

RITTMAN CITY COUNCIL – AGENDA
REGULAR MEETING
Monday, January 12, 2026 at 7:00 p.m.

- 1. Invocation**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Workshop**
 - a. Requested by Don Sweigert for the Primary Purpose to Discuss a Performance Evaluation System for City Manager, Law Director, Finance Director, and Clerk of Council.**
 - b. Credit Cards/Gift Cards Policy.**
- 5. Approval of Minutes**
 - a. December 1, 2025**
 - b. December 15, 2025 Special Meeting.**
- 6. Citizens Forum**
- 7. Old Business**
- 8. New Business**
 - a. Res. No. 8503 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Appointing a Charter Review Commission and Declaring an Emergency. Three Readings.**
 - b. Ord. No. 8504 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Creating Chapter 946, Illicit Discharge and Illegal Connection Control, of the Codified Ordinances and Declaring an Emergency. First Reading.**
 - c. Ord. No. 8505 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending Chapter 1105. Stormwater Runoff Control Criteria, of the Codified Ordinances and Declaring an Emergency. First Reading.**
 - d. Ord. No. 8506 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending Chapter 1180 Erosion and Sediment Control, of the Codified Ordinances and Declaring an Emergency. First Reading.**

- e. **Res. No. 8507 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Supporting the Ohio Commission for the United States Semi Quincentennial (AMERICA250-OH) and Declaring an Emergency. Three Readings.**

9. City Manager's Remarks

10. Finance Director's Remarks

- a. **Approval of Financial Report for November, 2025**
- b. **Approval of Financial Report for December, 2025**

11. Council Remarks

12. Adjournment

RECORD OF PROCEEDINGS

Held December 1, 2025

Rittman City Council Met in a
ANNUAL ORGANIZATIONAL MEETING
Monday, December 1, 2025
7:00 p.m.

Members Present: Don Sweigert, Hayward, Amanda Nelson, Rich Schumacher, Melissa Shows and Nick Huff
Members Absent: None
Presiding: Mayor Rudy Arnold

The invocation was given by Rudy Zollinger, grandfather of Mayor Rudy Arnold followed by the pledge of allegiance.

Oath of Office

- a. Charles Rudy Arnold – Mayor – Term Expires 12-03-2029
The Oath was administered by Council President Rich Schumacher

Oaths of Office

- a. Sonya Hayward – Council Member – Term Expires 12-03-2029
b. Nick Huff – Council Member – Term Expires 12-03-2029
c. Don Sweigert – Council Member – Term Expires 12-03-2029
d. Thomas J. Holmes – Police Officer
The Oaths were administered by Mayor Rudy Arnold

Motion to Appoint Matthew D. Simpson as Law Director – One Year Term

Shows so moved. Sweigert stated that as 50% new council, we really don't know if we should approve him for an entire year. Would it be beneficial for us to go to a three month period of time to evaluate so we have a chance to evaluate and make sure that's who we want in that position? Nelson stated that the charter states annual; that would be going against our charter. Shows stated in past precedence we have always done the annual. Upon roll call, Schumacher – Yes, Huff – No, Shows – Yes, Nelson – Yes, Sweigert – No, Hayward – No and motion is tied. Mayor Arnold stated that under the charter he has the authority to break a tie. However, he is not prepared to exercise that authority on this appointment. He has not had adequate time to evaluate the nominee and there is also a legitimate legal question about whether the mayoral tie breaker satisfies Section 6.5 of our charter. Section 6.5 states the law director provision requires the concurrence of a majority of the members elected to Council. I was elected to Mayor. I think this needs an independent legal opinion, I do not want to put Mr. Simpson in that position. The motion will fail three - three for a lack of a majority, and under Section 6.5 Council will have 60 days or three meetings to revisit this appointment. Mr. Simpson will continue to serve under Section 17.07 of the Charter until a successor is appointed and qualified. Beshara stated that she is the one who would be making the appointment, again, to Council at the next meeting. Marcum inquired who and where the payment will be coming from for the independent legal decision. We would need a purchase order and need to have them as a vendor if the City is paying for this legal opinion.

Motion to Appoint Joan M. Challinor as Clerk of Council – One Year Term

Sweigert so moved, all Yeas on roll call and motion carried.

Oaths of Office

- a. Joan M. Challinor – Clerk of Council – One Year Term
The Oath was administered by Mayor Rudy Arnold

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Minutes of Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held December 1,

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Approval of Minutes – November 10, 2025

Shows moved to approve, upon roll call Schumacher – Yes, Sweigert – Abstain, Shows – Yes, Hayward – Yes, Huff – Yes, Nelson – Yes and **motion carried**.

Citizens Forum

Ken Park – 348 Decourcey – Thank you, for all the new guys coming and doing what you are doing. I'm glad to see everybody is getting along well. Just one quick question on the law director issue. He had a one-year term that has expired, does he need to be sworn in for the two-month period that you stated. Beshara stated that 17.07 states an appointed or elected official will remain in that role until they are replaced.

