engineer~~ deputy director of stormwater management utility, who shall be the superintendent of the division's facilities.

Sec. 720-7. – Erosion, Siltation, Sedimentation, and Improper or Illicit Discharge.

The utility division shall be responsible for controlling erosion, siltation, sedimentation, illicit discharges, and accumulation of debris, litter, yard waste, or other foreign or improper objects that will adversely affect storm sewers, drainage ditches, watercourses, and other drainage facilities. It shall not be concerned with slips and slides of earth; however, it shall be concerned with the pollution of public waters and watercourses carrying sediment from accelerated soil erosion and accelerated storm runoff caused by earth-disturbing activities insofar as they clog, change, or alter the carrying capacity of drainage facilities. It shall be concerned with any activities, other than construction procedures, causing erosion, siltation, sedimentation, illicit discharges, or accumulation of debris, litter, yard waste, or other foreign or improper objects, that might hinder proper drainage.

The utility division shall not be responsible for erosion, siltation, sedimentation, and illicit discharges for projects of other governmental agencies having sediment and illicit discharge control plans. In case of an emergency resulting from failure of such other government agency to fulfill its obligations under such control plan, the utility engineer-deputy director of stormwater management utility may act pursuant to Section 720-71 to correct such condition and charge the cost of such action to the responsible government agency.

Sec. 720-13. – Private Facilities.

The owner shall be responsible for private drainage facilities within the public right-of-way, including but not limited to downspout lines, sump lines, foundation drains, yard drains, patio and porch drains.

The owner shall clean and maintain the private facilities as required to ensure proper operation. The utility division may repair private facilities within the right-of-way when the utility engineer-deputy director of stormwater management utility has determined that such repair is needed to abate a risk to the public, or public property. In such circumstances, the utility division may bill the owner of the private facility for all repair costs.

The owner shall place no structures or plantings that interfere with the drainage facility or its operation or maintenance.

Sec. 720-17. – Ancillary Improvements.

The utility engineer-deputy director of stormwater management utility may authorize the construction of curbs, pavements, channels, watercourses, conduits, culverts, or other structures necessary to properly operate and maintain new and existing stormwater facilities.

Sec. 720-19. – Routine and Remedial Maintenance.

The utility engineer-deputy director of stormwater management utility shall provide for inspection and routine maintenance of public storm facilities. Routine maintenance may include, but is not limited to, cleaning catch basins, intakes, bridge surface drainage systems, manholes, storm conduits, ditches and channels, as well as erosion repair, street sweeping, and other incidentals. The utility engineer-deputy director of stormwater management utility may take

reasonable actions to prevent the entry of foreign or improper objects into the stormwater system, including but not limited to debris, litter, and yard waste. The ~~utility engineer~~ deputy director of stormwater management utility shall provide for remedial maintenance of facilities based upon the severity of stormwater problems and potential hazard to the public. Remedial maintenance may include, but is not limited to, repairing, replacing, modifying and/or extending public storm facilities. Remedial maintenance of bridge surface drainage systems shall remain the responsibility of agencies other than the utility division.

Sec. 720-23. – Rules and Regulations.

In order to accomplish the purpose of this chapter to protect the drainage facilities, improvements, and properties owned by the city; to secure the best results from the construction, operation, and maintenance thereof; and to prevent damage, including but not limited to damage from erosion, siltation, sedimentation, and illicit discharges, that adversely affects public rights-of-way, storm sewers, drainage ditches, watercourses, and other drainage facilities, and misuse of any of the drainage facilities, improvements, or properties within the city, the ~~utility engineer~~ deputy director of stormwater management utility may make and enforce rules and regulations that are approved by the city manager, and are necessary and reasonable:

- (1) To prescribe the manner in which storm sewers, ditches, channels, and other stormwater facilities are to be designed, installed, maintained, adjusted, used, altered or otherwise changed.
- (2) To prescribe inspection and other fees permitted by this chapter.
- (3) To prescribe the manner in which such facilities are operated.
- (4) To facilitate the enforcement of this chapter.
- (5) To prescribe the collection procedures and timing of service charge bills.
- (6) To protect the drainage facilities, improvements, and properties controlled by the division, and to prescribe the manner of their use by any public or private person, firm, or corporation.
- (7) To protect the public health, safety, and welfare.
- (8) To prohibit illicit discharges to the stormwater system.
- (9) To comply with the terms and conditions of applicable federal, state and local permits with regards to public stormwater facilities.

