

**CHAPTER 963
Administration**

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963.01 CONTROL PLAN CONTENT AND FILING.

(a) Every developer required to submit a control plan pursuant to Section 961.03 of this Chapter shall submit one (1) original and three (3) copies of such plan to the City Engineer and obtain the authorizations required by this Chapter prior to entering into any earth-disturbing activity.

(b) Such plan shall be accompanied by a map or maps 24" x 36" of the proposed development area or areas, drawn to a scale of one inch (1") equals fifty feet (50') and shall contain the following information:

- (1) Location of the area and its relation to its general surroundings including but not limited to:
 - (A) Off-site areas susceptible to sediment deposits or to erosion caused by accelerated runoff,
 - (B) Off-site areas affecting potential accelerated runoff and erosion control;
- (2) Existing topography of the development area and adjacent land within one hundred feet (100') of the boundaries or more if determined by the City Engineer. The topographic map shall contain existing contours at an interval of not greater than two feet (2') if the slope of the ground is twelve percent (12%) or less and not greater than five feet (5') where the slope is more than twelve percent (12%) to clearly portray the conformation and drainage pattern of the area;
- (3) The location of existing buildings, structures, utilities, water bodies, drainage facilities, vegetative cover, paved areas (roads, streets, driveways, sidewalks, etc.) and other significant natural or man-made features on the development area and adjacent land within one hundred feet (100') of the boundaries;
- (4) A general description of the predominant soil types, their location, and their limitations for the proposed use (refer to the Soil Survey of Clark County, Ohio, issued January, 1978);
- (5) Proposed use of the development area including present development

and ultimate utilization with detail on soil cover, both vegetative and impervious;

- (6) All proposed earth disturbance including:
 - (A) Areas of excavation, grading, and filling; including proposed and existing grades and drainage patterns;
 - (B) The finished grade, stated in feet horizontal to feet vertical, of cut and fill slopes;
 - (C) Kinds of utilities and proposed areas of installation;
 - (D) Proposed paved and covered areas in square feet to scale on a plan map;
 - (E) Makeup of proposed surface soil (upper six inches) on areas not covered by buildings, structures, or pavement. Description shall be in such terms as: original surface soil, subsoil, sandy, heavy clay, stony, etc.;
 - (F) Proposed kind of cover on areas not covered by buildings, structures, or pavement. Description shall be in such terms as: lawn, turfgrass, shrubbery, trees, forest cover, rip-rap, mulch, etc.;
- (7) Provisions for temporary and permanent erosion control;
- (8) Provisions for the management of stormwater, derived both on-site and from upper watershed areas, including the control of accelerated on-site runoff, to a stable receiving outlet;
- (9) Provisions for maintenance of temporary and permanent stormwater control improvements during construction;
- (10) Provisions for maintenance of control facilities including easements or agreements to insure short as well as long term erosion and sediment pollution control and stormwater management;
- (11) Proposed construction sequence--a time schedule for all earth disturbing activities and installation of provisions for erosion and stormwater management;
- (12) Design computations and applicable assumptions for all structural measures for stormwater, erosion and sediment pollution control. Volume and velocity of flow must be given for all surface water conveyance. This information shall also be provided for surface water outlets;
- (13) Seeding mixtures and rates, lime and fertilizer application rates, and kind and quantity of mulching for both temporary and permanent vegetative control measures;
- (14) Estimate of cost of erosion and sediment control and water management structures and features;
- (15) Title, scale, direction, legend, and date of all plan maps (with a revision box, if applicable);
- (16) Names and address of the person(s) preparing the plan, the owner, and any other developer for the development area;
- (17) Certifications that all earth disturbance, construction, and development will be done pursuant to the plan; and
- (18) Certification by the Professional Engineer.

(c) The City Engineer may waive specific requirements for plan detail or may require additional information to show that work will conform to the standards established in this Chapter.

(Ord. 95-50. Passed 2-14-95.)

963.02 PLAN REVIEW.

The City Engineer shall, within thirty (30) calendar days of receipt of a control plan, indicate its status of compliance or non-compliance to the person who filed the plan. Indication of non-compliance shall include the plan deficiencies and the procedures for filing a revised plan. Pending preparation and determination of a status of compliance of a revised control plan, earth-disturbing activities shall proceed only in accordance with conditions imposed by the City Engineer to accomplish the purposes of this Chapter. (Ord. 95-50. Passed 2-14-95.)

963.03 INSPECTION TO ENSURE COMPLIANCE.

(a) The City Engineer shall inspect development areas to determine compliance with this Chapter. If it is determined that a violation of this Chapter exists, the developer or his appointed representative shall be notified of the deficiencies or non-compliance by the City Engineer, in writing, by certified mail. If within fourteen (14) days after receipt of such letter, the deficiency or non-compliance has not been corrected or plans have not been approved by the City Engineer for its correction, the Law Director shall seek an injunction or other appropriate relief to abate excessive stormwater run off, erosion or sedimentation and secure compliance with this Chapter.

(b) The City Engineer shall make a final inspection to determine if the standards established in this Chapter have been complied with. (Ord. 95-50. Passed 2-14-95.)

963.04 MAINTENANCE.

(a) When permanent runoff control installations are necessary, the maintenance responsibility shall be designated by the Service Director. The maintenance responsibility of said installation(s) will be either designated to the City, or to one or more of the developers of the development area.

(b) Developers of a development area may petition the Service Director for the maintenance of permanent runoff control installations by the City provided such required installations:

- (1) Benefit two or more property owners;
- (2) Are designed for cost-effective maintenance;
- (3) Easements must be granted to the City sufficient to allow adequate access for inspections and corrective actions, if necessary, to be performed by the City;
- (4) Are designed and installed to meet excavation and construction specifications and erosion and sediment control practice specifications adopted by the City Engineer; and
- (5) Were not installed to serve commercial or industrial development areas exclusively.

The Service Director shall not accept any permanent runoff control installation for maintenance by the City until he has first determined that accepting the maintenance responsibility will not impose an undue burden on the City's utility facilities or on the City's staffing and financial resources. The City Commission shall have the right and power at any time to terminate the City's maintenance responsibility previously accepted under this section and, in the event of such termination, the maintenance responsibility shall devolve upon the owner(s) of the property upon which the installation is located and upon the owner(s) of the development site(s) served by the installation.

(c) Permanent runoff control installations, which are to be privately maintained by such developer(s) shall be:

- (1) Designed and constructed by the developer of the development area with easements granted to the City sufficient to allow adequate access for inspections and corrective actions, if necessary, by the City;
- (2) Regularly inspected by the Service Director to ensure that privately-maintained installations are properly maintained and, if not, maintained at the expense of the one or more of the developers in compliance with an order issued by the Service Director; and
- (3) Maintained as installed by the developer of the development area according to the design approved by the City Engineer and not altered unless approved by the City Engineer.
(Ord. 00-456. Passed 12-19-00.)

(d) Should the maintenance of any permanent runoff control installations be within a subdivision plat, the maintenance responsibilities shall be described on the record plat of said subdivision.
(Ord. 95-50. Passed 2-14-95.)

963.05 APPEALS.

Any person aggrieved by an order, requirement, determination, or any other action in relation to this regulation may, within five (5) days of the date of the order, requirement, determination, or other action, petition to the City Manager to reconsider such order, requirement, determination, or other action. In the event such person is not satisfied with the final disposition of the petition for reconsideration, such person may then appeal to the court of common pleas. Such an appeal shall be made within thirty (30) days of the date of the final decision on the petition to the City Manager for reconsideration and shall specify the grounds for appeal.