

CHAPTER 1482: SANITATION, DRAINAGE AND SEWERAGE

Section			
1482.01	Establishment of Drainage and Sanitation Committee; duties. (Repealed)	1482.06	Cleaning of septic tanks (Repealed)
1482.02	Committee's approval required for water supplies and sewage disposal. (Repealed)	1482.65	Individual home disposal systems
1482.03	Special permits for temporary drainage (Repealed)	1482.07	Drainage of stagnant water in cellars or on lots or land
1482.04	Leaching device installation; percolation test (Repealed)	1482.08	Connection to public sewers
1482.05	Discharge of domestic wastes into septic tanks (Repealed)	1482.09	Illicit discharge, stormwater inflow to the POTW and illegal connection control
		1482.10	Drainage for habitable construction
		1482.99	Penalty

CROSS REFERENCES

Drainage in subdivisions, see § 1250.20

Industrial wastes, see Ch. 1044

Plastic drain pipe, see § 1406.07

Safety, sanitation and health, see Ch. 660

Sewers generally, see Ch. 1042

§ 1482.01 ESTABLISHMENT OF DRAINAGE AND SANITATION COMMITTEE; DUTIES (REPEALED).

Editor's note:

Section 1482.01 was repealed by Ordinance 2000-193, passed July 5, 2000.

§ 1482.02 COMMITTEE'S APPROVAL REQUIRED FOR WATER SUPPLIES AND SEWAGE DISPOSAL (REPEALED).

Editor's note:

Section 1482.02 was repealed by Ordinance 2000-193, passed July 5, 2000.

§ 1482.03 SPECIAL PERMITS FOR TEMPORARY DRAINAGE (REPEALED).

Editor's note:

Section 1482.03 was repealed by Ordinance 2000-193, passed July 5, 2000.

§ 1482.04 LEACHING DEVICE INSTALLATION; PERCOLATION TEST (REPEALED).

Editor's note:

Section 1482.04 was repealed by Ordinance 2000-193, passed July 5, 2000.

§ 1482.05 DISCHARGE OF DOMESTIC WASTES INTO SEPTIC TANKS (REPEALED).

Editor's note:

Section 1482.05 was repealed by Ordinance 2000-193, passed July 5, 2000.

§ 1482.06 CLEANING OF SEPTIC TANKS (REPEALED).

Editor's note:

Section-1482.06 was repealed by Ordinance 2000-193, passed July 5, 2000.

§ 1482.065 INDIVIDUAL HOME DISPOSAL SYSTEMS.

Individual home disposal systems shall comply with the Cuyahoga County Board of Health Standards and Requirements.

(Ord. 2000-193, passed 7-5-2000)

§ 1482.07 DRAINAGE OF STAGNANT WATER IN CELLARS OR ON LOTS OR LAND.

(a) All cellars, lots and parcels of land upon or in which pools of stagnant water may stand or collect, or which may be moist or wet because of defective drainage or otherwise, shall be drained or sewered by the person owning, controlling or occupying such cellar, lot or parcel of land.

(b) Any person who desires or is required to install drainage pipe on his or her property shall submit his or her plan to the City Engineer for approval and obtain a permit. The fee for such permit shall be as noted in § 1424.11.

(Ord. 2000-193, passed 7-5-2000; Ord. 2005-152, passed 6-20-2005)

§ 1482.08 CONNECTION TO PUBLIC SEWERS.

No owner, agent, lessee, tenant or occupant of any lot or land located within the city shall establish, construct, maintain or permit to remain a privy, cesspool or other receptacle for sewage or excreta, or a connection to a private sewer, ditch or other outlet, if such lot or land is accessible to a public sewer constructed and used for the purpose of conveying sewage. When such public sewer is available or is hereafter made available, a building sewer to such public sewer shall be established and used by such owner, agent, lessee, tenant or occupant.

(Ord. 2000-193, passed 7-5-2000)

§ 1482.09 ILLICIT DISCHARGE, STORMWATER INFLOW TO THE POTW AND ILLEGAL CONNECTION CONTROL.

(a) *Purpose and scope.*

(1) The purpose of this regulation is to provide for the health, safety and general welfare of the citizens of the city through the regulation of illicit discharges to the municipal separate storm sewer system (MS4) and the regulation of stormwater inflow to the publicly-owned treatment works (POTW). This regulation establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process as required by the Ohio Environmental Protection Agency (Ohio EPA). This regulation also establishes methods to control the introduction of stormwater inflow into the POTW in order to comply with the requirements of the city's NPDES permit for that facility.