Sec. 720-27. – Master Plan.

The ~~utility engineer~~ deputy director of stormwater management utility shall establish and maintain a master plan for a stormwater system designed to handle the stormwater runoff. The master plan shall provide or be accompanied by maps or other descriptive material showing, at a minimum, the following:

- (1) An inventory of the existing stormwater facilities plus the extend and areas of each watershed tributary to the main drainage channels in the city.
- (2) The street storm sewers and other storm drains to be built, the basis of their design; the outfall, inlet and outlet locations; the receiving stream or channel and its high water elevation; and the functioning of the systems and facilities during high water conditions.
- (3) The parts of the proposed street system where pavements are planned to be depressed sufficiently to convey or temporarily store overflow from storm sewers and runoff over the curb resulting from the heavier rainstorms and the outlets for such overflow.
- (4) Existing streams and floodplains to be maintained, enlarged, altered, and eliminated; and new channels to be constructed, their locations, cross-sections and profiles.
- (5) Existing culverts and bridges, drainage areas, and adequacy of waterway openings; and new culverts and bridges to be built, waterway openings and the basis of their design.
- (6) Existing detention ponds and basins to be maintained, enlarged, and altered; and new ponds or basins to be built with dams, if any.
- (7) The slope, type, and size of all storm sewers and other waterways.
- (8) For all detention/retention basins, a tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations.
- (9) For all detention/retention basins, design hydrographs of inflow and outflow for the design year under developed conditions and the calculated frequency peak flows from the site under natural and developed conditions.
- (10) An examination of the need for reduction of pollution loads resulting from surface runoff where applicable, now or in the future.
- (11) Estimates of cost.

Sec. 720-29. – Permits and Plan Review.

It shall be unlawful for any person or organization to construct, enlarge, alter, repair, relocate, or demolish a storm sewer, natural watercourse, or other drainage facility, without first filing an application and obtaining a proper permit. Permits for minor repairs, as defined in the rules and regulations, shall not be required.

Permits are required and may be granted by the utility division for the following improvement categories:

- (1) Connection into the public stormwater system, except unimproved creeks or streams.
- (2) Improvements which are or will become public facilities.
- (3) Improvements within dedicated but unimproved street rights-of-way.
- (4) Improvements which require retention or detention facilities.

Plans for all improvements made within the city that require stormwater facilities or changes or alterations to existing stormwater facilities must be submitted to the ~~utility engineer~~ deputy director of stormwater management utility for review and approval. Plans and applications may be submitted directly to the utility division or through the building permit process. All improvements must conform to the provisions of this chapter or rules or regulations promulgated hereunder and the master plan. The ~~utility engineer~~ deputy director of stormwater management utility shall have 30 days after the date application to review each plan submitted. Plans that are not approved may be resubmitted. Plans that are not approved may be resubmitted after revisions are made. No permit shall be issued until a plan is approved or the need for a permit is waived by the ~~utility engineer~~ deputy director of stormwater management utility.

Every improvement shall be provided with a stormwater system capable of handling stormwaters flowing onto the improvement site from other areas as well as stormwater from the site itself. The drainage system shall be designed to discharge into a watercourse, drainage channel, or other existing stormwater facility. These designs shall conform to the guidelines listed below and the specification prescribed in the rules and regulations.

For developed lots and where new structures, additions, or changes are to be made, adequate surface grading shall be extended or runoff shall be collected in inlets and then connected to sewers or drains. This grading, and the drains where necessary, shall be shown on the building permit plan. The plan shall then be reviewed by the ~~utility engineer~~ deputy director of stormwater management utility.