Old Business

None

New Business

a. Motion to Appoint a President of Council. Shows nominated Schumacher. Huff made a motion to nominate Hayward. Upon roll call for Schumacher Hayward – No, Shows – Yes, Sweigert – No, Nelson – Yes, Huff – No, Schumacher – Yes. Mayor Arnold broke the tie and the **motion carried** to appoint Schumacher.

b. Ord. No. 8500 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending the Annual Appropriation Ordinance No. 8436, as Amended According to the Attached Sheet(s) and Declaring an Emergency. Three Readings. Ord. No. 8500 was read on first reading. Sweigert moved to suspend the rules, all Yeas on roll call and **motion carried**. Shows moved to adopt. Sweigert inquired if all the personal services salary corrections? Marcum stated that they are salary and Medicare, PERS, health insurance. Sweigert also inquired if there was an increase in the purchase of whatever capital improvement that we purchased. Marcum replied yes. All Yeas on roll call and **motion carried**.

c. Res. No. 8501 A Resolution of the Council of the City of Rittman, Wayne and Medina Counties and state of Ohio, Certifying that When a Municipal Obligation was Incurred, Sums were Lawfully Appropriated in the Funds to Satisfy this Obligation According to the Attached Sheet(s) and Declaring an Emergency. Three Readings. Ord. No. 8501 was read on first reading. Schumacher moved to suspend the rules, all Yeas on roll call and **motion carried**. Shows moved to adopt. Shows asked for an explanation. Marcum replied that we have an Ohio Water Development Authority Fund and we send a disbursement request and the payee was listed to the construction company, so the check wouldn't have come from us it would have come from OWDA. However, they sent the money to the City, so I have to cut the check. All Yeas on roll call and **motion carried**.

d. Motion to Appoint a Council Representative to the Recreation Center Board of Directors – Josh Carey Currently Serves. Sweigert nominated Huff. Schumacher made a motion to nominate Shows. Upon roll call for Huff, Sweigert – Yes, Nelson – No, Schumacher – No, Huff – Yes, Shows – No, Hayward – Yes. Mayor Arnold broke the tie and the **motion carried** to appoint Huff.

e. Motion to Re-Appoint Alan Emerson to the Planning Commission. Nelson so moved, all Yeas on roll call and **motion carried**.

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f. Motion to Accept the Resignation of Don Steiner from the Planning Commission. Schumacher so moved, all Yeas on roll call and motion carried.

g. Motion to Appoint Reid Beery to the Planning Commission for a 3 Year Term. Shows so moved, all Yeas on roll call and motion carried.

h. Motion to Appoint a Council Representative to the Planning Commission – Rich Schumacher Currently Serves. Huff moved to appoint Sweigert, upon roll call Sweigert – Abstain, Hayward – Yes, Nelson – Yes, Schumacher – Yes, Shows – Yes, Huff - Yes and motion carried.

i. Motion to Appoint Ken Mann, Joel Landis and Larry Boggs to the Board of Zoning Appeals for a 3-Year Term. Hayward so moved, all Yeas on roll call and motion carried.

j. Motion to Accept the Resignation of Lindsey Millan from the Civil Service Commission and to Appoint Alex Barnes for the Unexpired Term of Linsey Millan. Nelson so moved, all Yeas on roll call and motion carried.

k. Motion to Appoint Dave Dreher and Jonathon Johnson to the Utilities & Refuse Rate Board of Review for Another 3-Year Term. Hayward so moved, all Yeas on roll call and motion carried.

l. Motion to Appoint a Council Representative to the Utilities & Refuse Rate Board of Review – Josh Carey Currently Serves. Sweigert moved to appoint Schumacher, all Yeas upon roll call and motion carried.

m. Motion to Appoint Two Council Representatives to the Firemen's Indemnity Board – Josh Carey and Chuck Wyatt Currently Serve. Sweigert moved to appoint Shows and Huff moved to appoint Sweigert, upon roll call, Sweigert – Yes, Hayward – Yes, Nelson – No, Schumacher – Yes, Shows – Yes, Huff - Yes and motion carried.

n. Motion to Appoint Jennifer Cottrell, Ron Woodward and Tim Anderson to the Firemen's Indemnity Board as a Fire Department Board Member for a 1-Year Term. Nelson so moved, all Yeas on roll call and motion carried.

o. Motion to Appoint Two Council Representatives to the Rittman Community Improvement Corporation – Amanda Nelson and Melissa Shows Currently Serve. Huff moved to appoint Sweigert and Shows moved to appoint Nelson, all Yeas upon roll call and motion carried.

p. Motion to Appoint a Council Representative to the Shade Tree Commission – Ken Park Currently Serves. Sweigert moved to appoint Hayward, all Yeas upon roll call and motion carried.

q. Motion to Appoint a Council Representative to the Community Reinvestment Area Committee – Rich Schumacher Currently Serves. Sweigert moved to appoint Schumacher, all Yeas upon roll call and motion carried.

s. Motion to Appoint a Council Representative to the Board of Nuisance Abatement – Ken Park Currently Serves. Shows moved to appoint Hayward, all Yeas upon roll call and motion carried.

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HeldDecember 1,2025

City Manager’s Remarks

Welcome to our new council and new mayor. In front of you please find an orientation packet and copy of our charter. If you have any questions, please don’t hesitate to contact me.

Congratulations to our new full-time Police Officer, Tom Holmes. Tom previously worked 20 years for the Wayne County Sheriff’s Department. We are very happy that Tom has decided to join our Rittman Police Department.

Our Service Department has been hard at work picking up leaves, preparing for Christmas, cleaning storm sewers, fixing potholes and drag paving. They have done an exemplary job and deserve to be commended.

Kudos to all of our departments who work tirelessly every day to provide for our community.

Fire Chief McDonald and I are looking forward to our continued process of hiring 3 new full-time Fire/medics. We know that this has been a long time coming and feel it is best for the citizens and businesses of Rittman. These jobs were posted last Monday with a closing date of December 26th. We are using the National Testing Network to initially test candidates for these positions. We will interview qualified candidates in January. Also, thank you to our Civil Service Commission for their approval of the process.

Congratulations to our Parks and Recreation Director, Garrick DiSalvo, on obtaining a grant from the Wayne County Community Foundation for a new Kubota, side-by-side UTV. This vehicle will support a wide range of city operations, including: park maintenance, Main Street flower watering & beautification, care and upkeep of the William J. Robertson Nature Preserve, year-round support for projects across the city, Thank you so much to WCCF for this grant.