(2) The objectives of this regulation are:

- A. To prohibit illicit discharges and illegal connections to the MS4;
- B. To prohibit stormwater inflow to the POTW; and
- C. To establish legal authority to carry out inspections, monitoring procedures and enforcement actions necessary to ensure compliance with this regulation.

(b) *Applicability.* This regulation shall apply to all residential, commercial, industrial or institutional facilities responsible for discharges to the MS4 or to the POTW, and on any lands in the city, except for those discharges generated by the activities detailed in division (g)(1) hereof .

(c) *Definitions.* The words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning.

(1) **BEST MANAGEMENT PRACTICES (BMPs).** Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to stormwater. *BMPs* also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(2) **COMMUNITY.** The City of Solon, its designated representatives, boards or commissions.

(3) **ENVIRONMENTAL PROTECTION AGENCY or UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA).** The United States Environmental Protection Agency, including but not limited to the Ohio Environmental Protection Agency (Ohio EPA), or any duly authorized official of said agency.

(4) **FLOATABLE MATERIAL.** In general this term means any foreign matter that may float or remain suspended in the water column, and includes, but is not limited to, plastic, aluminum cans, wood products, bottles and paper products.

(5) **HAZARDOUS MATERIAL.** Any material including any substance, waste or combination thereof, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

(6) **ILLICIT DISCHARGE.** As defined at 40 C.P.R. Part 122.26(b)(2) means any discharge to an MS4 that is not composed entirely of stormwater, except for those discharges to an MS4 pursuant to a NPDES permit or noted in division (g) hereof.

(7) **ILLEGAL CONNECTION.** Any drain or conveyance, whether on the surface or subsurface that allows an illicit discharge to enter the MS4 or that allows stormwater to enter the POTW.

(8) **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4).** As defined at 40 C.P.R. Part 122.26(b)(8), **MUNICIPAL SEPARATE STORM SEWER SYSTEM** means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains):

A. Owned or operated by a state, city, town, borough, county, parish, district, municipality, township, county, district, association or other public body (created by or pursuant to state law) having jurisdiction over sewage, industrial wastes, including special districts under state law such as a sewer district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the Clean Water Act that discharges to waters of the United States;

B. Designed or used for collecting or conveying stormwater;

C. Which is not a combined sewer; and

D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 C.P.R. Part 122.2.

(9) **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT.** A permit issued by EPA (or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

(10) **OFF-LOT DISCHARGING HOME SEWAGE TREATMENT SYSTEM.** A system designed to treat home sewage on-site and discharges treated wastewater effluent off the property into a stormwater or surface water conveyance or system.

(11) **ORDINARY HIGH WATER MARK.** The point of the bank to which the presence and action of surface water is so continuous as to leave an area marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The **ORDINARY HIGH WATER MARK** defines the bed and bank of a watercourse.

(12) **OWNER/OPERATOR.** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or on the owner's behalf.

(13) **POLLUTANT.** Anything that causes or contributes to pollution. **POLLUTANTS** may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.

(14) **PROBABLE CAUSE.** Reasonable grounds for belief in the existence of fact warranting the proceedings complained of.

(15) **PUBLICLY OWNED TREATMENT WORKS (POTW).** As defined in 40 C.P.R. Part403.3, means a treatment works which is owned by a state or municipality. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a **POTW** treatment plant.

(16) **STORMWATER.** Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(17) **STORMWATER INFLOW.** Stormwater and other unpermitted releases to the city's POTW.

(18) **WASTEWATER.** The spent water of a community. From the standpoint of a source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

(19) **WATERCOURSE.** Any brook, channel, creek, river or stream, either continuous or intermittent, having an established, and defined bed and bank, as determined by the ordinary high water mark, and definite direction of flow.

(d) *Disclaimer of liability.* Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.

(e) *Conflicts, severability, nuisances and responsibility.*

(1) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the city, shall prevail.

(2) If any clause, section or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.

(3) This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

(4). Failure of the city to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the city, its officers, employees or agents being responsible for any condition or damage resulting therefrom.

(f) *Responsibility for administration.* The city shall administer, implement and enforce the provisions of this regulation. The city may contract with the Cuyahoga County Board of Health, or other private or public sector entity the city deems necessary, to conduct inspections and monitoring and to assist with enforcement actions.