Where plans are being developed, all areas shall be graded and drained to prevent the standing of stormwater, except lakes, lagoons, or retention reservoirs approved by the utility division. Where necessary, drainage channels or sewers shall be provided to convey the water to an existing watercourse or outlet. The method and means of drainage, including the handling of both paved and unpaved areas, shall be subject to approval by the ~~utility engineer~~ deputy director of stormwater management utility.

Facilities shall be provided to drain all street intersections, and to care for roof downspouts and drains from yards and driveway aprons. Where foundation drains are installed, the foundation drains must discharge to the surface water drainage system directly or through a sump pump installation.

Except for existing combined sewers, the stormwater drainage system shall not be combined with any part of the sanitary sewer system, nor shall sanitary waste water be discharged thereto.

Connection into a storm sewer shall be performed only by sewer tappers who meet the following requirements:

- (1) They are licensed by the city or greater Cincinnati water works; and
- (2) They have posted a bond with the city in the amount of \$5,000.

Sec. 720-31. – Application for Permit.

An application shall be made by the owner of the property involved, or an authorized agent employed in connection with the proposed work.

The application shall be prepared in writing on printed forms prescribed by the ~~utility engineer~~ deputy director of stormwater management utility and shall contain the full names and addresses of the owner, applicant, and contractor; the street and house number of the building or structure; a brief description of the proposed work; the estimated cost thereof; a statement on behalf of the owner that the proposed work will be in accordance with this code and all laws and ordinances applying to the premises; and such other information as may be required by the ~~utility engineer~~ deputy director of stormwater management utility.

Except for minor repairs as defined in the rules and regulations promulgated hereunder, all applications for permits shall be accompanied by three sets of plans and two sets of specifications. Plans and specifications shall be prepared in accordance with the ~~utility engineer's~~ deputy director of stormwater management utility's requirements as outlined in the rules and regulations. In addition to the plans and specifications, the applicant shall provide any statements, calculations, drawings and other supporting data regarding the manner in which stormwater runoff from the project site on the proposed development will be controlled.

Sec. 720-33. – Permits Issued.

The ~~utility engineer~~ deputy director of stormwater management utility shall examine the applications as described in the plan review process. The proposed stormwater drainage system must be designed so as to fit into the existing or planned stormwater drainage system as prepared by the ~~utility engineer~~ deputy director of stormwater management utility. The design, materials, and construction of all parts of the drainage system shall satisfy the requirements of the utility division and, when involving highways and freeways, the requirements of the department of transportation of the state of Ohio.

If the examination reveals no objections to the proposed plan and it appears that the proposed work will be in compliance with the master plan, codes, laws, and ordinances applicable thereto and the proposed construction or work will be in conformance with this chapter, such application shall be approved and a permit issued, as soon as practicable, for the proposed work. If the examination reveals otherwise such application shall be rejected and the findings shall be communicated in writing to the applicant.

Sec. 720-35. – Permit Limitations.

A permit shall expire when no work is started within 180 days from the date of issuance; provided however, that one renewal, which shall be valid from 180 days commencing upon expiration of the original permit, shall be granted upon written application made prior to the expiration of the original permit and payment of the fee prescribed in Section 720-37.

A permit shall be revoked when work is discontinued for a period of one year or when, in the opinion of the ~~utility engineer~~ deputy director of stormwater management utility, the completion of the work has been unduly delayed. No revoked permit may be revived until the plans and uncompleted work are made to comply with all the requirements of all laws, codes, regulations, and ordinances then in effect.

Sec. 720-37. – Permit and Inspection Fees.

A permit fee and an inspection fee shall be paid as detailed herein for all stormwater facilities to be constructed. The fees shall be determined by the ~~utility engineer~~ deputy director of stormwater management utility in accordance with the guidelines set herein.

Permit fees for connections into the public stormwater system except unimproved creeks and streams shall be \$40.

Inspection fees and plan review fees for other permits required by ~~C.M.C.~~ Section 720-29 as set forth in the rules and regulations, shall be based on an hourly rate reasonably related to the cost to the city. The owner is responsible for all plan review and inspection fees. A deposit shall be required to provide for inspection fees.