Mayor Arnold and I will be attending the Northeast Ohio Mayors and City Managers newly elected mayor’s forum on Thursday, December 4th where we will be joined with newly elected mayors to hear Tim Cosgrove’s legislative updates (which will include a federal update as well). Tim is our liaison to State government and does a great job of informing our association of what is currently being considered in in the house and senate. This is a full day forum where you will hear a Property Tax review and update, collective bargaining, pensions and other public employment issues, municipal financing, Ohio Ethics Law and Public meetings and open records discussions. Also, as Vice Chair of this association, I will be sitting on a panel with two mayors from Northeast Ohio in a question-and-answer format.

Thank you to Council, Mayor Robertson, our Law Director, staff and board members for your dedication to Rittman in 2025. Looking forward to another great year in 2026 with our new mayor and council. Merry Christmas, Happy Holidays and Happy New Year to all.

Finance Director’s Remarks

As we close out the year, we are finalizing getting the budget put in for next year. I want to thank everybody for getting the budget approved. It has been sent to the County for their finalization. We are also looking for grants and trying to find additional revenue. I met with a friend who works for Ohio History, and they are going to help us find additional revenue for our parks and our nature preserve. Other than that, I don’t have a lot. I’m here for you guys if you need anything. I’m available for questions.

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Council Remarks

Sweigert - thank you Mayor and thank you City Manager for your report and Finance Director, I appreciate that. The citizens of the City of Rittman elected three new Council Members and a Mayor. They had to elect new people because the old folks didn't run again. I'd like to thank the old folks for running not old folks in the term of old, previous Council people, Mayor and Ken, I apologize. I'd like to thank the previous Council members who are here and the Mayor for all of their service and what they did. That Council and the three that are still up here went through a really, really tough time. That was something and I appreciate what you went through. I know Josh told me some stories about seeing people at IGA and they are yelling at him in front of his wife and kid. That's not what it should be. The citizens elected three of us and a new Mayor. We answer directly to those citizens. We told them that we would provide transparency, transparency is essential, accountability and not only are we supposed to be transparent and accountable, but we also have to hold the unelected people transparent and accountable too. Our citizens expect that from us. In the next 90 days, I would like to introduce a few things. City Manager Beshara mentioned a couple months ago about adding at the end of the Agenda a time for Citizens Forum so they could comment on what was happening during that meeting so they didn't have to wait until the next meeting. I think you mentioned that it had to be in the Charter Review. I don't know if the Agenda is in the Charter. I think that Agenda has varied over the last 20 years that I have been coming. If we could add that maybe or look at it adding that time for a citizen that just heard us all talk to be able to give their three minutes of comments during that meeting, I'd like to introduce that. I'd like to ask the City Manager to establish one smart goal for 2026 from each department head. Maybe that should come from the Mayor. Those goals would directly affect the community in 2026. I'd like to see, we don't money, I'm sure, to live stream this Council meeting and any other public meetings. To be able to come up with a way that the citizens that are homebound or who can't make it down are able to see what is being conducted. I know there were other municipalities that did this during Covid, but they still continue to do it. That way it gives a chance for those that can't come down and sit with us to be able to review what is going on. Again, thank you. Citizens expect us to make things better. Beshara inquired what did he mean by making things better. Sweigert responded it was mentioned when Josh Carey left about the relationships between the schools and the city. I don't know if we have a swimming team in Rittman, but someone said that there was a swim team that was at the rec center practicing yesterday. That was really good. Really anything that improves the citizens' lives and transparency is a better thing. Not that we weren't transparent before, but the perception of our citizens was that Council wasn't transparent. Whether we were or not that was the perception. We need to sell that a little bit better and show them that there is transparency and accountability.

Shows – I want to thank everybody for coming out this evening. Welcome to the new Council members, look forward to working on the things we can accomplish over the next year. Congratulations Rudy, you are doing fine. We all mess it up the first time. This weekend is again our Cops with Kids. Chief Shows and his officers have been raising money with the raffle to help the kids. This year's goal is to take 15 kids with us on Saturday to breakfast and shopping and that will also involve other safety services as well. If you have the ability or want to donate or sponsor a child I strongly suggest you reach out to me and I can put you in touch with Ericka Galvin our school social worker who is trying to get as many kids and family covered as possible.

Huff – I want to thank everyone for coming out tonight. Chrystal, thank you for getting back with me. I appreciate you. Bobbie, thank you, you do so much and I don't think people realize how much work you do. I'm happy to be up here.

Schumacher – I want to thank everybody who came tonight. It's nice to see an audience here. I want to congratulate the winners of the last election, and I hope to be able to work together to get things done and make things better. There are a couple things coming up, one is the Community Christmas Basket Program that the Methodist Church does. This week and next week they are taking names for those who need assistance. Another is if you enjoy Christmas music, there is a men's group called Sonnenberg Station who will be singing on December 13th at Milton Presbyterian Church. We have a 19 member men's choir, it

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will be an hour – an hour and a half concert at the church. The Historical Society is having a Christmas singalong at Knupp Church on December 7th at 3:00 p.m.

Hayward – I want to thank everybody for coming out. The fire department will be starting to collect the canned foods and toys on Saturday. I’ll be there from 8 – 2. They are also doing some weeknights this year. And also, Anchor has their toy give away Sunday from 2 – 4.

Nelson – this weekend is a Very Merry Rittman Christmas event that we have every year. From 9 – 12 we do Christmas Around the World; we have ten businesses and organizations participating this year. Kids can collect passports and get stamps and they will get entered to win a prize which is either an American Girl Doll or an E-bike. Passports get turned in at the Rec. Center when we start our Candyland Christmas. There will be game, crafts and we have an inflatable obstacle course, a human sized snow globe, Santa Claus will be there along with hot cocoa and cookie decorating from 5 – 7. We are doing a Santa Delivery Program with the fire department. You can register your children to get gifts from Santa on the fire truck. The parents supply the gifts to us with their addresses and the fire department delivers them with Santa directly to the children’s houses. We also have the Rittman Interludes, the acapella choir from the high school signing at the 5 – 7 event. I want to make note of our Beautification Committee’s success over the last couple of weeks. They successfully collected donations for lights on all of the trees but also all of the pine and for the snowflakes in the pots.