(g) *Discharge and connection prohibitions.*

(1) *Prohibition of illicit discharges.*

A. No person shall discharge, or cause to be discharged, an illicit discharge into the MS4. The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited except as described below:

1. Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential, non-commercial, or charity car washing; flows from riparian habitats and wetlands; dechlorinated/debrominated/desalinated swimming pool discharges; street wash water; dye tests; and discharges or flows from firefighting activities. These discharges are exempt until such time as they are determined by the city to be significant contributors of pollutants to the MS4;

2. Discharges specified in writing by the city as being necessary to protect public health and safety; and

3. Discharges from off-lot discharging home sewage treatment systems permitted by the Cuyahoga County Board of Health for the purpose of discharging treated sewage effluent in accordance with O.A.C. 3701-29, or other applicable Cuyahoga County Board of Health regulations, until such time as the Ohio Environmental Protection Agency issues an NPDES permitting

mechanism for residential one-, two- or three-family dwellings. These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by the Cuyahoga County Board of Health.

B. In compliance with the city's Stormwater Management Program, discharges from all off-lot discharging home sewage treatment systems must either be eliminated or have coverage under an appropriate NPDES permit issued and approved by the Ohio Environmental Protection Agency. When such permit coverage is available, discharges from off-lot discharging home sewage treatment systems will no longer be exempt from the requirements of this regulation.

(2) *Prohibition of illegal connections.* The construction, use, maintenance or continued existence of illegal connections to the MS4 is prohibited.

A. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection, except for basement floor drains originally constructed and connected to the MS4 and in full compliance with city regulations in place at the time of connection. Such connections shall be exempt from this regulation until such time as the city determines they are a significant source of illicit discharges to the MS4.

B. A person is considered to be in violation of this regulation if the person connects a line conveying illicit discharges to the MS4, or allows such a connection to continue.

(3) *Prohibition of stormwater inflow.* No person shall discharge, or cause to be discharged, stormwater into the POTW. The commencement, conduct or continuance of any stormwater discharge to the POTW is prohibited.

(4) *Prohibition of the discharge of woody debris, lawn clippings, floatable materials and other similar materials.* No person shall discharge, or cause to be discharged, woody debris lawn clipping, floatable materials or similar materials into the MS4 or below the ordinary high water mark of a watercourse within the city.

(h) *Monitoring of illicit discharges, stormwater inflow and illegal connections.*

(1) *Establishment of an illicit discharge, stormwater inflow and illegal connection monitoring program.* The city shall establish a program to detect and eliminate illicit discharges and illegal connections to the MS4 and stormwater inflow to the POTW. This program shall include the mapping of the MS4, including MS4 outfalls and home sewage treatment systems; the routine inspection of stormwater outfalls to the MS4, and the systematic investigation of potential residential, commercial, industrial and institutional facilities for the sources of any dry weather flows found as the result of these inspections.

(2) *Inspection of residential, commercial, industrial or institutional facilities.*

A. The city shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation. The city shall give 24

hours notice before said inspection.

B. The city shall have the right to set up at facilities subject to this regulation such devices as are necessary to conduct monitoring and/or sampling of the facility's stormwater discharge, as determined by the city.

C. The city shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operator's expense. All devices used to measure stormwater flow and quality shall be calibrated by the city to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the facility owner/operator.

E. Unreasonable delays in allowing the city access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.

F. If the city is refused access to any part of the facility from which stormwater is discharged, and the city demonstrates probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety and welfare, the city may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court of appropriate jurisdiction.

G. Any costs associated with these inspections shall be assessed to the facility owner/operator.

(i) *Enforcement.*

(1) *Notice of violation:* When the city finds that a person has violated a prohibition or failed to meet a requirement of this regulation, the city may order compliance by written notice of violation. Such notice must specify the violation and shall be hand-delivered, and/or sent by mail, to the owner/operator of the facility. Such notice may require the following actions:

- A. The performance of monitoring, analyses and reporting;
- B. The elimination of illicit discharges, stormwater inflow or illegal connections;
- C. That violating discharges, inflow practices or operations cease and desist;
- D. The abatement or remediation of stormwater pollution or contamination hazards

and the restoration of any affected property; or

E. The implementation of source control or treatment best management practices (BMPs).

(2) *Abatement.* If abatement of a violation and/or restoration of affected property is required, the notice of violation shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the facility owner/operator fail to remediate or restore within the established deadline, a legal action for enforcement may be initiated.

(3) *Compliance standards.* Any person receiving a notice of violation must meet compliance standards within the time established in the notice of violation.

(4) *Administrative hearing.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, the city shall schedule an administrative hearing before the Public Works Director to determine reasons for noncompliance and to determine the next enforcement activity. Notice of the administrative hearing shall be hand delivered and/or sent by mail. The Public Works Director shall issue a decision within ten days of such administrative hearing. An appeal to such decision must be filed with City Council within 14 days of said decision, otherwise said decision will be final. City Council shall affirm, reverse or modify said decision in its next three regularly scheduled meetings.