Sec. 720-39. – Posting of Permit.

The permit shall be posted in a conspicuous location at the project site if possible. If not, the owner or contractor shall retain the permit and have it readily available upon request by the utility division.

The owner or contractor shall preserve the permit until completion of the work. Upon application by the owner or contractor, the ~~utility engineer~~ deputy director of stormwater management utility shall issue a duplicate permit to replace one destroyed by vandals or one which is accidentally destroyed.

Sec. 720-41. – Revocation of Permit.

The ~~utility engineer~~ deputy director of stormwater management utility may revoke the permit or stop work for any of the following reasons:

- (1) Whenever there is a violation of any provision of this chapter, any ordinance of the city, or statute of the state relating to the project;
- (2) Whenever the continuance of any work becomes dangerous to life or property;

- (3) Whenever there is a violation of any condition on which the issuance of the permit was based;
- (4) Whenever any false statement or misrepresentation has been made upon the application, plans, or specifications on which the issuance of the permit or approval was based.

Sec. 720-43. – Inspection and Surveillance.

The ~~utility engineer~~ deputy director of stormwater management utility shall inspect permit premises and enforce all laws relating to construction, alteration, repair, removal, demolition, equipment, use, location, and maintenance of the drainage facilities except as may be otherwise provided for. The ~~utility engineer~~ deputy director of stormwater management utility shall, when the interests of the city so require, make investigations in connection with matters referred to in the code and render written reports on the same. For the purpose of enforcing compliance with the law, the ~~utility engineer~~ deputy director of stormwater management utility shall issue such notices or orders as may be necessary.

The ~~utility engineer~~ deputy director of stormwater management utility shall keep careful and comprehensive records of applications, permits, inspections, reports rendered, notices, orders issued, and approvals. All such records shall be open for public inspection.

Sec. 720-44. – Prohibition of Illicit Discharges and Connections.

Sec. 720-44.1 Illicit Discharges: No pollutant or water containing any pollutant, including the backwash water from the cleaning of private residential swimming pool filtration medium and filter elements, other than stormwater shall be discharged, caused or threatened to be discharged to the stormwater system. For the purposes of this section, the following non-stormwater sources are not pollutants:

- (1) Water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration [as defined at 40 CFR §35.2005(20)], uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, non-commercial car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from fire fighting activities.
- (2) Water associated with dye testing, provided the dye has been approved by the ~~utility engineer~~ deputy director of stormwater management utility and prior written notification of the day and time of testing has been provided to the ~~utility engineer~~ deputy director of stormwater management utility.
- (3) Discharges permitted under a valid national Pollutant Discharge Elimination System permit, waiver, or waste discharge order administered by the United States of Ohio Environmental Protection Agency, provided that the discharger is in compliance with all requirements of the permit or order and written approval has been granted by the

~~utility engineer~~ deputy director of stormwater management utility for any such discharge.

- (4) Discharges from an existing Household Sewage Disposal System, provided the Household Sewage Disposal System is being operated with a permit from the Cincinnati Board of Health.
- (5) Discharges of non-backwash water from private residential swimming pools, provided the swimming pool water is dechlorinated by resting the water for at least 48 hours following the addition of chlorine or the chlorine level is below 0.1 milligrams per liter, and provided that the pH of any non-backwash swimming pool water discharged to the stormwater system shall not be less than 6.5 or greater than 8.5 at the time of the discharge.

Sec. 720-44.2 Notification of Illicit Discharge: A person responsible for an illicit discharge shall notify the utility division immediately of such illicit discharge. This notification shall be followed, within 15 days of the date of occurrence, by a detailed written statement from the person responsible describing the causes of the discharge and the measures being taken to reduce, eliminate and prevent future occurrences of illicit discharges. The detailed written statement must be retained by the person responsible for three years from the date of the illicit discharge if the illicit discharge originated from a commercial or industrial establishment.

Sec. 720-44.3 Illicit Connections: No pipe, ditch, drain, conveyance, device, outlet or accessory shall be connected directly or indirectly to the stormwater system that will discharge any pollutant or water containing any pollutant other than stormwater into the stormwater system. No illicit connection shall be constructed, used, operated, maintained or otherwise continued in existence.