Adjourn: 8:05 p.m. Schumacher moved to adjourn, all Yeas on roll call and **motion carried.**

Mayor

Clerk of Council

RECORD OF PROCEEDINGS

Minutes of Special Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held December 15, 2025

Rittman City Council Met in a
SPECIAL MEETING
Monday, December 15, 2025
5:00 p.m.

Members Present: Don Sweigert, Sonya Hayward. Amanda Nelson, Rich Schumacher, Melissa Shows and Nick Huff
Members Absent: None
Presiding: Mayor Charles Rudy Arnold

Mayor Arnold stated that the procedure to call special meetings going forward under Section 121.02 Code of Ordinances, Special Meetings can only be called in one of three ways. A vote of Council at a regular or special meeting, written request by the Mayor or written request by three members of Council. Additionally, the agenda must be provided at the time of notice and no other business shall be conducted without a waiver by Council. So going forward any special meetings will require and the proper authorization before the clerk will send out the notice and that notice will include the agenda. Second, now that we have our first meeting as Council behind us, I just wanted to share a couple of things quick as we work together moving forward. Every person at the table was elected for a reason. Each of us brings a unique background and set of experiences and that’s not by accident. Different thoughts and ideas are not obstacles, they are essential. When we debate, disagree or challenge each other’s assumptions, that’s healthy and how we make better decisions for our community. When we come into Chambers let’s leave any personal grievances or vendettas at the door and focus on what we are elected to do.

Old Business

- a. Motion to Appoint Matthew D. Simpson as Law Director – One Year Term. Nelson moved to approve. Beshara stated that she feels that continuity is important at this point and we should seriously consider having Matt come back on as he has done all that we have asked him to do; he has been a really good law director. When we went through all the income tax issues, plus Covid, he really helped us and got us through a lot of things. I appreciate all that he does as a law director. He is not going to do everything as a law director and that is why we employ additional lawyers at times, just like with engineering, just like with anything else. Matt has done a great job in the six years I’ve worked with him.
Huff inquired if anyone foresees Matt at any point in the next year taking time off from work? I’m not talking about a week or two, I’m saying a month or two or three months’ work off. I’ve heard that he has made the comment that he may have to take some time off work. With that being said he is a salaried employee. If he did take three months off work, he would get paid for that. But we would also have to be paying additional legal services.
Beshara stated that she doesn’t want to get into it about his reasoning why he would take time off, but he is planning on having his laptop with him. He had to get through the first two weeks of what’s going on personally, but he is back to work. I have been able to communicate with him on a couple of items. I don’t see anything like that. If something like that were to happen, I’m sure he would inform us. I don’t anticipate that. I don’t want to talk too much about his personal life.
Huff stated that when things come up and you have to been off work, being a salaried employee and taking a quarter of a year off.

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Marcum stated that she has not heard anything that says he is going to do that or not do that. But I would stress that any law director that we would have in his position should they have any type of situation where they would need time off we would still be in the same boat. Huff stated right now we are not in the same boat. Marcum responded but he is not taking time off. We are just kind of hypothetically speaking and if we did have any other law director and they had some sort of financial or family or some other emergency, we would be in the same situation that we would have to bring it back to Council to have a conversation. But I wouldn't want us to make a huge change in the city as we rely on Matt and he is familiar with anything that is going on in the city, just on an assumption that he may or may not take time off.

Huff stated that he is not saying right now, I'm saying if you have an open role as a police office and you know in the next fifteen days he has to take three months off of work. Beshara stated that Matt has not indicated to her that he is taking time off. Huff stated that he does not know these things, I'd like to get the facts. Beshara stated she will always give you the facts. He has not indicated that at all, in fact he said that his law firm has been great and they are going to set him up with his work computer and he is going to be working from wherever he is going to be living for the next month or two. He has been very approachable. Huff inquired if Matt was involved in the lawsuits that we have going on. Beshara stated, yes.

Sweigert inquired about how many hours does Matt provide every month. Beshara stated that she doesn't have an answer to that. We email him or talk to him weekly. Each week varies. Sweigert stated that after Covid that you requested him to come in every Tuesday and every Tuesday he was in for a couple of hours. Beshara stated she changed it to an as needed basis. We were moving and trying to get settled in here and that was when the change occurred. I don't know how much time Chrystal contacts him or Joan does because the three of us seem to contact him the most. Bob will if there is something going on. Shows stated that when he has contacted him he has made himself available normally within two to three days. He has made himself completely available.

Sweigert inquired if Matt has met all of the expectations. Beshara stated that he has; I have no issues with Matt. Sweigert asked if he was involved in or knows about all legal matters going on. Beshara stated absolutely, she keeps him informed on everything. As a matter of fact when we went to court recently for the class action suit against the city, he sat with the Roetzel attorneys. I inform him of everything. Even if there is an employee issue that I know is coming up, I let him know that I might have to have a meeting with him. I have a really good relationship with Matt. I think everyone does here.

Hayward stated that we don't have a contract with him; do we have a job description as to what we expect. Beshara stated that she doesn't have a written job description but I know what I expect of law directors and those expectations are to help with all public matters, lawsuits when they come up, so I don't have that and there has never been a contract, and I don't know if that is something that we need to do. In fact it would protect Matt or any law director that you have, but it is an annual appointment and maybe when the Charter Review comes up we can look at that and see what we want this to look like in the future. Hayward also inquired if we can do this public meeting since the public was not informed. Beshara stated they were informed. It is on the board out front. Hayward stated that it was not on the sign out front on Friday or Saturday. Marcum stated she also saw it on the sign. It was also posted on the City website.

