

**ORDINANCE NO. 2019-O-01 AMENDED**

**AN ORDINANCE AMENDING ORDINANCES 1470.03(b), 1470.06, 1470.07 (a)(3), 1470.08 and 1470.09(a) OF CHAPTER 1470 OF THE MENTOR ON THE LAKE CODIFIED ORDINANCES THAT REGULATE ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS TO THE CITY STORM WATER SEWER SYSTEM AND DECLARING AN EMERGENCY**

**WHEREAS**, illicit discharges to the City of Mentor-on-the-Lake 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**, there are watershed-wide efforts to reduce illicit discharges to the rivers and to Lake Erie to which City of Mentor-on-the-Lake drains and to protect and enhance the unique water resources of the rivers to which City of Mentor-on-the-Lake drains watershed(s); and,

**WHEREAS**, the City of Mentor-on-the-Lake is a member of the Lake County Storm Water Management Program 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 Mentor-on-the-Lake, to develop a Storm Water Management Program that, among other components, requires the City of Mentor-on-the-Lake to prohibit illicit discharges to their storm water 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, and

**WHEREAS**, it is necessary to amend Ordinances 1470.03(b), 1470.06, 1470.07 (a)(3), 1470.08 and 1470.09(a) in order to include the Lake County Storm Water Management Program and to provide for necessary updates to allow for the enforcement of these ordinances.

**NOW, THEREFORE BE IT ORDAINED** by the Council of City of Mentor-on-the-Lake, County of Lake, State of Ohio, that:

**SECTION 1:** Codified Ordinances **1470.03(b), 1470.06, 1470.07 (a)(3), 1470.08 and 1470.09(a)** are hereby amended as amended read as follows:

**CHAPTER 1470 ILLICIT DISCHARGE AND ILLEGAL CONNECTION CONTROL**

**1470.03 DEFINITIONS**

(b.) City of Mentor-on-the-Lake means the City of Mentor-on-the-Lake its designated representatives, boards, commissions, or assigns.

**1470.06 RESPONSIBILITY FOR ADMINISTRATION**

The City of Mentor-on-the-Lake shall administer, implement, and enforce the provisions of this regulation. The City of Mentor-on-the-Lake may contract with the Stormwater Management Department and/or the Lake County Board of Health

to conduct inspections and monitoring and to assist with enforcement actions and to assist with the administration, implementation, and enforcement of the provisions of this regulation.

### **1470.07 (a)(3) DISCHARGE AND CONNECTION PROHIBITIONS**

Discharges from off-lot discharging home sewage treatment systems permitted by the Lake County Board of Health for the purpose of discharging treated sewage effluent in accordance with Ohio Administrative Code 3701-29, or other applicable Lake County Board of Health regulations, until such time as the Ohio Environmental Protection Agency issues an NPDES permitting mechanism for Household Sewage Treatment Systems existing prior to January 1, 2007.

These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by the Lake County Board of Health. Discharges from new or replacement off-lot household sewage treatment systems installed after January 1, 2007 are not exempt from the requirements of this regulation.

In compliance with the Lake County 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 the regulation.

### **1470.08 MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS**

(a.) Establishment of an Illicit Discharge and Illegal Connection Monitoring Program. The City of Mentor-on-the-Lake and the Lake County Stormwater Management Department shall establish a program to detect and eliminate illicit discharges and illegal connections to the MS4. This program shall include the mapping of the S4, including MS4 outfalls and home sewage treatment systems; the routine inspection of storm water 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.

(b.) Inspection of Residential, Commercial, Industrial, or Institutional Facilities.

(1) The City of Mentor-on-the-Lake and/or the Lake County Stormwater Management Department shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.

(2) The City of Mentor-on-the-Lake and/or the Lake County Stormwater Management Department 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 storm water discharge, as determined by the City of Mentor-on-the-Lake.

(3) The City of Mentor-on-the-Lake and/or the Lake County Stormwater Management Department 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 storm water flow and quality shall be calibrated by the City of Mentor-on-the-Lake to ensure their accuracy.

(4) 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 of Mentor-on-the-Lake and/or the Lake County Stormwater Management Department; and shall not be replaced. The costs of clearing such access shall be borne by the facility owner/operator.

(5) Unreasonable delays in allowing the City of Mentor-on-the-Lake and/or the Lake County Stormwater Management Department access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.

(6) If the City of Mentor-on-the-Lake and/or the Lake County Stormwater Management Department is refused access to any part of the facility from which storm water is discharged, and the City of Mentor-on-the-Lake and/or the Lake County Stormwater Management Department 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 chapter or any order issued hereunder, or to protect the public health, safety, and welfare, the City of Mentor-on-the-Lake 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.

### 1470.09 ENFORCEMENT


(a.) Notice of Violation. When the City of Mentor-on-the-Lake finds that a person has violated a prohibition or failed to meet a requirement of this regulation, the City of Mentor-on-the-Lake may order compliance by written Notice of Violation. Such notice must specify the violation and shall be hand delivered, and/or sent by certified mail return receipt signed by any person or by a commercial carrier service utilizing any form of delivery requiring a signed receipt as is described in the Ohio Rules of Civil Procedure Rule 4.1(A), to the owner/operator of the facility. Such notice may require the following actions:

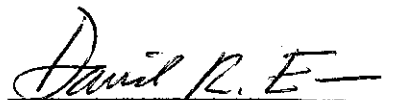
- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit discharges or illegal connections;
- (3) That violating discharges, practices, or operations cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; or
- (5) The implementation of source control or treatment BMPs.

**SECTION 2.** That all formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

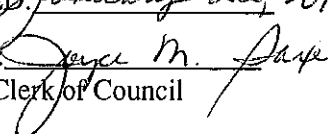
**SECTION 3.** That this Ordinance is hereby declared to be and is passed as an emergency measure, the emergency being the need to make it clear that the Lake County Storm Water Management Department may assist the City in administering and enforcing Chapter 1470 and to clarify procedures for the enforcement of this Chapter. Said Ordinance is necessary for the immediate preservation of the public health, safety and welfare of the inhabitants of the City of Mentor-on-the-Lake, Ohio

**WHEREFORE**, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

  
DESIREA THOMPSON  
PRESIDENT OF COUNCIL

  
DAVID R. EVA  
MAYOR

Dated: 1/22/19

PTED: January 22, 2019  
ATTEST:   
Clerk of Council