Sec. 720-45. – Notice of Violations.

When the ~~utility engineer~~ deputy director of stormwater management utility finds the drainage facility, or the construction thereof, is contrary to the approved plans, or presents an unsafe or dangerous condition in connection with the provisions of this code or of any law or ordinance relating to the same subject matter, or finds an illicit discharge or illicit connection, the ~~engineer~~ deputy director of stormwater management utility shall give written notice to the owner of the premises. In addition to specifying a reasonable time in which to conform to the plans or the code, the notice shall:

1. State where and in what respect the work does not conform to the approved plans, or state the defective condition and law violated; or
2. State the nature of the illicit discharge and law violated; or
3. State the illicit connection and law violated.

In every instance, a revocation notice of the permit shall be in writing and shall be served upon the owner, agent, or the person having charge of the work. A revocation notice shall also be posted alongside the permit. After the notice is received or posted, it shall be unlawful for any

person to proceed with any operation for which such permit was issued. No part of the fees for such permit shall be returned.

Notice, as required by this provision, is to be served on the owner, agent, contractor or other person responsible for the work or violation related to this chapter, by personal delivery or by certified mail addressed to the last-known place of residence or place of business.

Sec. 720-53. – Storm Drainage Service Charge.

A storm drainage service charge is imposed on each lot and parcel of land within the city, and the owner thereof, excepting only streets, boulevards, alleys, viaducts, sidewalks, curbing, street crossings, grade separations, and other public ways and easements, and highway structures and appurtenances belonging to the city.

- (1) Undeveloped land shall be exempted from stormwater service charges.
- (2) Road and freeway rights-of-way shall be exempted from the storm drainage service charge because they function as part of the stormwater collection and conveyance system. Railroads and other rights-of-way will be charged as described herein.
- (3) Properties that have existing stormwater detention facilities, or those planning such facilities, may have their storm drainage service charges reduced as determined by the ~~utility engineer~~ deputy director of stormwater management utility, in accordance with generally accepted engineering standards and practices to more accurately reflect the contribution of runoff from the property and the level of service provided to such property. The detention facilities must be in accord with the hydrologic, hydraulic, and structural design requirements of the rules and regulations. ~~Facilities of the rules and regulations.~~ Facilities of a temporary nature will not be allowed a decrease in their charges.

Sec. 720-61. – Rates.

The ~~utility engineer~~ deputy director of stormwater management utility is directed to prepare a list of all lots and parcels within the city and the area thereof, and assign a classification as set forth in ~~C.M.C. Section~~ Section 720-55 to each. All properties included in Class C shall be assigned an area range number (ARN) and intensity of development factor (IDF). The ~~utility engineer~~ deputy director of stormwater management utility shall report any applications of the provisions of ~~C.M.C. Sections~~ Sections 720-53 through 720-57, which the ~~utility engineer~~ deputy director of stormwater management utility considers unjust or inequitable, and the matter shall be resolved in accordance with the provisions of ~~C.M.C. Section~~ Section 720-65.

The rates for the three classes of property set forth in ~~C.M.C. Section~~ Section 720-55 shall be as follows:

- (1) *Class A:* The monthly storm drainage service charge for Class A lots and parcels as defined in ~~C.M.C. Section~~ Section 720-55 shall be calculated as follows:

Flat rate of 1.00 ERU times the monthly charge for ERU shall be applied to each Class A property.

This calculation may be phrased as follows:

$$1.00 \times (\$) \text{ charge per ERU} = (\$) \text{ Monthly Storm Drainage Service Charge, Class A.}$$

- (2) *Class B:* The monthly storm drainage service charge for Class B lots and parcels as defined in ~~C.M.C. Section~~ Section 720-55 shall be calculated as follows:

Flat rate of 1.40 ERU times the monthly charge for ERU shall be applied to each Class B property.