Mayor Arnold stated that talking to a few of the Council folks it will be important to quantify those metrics as the expectations of the law director. Any additional discussion?

Schumacher stated that coming on as President of Council he has had to deal with him on a couple of issues that have come up and he has been very responsive and very helpful in helping guide me on some of the directions that we have had to

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

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take. I just wanted to throw that out there. Upon roll call Schumacher – Yes, Huff – Yes, Shows – Yes, Nelson – Yes, Sweigert – Yes, Hayward – No and **motion carried.**

New Business

- a. **Ord. No. 8502 An Ordinance of the Council of the City of Rittman, Wayne and Medina Counties and State of Ohio, Amending the Annual Appropriation Ordinance No. 8436, as Amended According to the Attached Sheet(s) and Declaring an Emergency.** Three Readings. Ord. No. 8502 was read on first reading. Nelson moved to suspend the rules, all Yeas on roll call and **motion carried.** Sweigert moved to adopt. Huff stated he sees the police has \$60,000.00 is that payroll. Marcum stated that with the police she wanted to make sure that there is enough money as we hired in the new police officer plus there was overtime, all of those things to cover being short, the smaller numbers are the cushion so I can make sure I am hitting my budget and have enough in each line. As far as the rec center, that is the heat and I am appropriating to make sure that I have enough to cover it so I can get that purchase order in now, even if I don’t know if \$20,000.00 is the right number. EMS is also from when we went from part time to full time; it is going to get worse before it gets better while we adjust out. There was other conversation between Marcum and Council Members regarding appropriations. All Yeas on roll call and **motion carried.**
- b. **Motion to Approve Financial Report for October, 2025.** Schumacher moved to approve, upon roll call Schumacher – Yes, Huff – Yes, Shows – Yes, Hayward – Yes, Sweigert – Yes, Nelson – Abstain and **motion carried.**

Adjourn: 5:32 p.m. Sweigert moved to adjourn, all Yeas on roll call and **motion carried.**

Mayor

Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 8503

Passed: _____, 2026

RESOLUTION NO. 8503

A RESOLUTION OF THE COUNCIL OF THE CITY OF RITTMAN, WAYNE AND MEDINA COUNTIES AND STATE OF OHIO, APPOINTING A CHARTER REVIEW COMMISSION AND DECLARING AN EMERGENCY.

WHEREAS, the City of Rittman Adopted a charter at a special election held on May 3, 1960; and

WHEREAS, article XVI of said charter provides that in January 1996 and in each ten years thereafter, Council shall appoint a commission of nine electors plus three alternates of the municipality as members of the Charter Review Commission; and

WHEREAS, this commission shall review the Municipal Charter, and within five calendar months after such appointment, recommend to Council such alternations, revisions and amendments, if any, to this charter.

NOW THEREFORE, be it ordained by the Council of the city of Rittman, Counties of Wayne and Medina and State of Ohio, two-thirds of all members elected and appointed thereto concurring:

SECTION ONE.

Council hereby appoints a Charter Review Commission and alternates pursuant to the attached Exhibit A which is incorporated herein.

SECTION TWO.

Because of the immediate need pursuant to its charter and to afford the Charter Review Commission ample time to review the charter, this Resolution is declared an emergency measure and shall be in full force and effect immediately upon its passage.

RECORD OF ORDINANCES

Ordinance No. 8503

Passed: _____, 2026

Passed: _____, 2026

Mayor

Attest:

Clerk of Council

2026 Charter Review Commission Members

1. Charles Copley
2. Philip Decker
3. Tina McMillen
4. Francey Morris
5. Ken Park
6. Daffine Roberts
7. Ron Tisher
8. Leah Weirick
9. Dave Williams

Alternates

1. Paul Arnold
2. Diane Carey
3. Rob Gable

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Ordinance No. 8504

Passed: _____, 2026

ORDINANCE NO. 8504

AN ORDINANCE OF THE COUNCIL OF THE CITY OF RITTMAN, WAYNE AND MEDINA COUNTIES AND STATE OF OHIO, CREATING CHAPTER 946, ILLICIT DISCHARGE AND ILLEGAL CONNECTION CONTROL, OF THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

WHEREAS, the City of Rittman wishes to regulate by ordinance the contents of and discharge into its municipal storm sewer system; and

WHEREAS, illicit discharge into the municipal storm sewer system creates hazardous conditions and endangers the welfare of the citizens of the City of Rittman; and

WHEREAS, inspection, monitoring, and enforcement of storm sewer regulations are necessary to maintain the integrity of the municipal storm sewer system.

NOW THEREFORE, be it resolved by the Council of the City of Rittman, Counties of Wayne and Medina and State of Ohio, three-fourths of all members elected and appointed thereto concurring:

SECTION ONE.

CHAPTER 946

Illicit Discharge and Illegal Connection Control

946.01 PURPOSE AND SCOPE

The purpose of this regulation is to provide for the health, safety, and general welfare of the citizens of the City of Rittman (City) through the regulation of illicit discharges to the municipal separate storm sewer system (MS4). 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). The objectives of this regulation are:

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

946.02 APPLICABILITY

This regulation shall apply to all residential, commercial, industrial, or institutional facilities responsible for discharges to the MS4 and on any lands in the City, except for those discharges generated by the activities detailed in **Section 946.07 (A)(1) to (A)(3)** of this regulation.

946.03 DEFINITIONS

The words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

- A. Best Management Practices (BMPs): means 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 storm water. 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.
- B. City: means the City of Rittman, its designated representatives, boards, or commissions.
- C. Environmental Protection Agency or United States Environmental Protection Agency (USEPA): means 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.
- D. 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.
- E. Hazardous Material: means 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

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hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

- F. Illicit Discharge: as defined at 40 C.F.R. 122.26 (b)(2) means any discharge to an MS4 that is not composed entirely of storm water, except for those discharges to an MS4 pursuant to a NPDES permit or noted in **Section 946.07** of this regulation.
- G. Illegal Connection: means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4.
- H. Municipal Separate Storm Sewer System (MS4): as defined at 40 C.F.R. 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, man-made channels, or storm drains):
1. 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 section 208 of the Clean Water Act that discharges to waters of the United States;
 2. Designed or used for collecting or conveying storm water;
 3. Which is not a combined sewer; and
 4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R. 122.2.
- I. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 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 areawide basis.
- J. Off-Lot Discharging Household Sewage Treatment System: means a system designed to treat household sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.