(5) *Injunctive relief.* It shall be unlawful for any owner/operator to violate any provision or fail to comply with any of the requirements of this regulation pursuant to R.C. § 3709.211. If an owner/operator has violated or continues to violate the provisions of this regulation, the city may petition for a preliminary or permanent injunction restraining the owner/operator from activities that would create further violations or compelling the owner/operator to perform abatement or remediation of the violation.

(j) *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 to seek cumulative remedies.

(Ord. 2007-196, passed 10-10-2007)

§ 1482.10 DRAINAGE FOR HABITABLE CONSTRUCTION.

(a) Residences with basements/crawl spaces or slab-type construction shall be provided with an approved footer, with a minimum of four-inch, schedule 40 round perimeter drain tile at the level of the base of the footing. Drain tile shall have a minimum of 30 inches of #57 washed gravel over top of drain tile.

(b) (1) All buildings shall be equipped with gutters and downspouts. Gutters and downspouts shall be tied into a storm sewer. The City Engineer, or their duly authorized agent, may allow the gutters and downspouts to be piped into an alternative location or discharged to the ground, provided at least one of the following criteria is met:

A. The discharge point is at least 100 feet from any other residences;

B. The topography of the property at the discharge point is such that the discharged water would not likely move either to the discharging residence or towards to an adjacent residence during a significant storm event; or

C. The discharge point is into an open waterway or is determined in the sole discretion of the City that and such discharge will not likely cause downstream residence flooding during a significant storm event.

(2) Any discharge to the ground must be at least five feet from the residence. Approval by the City Engineer, or their duly authorized agent, ~~The City Engineer's approval~~ must be in writing and the resident must sign a "Disconnecting Downspouts from Sewer" form and submit an appropriate permit fee as established in § 1424.11. ~~All adjacent property owners will be notified by the city if a request is made to disconnect gutters and downspouts. Such property owners will have the right to submit comments to the City Engineer.~~

(Ord. 2000-193, passed 7-5-2000; Ord. 2005-152, passed 6-20-2005; Ord. 2006-247, passed 11-6-2006; Ord. 2008-136, passed 6-2-2008)

§ 1482.99 PENALTY.

Editor's note:

See § 1432.99 for general Code penalty if no specific penalty is provided.

City of Solon

Requested by the
Public Works Committee

Record of Ordinances

ORDINANCE NO: 2022-67

INTRODUCED BY: Mike Kan

**AN ORDINANCE AMENDING CHAPTER 1482
OF THE CITY OF SOLON BUILDING AND HOUSING CODE,
SANITATION, DRAINAGE AND SEWERAGE,
AND DECLARING AN EMERGENCY**

WHEREAS, illicit discharges to the City of Solon's separate storm sewer system create water quality risks to public health, safety, and general welfare; and

WHEREAS, illicit discharges may necessitate repair of storm sewers and ditches; damage to public and private property; and may damage water resources by reducing water quality; and

WHEREAS, stormwater inflow to the City of Solon's publicly owned treatment works places an unacceptable burden on the City's sanitary sewer system; and

WHEREAS, stormwater inflow may necessitate expansion and repair to the City's publicly owned treatment works; and

WHEREAS, there are watershed-wide efforts to reduce illicit discharges to the Chagrin and Cuyahoga Rivers, and their tributaries, and to protect and enhance the unique water resources of the Chagrin and Cuyahoga River watersheds; and

WHEREAS, the City of Solon has established a policy of reducing stormwater inflow to the City's publicly owned treatment works; and

WHEREAS, the City of Solon is a member of the Chagrin River Watershed Partners, Inc. and recognizes its obligation as a part of this organization to control illicit discharges and to protect water quality within its borders; 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 Solon, to develop a Stormwater Management Program that, among other components, requires the City of Solon to prohibit illicit discharges to their stormwater system and to implement appropriate enforcement procedures and actions to detect and eliminate such illicit discharges; and

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws.

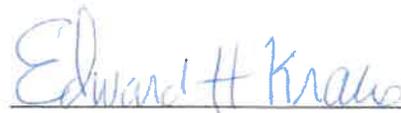
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Solon, County of Cuyahoga, State of Ohio:

SECTION 1. That Chapter 1482 of the City of Solon Building and Housing Code, Sanitation, Drainage and Sewerage, attached hereto as Exhibit "A" and incorporated herein fully as if by reference, be and the same hereby is amended.

SECTION 2. That all other Ordinances and Resolutions inconsistent herewith be, and the same hereby are, repealed.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is necessary to maintain compliance with the City's current OEPA NPDES General Permit and submit the amendment to the Ohio EPA by April 1, 2022; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: March 7, 2022



Mayor

ATTEST:



Assistant Clerk of Council