This calculation may be phrased as follows:

$$1.40 \times (\$) \text{ charge per ERU} = (\$) \text{ Monthly Storm Drainage Service Charge, Class B.}$$

- (3) *Class C:* The monthly storm drainage service charge for each lot and parcel within Class C described in ~~C.M.C. Sections~~ Sections 720-55 and 720-57 shall be calculated as follows:

Multiply the area range number (ARN) of each lot or parcel times the intensity of development factor (IDF) of each lot or parcel, which equals the equivalent runoff units (ERU). Multiply this figure times the monthly charge per equivalent runoff unit. This calculation may be phrased as follows:

$$\text{ARN} \times \text{IDF} = \text{ERU.}$$

$$\text{ERU} \times (\$) \text{ charge per ERU} = (\$) \text{ Monthly Storm Drainage Service Charge, Class C.}$$

Sec. 720-69. – Notice to Correct Drainage.

Whenever the ~~utility engineer~~ deputy director of stormwater management utility shall find that a tract of land is inadequately drained, or that there is an obstruction to a culvert, covered drain, or other natural or man-made watercourse that interferes with water naturally flowing therein or that such culvert, drain or water course is of insufficient capacity to reasonably accommodate the flow of water, as required by this chapter, the ~~utility engineer~~ deputy director of stormwater management utility or a person designated by the ~~utility engineer~~ deputy director of stormwater management utility shall notify the owner or person having possession, charge, or management of such land to remove the obstruction or provide the necessary drainage. Such notice shall be served on such persons by personal delivery, by mail, at the last-known place of residence, or by posting on the premises.

The owner must comply with the ~~utility engineer's~~ deputy director of stormwater management utility's orders within the time specified and not to exceed 30 days. Failure to comply

with such order shall constitute an unlawful act. Each additional period of 10 days thereafter during which the owner fails to carry out the order of the ~~utility engineer~~ deputy director of stormwater management utility, or a designee, shall constitute a separate offense.

Sec. 720-71. – Emergencies and Abatement.

In case of an emergency the ~~utility engineer~~ deputy director of stormwater management utility may direct that action be taken immediately to correct the condition or abate the activity to protect the public health, safety, and welfare. The utility division may perform the required work and charge the owner the abatement costs.

In any case where a condition described in Section 720-69 exists for more than 30 days after service of notice, council may by resolution direct the owner to fill or drain such land, remove any obstruction and, if necessary, enlarge the culverts, drains, or watercourse to meet the requirements of this chapter.

After service of a copy of such resolution or after publication in a paper of general circulation for two consecutive weeks, the owner, or agent or attorney, shall comply with the directions of the resolution within the time therein specified. When the resolution is submitted to the appropriate council committee, the owner shall be afforded notice and an opportunity to be heard prior to passage of the resolution. In the event an owner fails or refuses to comply with council's resolution, the utility division may perform the required work and charge the owner the abatement costs. Such costs shall constitute a lien on the real property from the time of the adoption of the resolution which may be enforced by suit in the court of common pleas.

Sec. 720-73. – Abatement Costs.

The ~~utility engineer~~ deputy director of stormwater management utility shall account for all costs associated with an emergency or abatement, including but not limited to administration, notification, inspection, serving of papers or documents, legal counsel, force account labor, enforcement, operational services, and outside contracted services. These costs shall be added to the owner's storm drainage service charge.

This section shall not be construed to relieve the owner of any penalties prescribed by other sections of this chapter.

Sec. 720-99. – Penalties.

Except as provided in Section 720-99-A, any person, being the owner, agent, or having control of the premises, who violates any of the provisions of this chapter, or fails to conform to any of the provisions thereof, or fails to obey any order of the ~~utility engineer~~ deputy director of stormwater management utility or his duly authorized agent, shall be guilty of a misdemeanor of the first degree. Each and every day on which such person continues to violate the provisions of this chapter after having one been notified of such violation shall constitute a separate offense.

Section 2. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to amend the Cincinnati Municipal Code to vest administrative authority in the Deputy Director of Stormwater Management Utility prior to the commencement of his employment in November 2024.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

New language is underscored. Deleted language is struck through.