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- K. Owner/Operator: means 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.
- L. Pollutant: means 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.
- M. Storm Water: any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- N. 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.

946.04 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.

946.05 CONFLICTS, SEVERABILITY, NUISANCES & RESPONSIBILITY

- A. Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the City, shall prevail.
- B. 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.

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- C. 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.
- D. 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.

946.06 RESPONSIBILITY FOR ADMINISTRATION

The City shall administer, implement, and enforce the provisions of this regulation. The City may contract with the Wayne County Health Department to conduct inspections and monitoring and to assist with enforcement actions.

946.07 DISCHARGE AND CONNECTION PROHIBITIONS

- A. Prohibition of Illicit Discharges. 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 (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from inflow); 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 car washing; flows from riparian habitats and wetlands; dechlorinated/debrominated/desalinated swimming pool discharges; street wash water with dry cleanup method and no detergents to minimize pollutants; discharges or flows from fire-fighting activities (not planned exercises); dye tests. These discharges are exempt until such time as they are determined by the City to be significant contributors of pollutants to the MS4.
 2. All charity car washes must notify the City prior to the event. Notification must include the location, time, duration, and date of the event.

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3. Discharges specified in writing by the City as being necessary to protect public health and safety.
4. Discharges from off-lot discharging household sewage treatment systems existing prior to January 1, 2007 and permitted by the Wayne County Health Department for the purpose of discharging treated sewage effluent in accordance with Ohio Administrative Code 3701-29, or other applicable Wayne County Health Department 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 Wayne County Health Department. 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 City's Storm Water Management Program, discharges from all off-lot discharging household 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 for systems existing prior to January 1, 2007, discharges from off-lot discharging household sewage treatment systems existing prior to January 1, 2007 will no longer be exempt from the requirements of this regulation.

B. Prohibition of Illegal Connections. The construction, use, maintenance, or continued existence of illegal connections to the MS4 is prohibited.

1. 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.
2. 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.

946.08 MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS

- A. Establishment of an Illicit Discharge and Illegal Connection Monitoring Program: The City shall establish a program to detect and eliminate illicit discharges and illegal connections to the MS4.

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This program shall include the mapping of the MS4, including MS4 outfalls and household 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 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 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.
3. 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 storm water flow and quality shall be calibrated by the City 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 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 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 is refused access to any part of the facility from which storm water 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.
7. Any costs associated with these inspections shall be assessed to the facility owner/operator.

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946.09 ENFORCEMENT

- A. 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 registered mail, 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.
- B. 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.
- C. Any person receiving a Notice of Violation must meet compliance standards within the time established in the Notice of Violation.
- D. 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 O.R.C. 3709.211. If a 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.

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946.10 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.

SECTION TWO.

That because of the immediate need for the ability to inspect and maintain the MS4, this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health and safety and shall go into immediate force and effect upon its passage.

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Mayor

Attest:

Clerk of Council

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ORDINANCE NO. 8505

AN ORDINANCE OF THE COUNCIL OF THE CITY OF RITTMAN, WAYNE AND MEDINA COUNTIES AND STATE OF OHIO, AMENDING CHAPTER 1105, STORMWATER RUNOFF CONTROL CRITERIA, OF THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

WHEREAS, flooding is a significant threat to property and public health and safety and stormwater management lessens flood damage by reducing and holding runoff and releasing it slowly; and,

WHEREAS, streambank erosion is a significant threat to property and public health and safety and stormwater management slows runoff and reduces its erosive force; and,

WHEREAS, insufficient control of stormwater can result in significant damage to receiving water resources, impairing the capacity of these areas to sustain aquatic systems and their associated aquatic life use designations; and,

WHEREAS, land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition; and,

WHEREAS, stormwater runoff contributes to increased quantities of pollutants to water resources; and,

WHEREAS, stormwater runoff, stream channel erosion, and nonpoint source pollution can be controlled and minimized through the regulation of runoff from land development projects; and,

WHEREAS, there are watershed-wide efforts to reduce flooding, erosion, and water quality problems in Tommy Run, Landis Ditch, River Styx, Chippewa Creek, Little Chippewa Creek, and Ohio River; and,

WHEREAS, to protect and enhance the water resources of Tommy Run, Landis Ditch, River Styx, Chippewa Creek, Little Chippewa Creek, and Ohio River, the City of Rittman finds that the lands and waters within its borders are finite natural resources and that their quality is of primary importance in promoting and maintaining public health and safety within its borders; and,

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WHEREAS, the City of Rittman desires to establish standards, principles, and procedures for the regulation of soil disturbing activities that may increase flooding and erosion and may cause adverse impacts to water resources, resulting from stormwater runoff; and,

WHEREAS, the City of Rittman is a member of the Wayne Soil and Water Conservation District (WSWCD) and recognizes its obligation as a part of this organization to manage stormwater within its borders; and

WHEREAS, 40 C.F.R. Parts 122, 123, and 124, and Ohio Administrative Code 3745-39 require designated communities, including the City of Rittman to develop a Stormwater Management Program that, among other components, requires the City of Rittman to implement standards, principles, and procedures to regulate the quality of stormwater runoff during and after soil disturbing activities; 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 Rittman, Counties of Wayne and Medina and State of Ohio, three-fourths of all members elected thereto concurring, that:

SECTION ONE.

