

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ADOPT STORM WATER SYSTEM RULES AND REGULATIONS PURSUANT TO SECTION 1044.11 OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE.

WHEREAS, Section 1044.11 of the Streets, Utilities and Public Services Code allows the City Manager to adopt such rules and regulations as are deemed necessary to carry out the provisions of Chapter 1044.

NOW, THEREFORE, BE IT RESOLVED by the Council of Hudson, Summit County, State of Ohio:

Section 1. That pursuant to Section 1044.11 of the Streets, Utilities and Public Services Code, the City Manager be, and hereby is, authorized and directed to adopt storm water rules and regulations, a copy of which rules and regulations are attached hereto as Exhibit "A" and incorporated herein fully as if by reference.

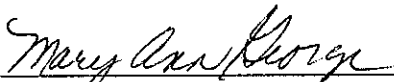
Section 2. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: August 16, 2006



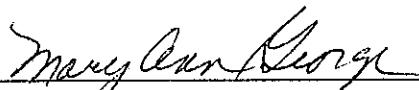
William A. Currin, Mayor

ATTEST:



Mary Ann George, Clerk of Council

I certify that the foregoing Resolution was duly passed by the Council of said Municipality on August 16, 2006.



Mary Ann George, Clerk of Council

First Reading: 7-19-06
Second Reading: 8-2-06

STORM WATER SYSTEM RULES AND REGULATION

Drainage definition:

- Drainage is defined as “surface water run-off or the removal of surface water or ground water from land by drains, grading or other means which includes run-off controls to minimize erosion and sedimentation during and after construction or development.” (See Land Development Code, Section 1213.02(a)(94).)

Easement definition:

- An easement is defined as “a grant of one or more property rights by the owner to, or for the use by, the public, corporation or another person or entity.” (See Land Development Code Section 1213.02(a)(111).) In the case of a drainage easement, the property owner is deemed to have granted the municipality the right of access over and on the property to maintain the easement for the purposes of draining surface water from one location to another. The responsibility for general property maintenance on the easement still remains with the property owner. This responsibility includes mowing and repair of erosion not associated with the watercourse.

Flood Plain definition:

- A flood plain is defined as an area subject to periodic flooding. It is generally characterized by relatively flat topography and soil types that were laid down during past inundations by flood waters. If the property is in the 100-year flood plan, there is a 1-in-100 chance in any given year that the property will flood. If it is in the 25-year flood plain, there is a 1-in-25 chance in any given year that the property will flood. The statistical chance of flooding is not changed by any one flooding event; but repeated flooding may result in the flood plain being recalculated. A 100-year flood plain is always wider than a 25-year flood plain and the 25-year flood plain is contained within the 100-year flood plain. Flood plain maps are available from Summit County and City of Hudson GIS Divisions.

Easement Maintenance responsibilities:

- Property owners of public drainage easements on private property shall be responsible for mowing and maintenance of the drainage easements on their respective properties. Hudson Ordinance 1442.07 requires that lots or parcels of land within the City of Hudson, containing noxious weeds and or tall grasses growing on such lots or parcels of land, be cut and maintained so as not to go to seed, spread pollen or exceed 10" in height. Failure to do so, may cause the City to order the property owner to cut the weeds/grasses. Should the property owner fail to follow the order, then, the City can cause the weeds/grasses to be cut and assess the costs against the property or seek recovery of such costs by civil action against the property owner involved.
- Easement cleaning is accomplished as funding sources permit and the existence of a storm water easement does not obligate the municipality to perform easement cleaning.

Access to public drainage easements:

- No person or entity shall deny access onto a drainage easement. Except during emergencies, two weeks notice shall be given to the property owner holding the drainage easement. All encumbrances on the easement shall be removed within the two weeks notification period. Failure to remove encumbrances shall cause the city to remove them and charge the cost of removal back to the property owner. Should the property owner fail to pay the costs of such actions within 30 days of notice; or, fails to make arrangements for paying the costs, then the costs for removal of the encumbrances shall be collected as an assessment against the property.

Brush storage on drainage easements prohibited:

- No brush or vegetation debris storage shall be permitted in public drainage easements.

Structures on drainage easements prohibited:

- No storage buildings, pools, play sets, storage units/materials including underground lines such as invisible dog fences and/or sprinkler systems shall be permitted in public drainage easements.

Brush storage on stream flood plain or pathway prohibited:

- No brush or vegetation debris storage shall be permitted on stream flood plain or pathway.

Structures on stream flood plain or pathway prohibited

- No storage buildings, pools, play sets, storage units/materials shall be permitted on stream flood plain or pathway.

Administration and Enforcement:

- The Director of Public Works is hereby authorized to administer these Storm Water System Rules and Regulations. In addition to all other powers granted by the Code, the City Manager, pursuant to Section 1424.05 hereby appoints the Director of Public Works as the authorized enforcement official for the purposes of carrying out the duties and responsibilities in enforcing these Storm Water System Rules and Regulations pursuant to Chapter 1424 of the Codified Ordinances of the City of Hudson.