Codified Ordinance *Chapter 1105 Stormwater Runoff Control Criteria*, is hereby amended and restated in its entirety to read as follows:

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CHAPTER 1105 STORMWATER RUNOFF CONTROL CRITERIA

- 1105.01 Purpose and scope
- 1105.02 Definitions.
- 1105.03 Disclaimer of liability.
- 1105.04 Conflicts, severability, nuisances & responsibility.
- 1105.05 Development of comprehensive stormwater management plans.
- 1105.06 Application procedures.
- 1105.07 Compliance with state and federal regulations.
- 1105.08 Comprehensive stormwater management plan.
- 1105.09 Performance standards.
- 1105.10 Alternative actions.
- 1105.11 Easements.
- 1105.12 Right-of-entry.
- 1105.13 Maintenance and final inspection approval.
- 1105.14 On-going inspections.
- 1105.15 Maintenance Financing.
- 1105.16 Fees.
- 1105.17 Bond.
- 1105.18 Installation of water quality stormwater control measures.
- 1105.19 Violations.
- 1105.20 Appeals.
- 1105.21 Penalty.

1105.01 Purpose and scope

- (a). The purpose of this regulation is to establish technically feasible and economically reasonable stormwater management standards to achieve a level of stormwater quality and quantity control that will minimize damage to property and degradation of water resources and will promote and maintain the health, safety, and welfare of the citizens of the City of Rittman.

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(b).The guidelines noted in this chapter shall serve as the minimum requirements for control of stormwater runoff leaving developments. The guidelines were developed to prevent accelerated runoff, flooding and stream channel erosion that occurs in conjunction with developing areas. These regulations require controlling the discharge rate of runoff prior to its release to offsite land. The purpose of controlling the release rate is as follows:

- (1).Permit development without increasing the flooding of other lands.
- (2).Minimize damage to receiving streams caused by accelerated runoff.
- (3).Provide a basis for design of storm drainage systems on land above or below undeveloped areas, which will preserve the rights and options of both contributing and receiving property owners and assure the long term adequacy of such systems.

(c). This regulation requires owners who develop or re-develop their property within the City of Rittman to:

- (1).Control stormwater runoff from their property and ensure that all Stormwater Control Measures (SCMs) are properly designed, constructed, and maintained.
- (2).Reduce water quality impacts to receiving water resources that may be caused by new development or redevelopment activities.
- (3).Control the volume, rate, and quality of stormwater runoff originating from their property so that surface water and groundwater are protected and flooding and erosion potential are not increased.
- (4).Minimize the need to construct, repair, and replace subsurface storm drain systems.
- (5).Preserve natural infiltration and groundwater recharge, and maintain subsurface flow that replenishes water resources, except in slippage prone soils.
- (6).Incorporate stormwater quality and quantity controls into site planning and design at the earliest possible stage in the development process.
- (7).Reduce the expense of remedial projects needed to address problems caused by inadequate stormwater management.

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- (8). Maximize use of SCMs that serve multiple purposes including, but not limited to, flood control, erosion control, fire protection, water quality protection, recreation, and habitat preservation.
- (9). Design sites to minimize the number of stream crossings and the width of associated disturbance in order to minimize the City's future expenses related to the maintenance and repair of stream crossings.
- (10). Maintain, promote, and re-establish conditions necessary for naturally occurring stream processes that assimilate pollutants, attenuate flood flows, and provide a healthy water resource.
- (d). This regulation shall apply to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways and roads; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; grading; and all other uses that are not specifically exempted in Section 1105.01.
- (e). Public entities, including the State of Ohio, Wayne and Medina Counties, and the City of Rittman shall comply with this regulation for linear projects within public rights-of way (e.g. roadway and sidewalk projects).
- (f). This regulation does not require a Comprehensive Stormwater Management Plan for linear construction projects, such as pipeline or utility line installation, that do not result in the installation of impervious surface as determined by the Service Director or their designee or Ohio EPA. Such projects must be designed to minimize the number of stream crossings and the width of disturbance. Linear construction projects must comply with the requirements of Chapter 1180 Erosion and Sediment Control.

1105.02 Definitions.

The definitions contained in Ohio Environmental Protection Agency ("Ohio EPA")'s Construction General Permit entitled "Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System" and Ohio EPA's Municipal Separate Storm Sewer (MS4) Permit entitled "Authorization for Small Municipal Separate Storm Sewer Systems to Discharge Stormwater Under the National Pollutant Discharge Elimination System" in effect at the time a permit is applied for under this chapter shall apply to this chapter and the following definitions shall also apply:

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- (a). ACRE: A measurement of area equaling 43,560 square feet.
- (b). AS-BUILT SURVEY: A survey shown on a plan or drawing prepared by a registered Professional Surveyor indicating the actual dimensions, elevations, and locations of any structures, underground utilities, swales, detention facilities, and sewage treatment facilities after construction has been completed.
- (c). CITY: The City of Rittman, its designated representatives, boards, or commissions.
- (d). COMPREHENSIVE STORMWATER MANAGEMENT PLAN: The written document and plans meeting the requirements of this regulation that sets forth the plans, practices, and SCMs to minimize stormwater runoff from a development area, to safely convey or temporarily store and release post-development runoff at an allowable rate to minimize flooding and stream bank erosion, and to protect or improve stormwater quality and stream channels.
- (e). CONSTRUCTION GENERAL PERMIT: The most recent General National Pollutant Discharge Elimination System (NPDES) permit for authorization of storm water discharges associated with construction activities issued by Ohio EPA (Ohio EPA Permit #OHC000006 and its successors).
- (f). CRITICAL STORM: A storm that is determined by calculating the percentage increase in volume of runoff by a proposed development area for the 1-year 24-hour event. The critical storm is used to calculate the maximum allowable stormwater discharge rate from a developed site.
- (g). DEVELOPMENT AREA: A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.
- (h). DEVELOPMENT DRAINAGE AREA: A combination of each hydraulically unique watershed with individual outlet points on the development area.
- (i). DISTURBED AREA: An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.
- (j). DRAINAGE: The removal of excess surface water or groundwater from land by surface or subsurface drains.

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- (k). **EROSION:** The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.
- (l). **GRADING:** The process in which the topography of the land is altered to a new slope.
- (m). **IMPERVIOUS COVER:** Any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks, and other areas not covered by vegetation.
- (n). **MAXIMUM EXTENT PRACTICABLE:** The level of pollutant reduction that operators of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Stormwater Phase II, must meet.
- (o). **POST-DEVELOPMENT:** The conditions that exist following the completion of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of stormwater runoff.
- (p). **PRE-CONSTRUCTION MEETING:** Meeting prior to construction between all parties associated with the construction of the project including government agencies, contractors and owners to review agency requirements and plans as submitted and approved.
- (q). **PRE-DEVELOPMENT:** The conditions that exist prior to the initiation of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of stormwater runoff.
- (r). **PROFESSIONAL ENGINEER:** A Professional Engineer registered in the State of Ohio with specific education and experience in water resources engineering, acting in conformance with the Code of Ethics of the Ohio State Board of Registration for Engineers and Surveyors.
- (s). **RUNOFF:** The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually returned to water resources.
- (t). **SEDIMENT:** The soils or other surface materials that can be transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.
- (u). **SITE OWNER:** Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal

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corporation, county or state agency, the federal government, other legal entity, or an agent thereof that is responsible for the overall construction site.

- (v). **SOIL DISTURBING ACTIVITY:** Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed that may result in, or contribute to, increased stormwater quantity and/or decreased stormwater quality.
- (w). **STORMWATER CONTROL MEASURE (SCM):** A structure or area designed to remove pollutants from stormwater and/or reduce stormwater flow rates. SCMs are a subset of Best Management Practices (BMPs) as defined in the Construction General Permit.
- (x). **WATER RESOURCE:** Any stream, lake, reservoir, pond, marsh, wetland, or waterway situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.
- (y). **WATER RESOURCE CROSSING:** Any bridge, box, arch, culvert, truss, or other type of structure intended to convey people, animals, vehicles, or materials from one side of a watercourse to another. This does not include private, non-commercial footbridges or pole mounted aerial electric or telecommunication lines, nor does it include below grade utility lines.
- (z). **WATERSHED:** The total drainage area contributing stormwater runoff to a single point.
- (aa). **WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended).

1105.03 Disclaimer of liability.

- (a). 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 any particular parcel of property.

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- (b). By approving a Comprehensive Stormwater Management Plan under this regulation, the City does not accept responsibility for the design, installation, and operation and maintenance of SCMs.

1105.04 Conflicts, severability, nuisances & responsibility.

- (a). Where this regulation is in conflict with other provisions of law or ordinance or requirements in the Construction General Permit, the most restrictive provisions, as determined by the Service Director or their designee, shall prevail.
- (b). 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.
- (c). 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.
- (d). 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.

1105.05 Development of comprehensive stormwater management plans.

- (a). This regulation requires that a Comprehensive Stormwater Management Plan be developed and implemented for all soil disturbing activities disturbing one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one (1) or more acres of total land, and on which any regulated activity of Section 1105.01 (C) is proposed. The Service Director or their designee may require a Comprehensive Stormwater Management Plan for any soil disturbing activity.
- (b). The City shall administer this regulation, shall be responsible for determination of compliance with this regulation, and shall issue notices and orders as may be necessary. The City may consult with the Wayne SWCD, state agencies, private engineers, stormwater districts, or other technical experts in reviewing the Comprehensive Stormwater Management Plan.

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1105.06 Application procedures.

- (a). Pre-Application Meeting: The applicant shall attend a Pre-Application Meeting with the Service Director or their designee to discuss the proposed project, review the requirements of this regulation, identify unique aspects of the project that must be addressed during the review process, and establish a preliminary review and approval schedule.
- (b). Preliminary Comprehensive Stormwater Management Plan: The applicant shall submit two (2) sets of a Preliminary Comprehensive Stormwater Management and the applicable fees to the Service Director or their designee. The Preliminary Plan shall show the proposed property boundaries, setbacks, dedicated open space, public roads, water resources, SCMs, and easements in sufficient detail and engineering analysis to allow the Service Director or their designee to determine if the site is laid out in a manner that meets the intent of this regulation and if the proposed SCMs are capable of controlling runoff from the site in compliance with this regulation. The applicant shall submit two (2) sets of the Preliminary Plan and applicable fees as follows:
 - (1) For subdivisions: In conjunction with the submission of the preliminary subdivision plan.
 - (2) For other construction projects where the development or redevelopment plan will result in the installation of impervious area, artificial turf or permeable pavement systems: In conjunction with the application for a zoning permit.
- (c). Final Comprehensive Stormwater Management Plan: The applicant shall submit two (2) sets of a Final Comprehensive Stormwater Management Plan and the applicable fees to the Service Director or their designee in conjunction with the submittal of the final plat, improvement plans, or application for a zoning permit for the site. Final Comprehensive Stormwater Management Plans shall meet the requirements of Section 1105.08 and shall be approved by the Service Director or their designee prior to issuance of a zoning permit by the Zoning Department.
- (d). Review and Comment: The Service director or their designee shall review the Preliminary and Final Plans submitted and shall approve or return for revisions with comments and recommendations for revisions. A Preliminary or Final Plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised Preliminary or Final Plan.
- (e). Valid for Two Years: Approvals issued in accordance with this regulation shall remain valid for two (2) years from the date of approval or as stipulated in the Construction

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- (f). Pre-Construction Meeting: Prior to construction, the applicant shall meet with all applicable parties associated with the construction project.

1105.07 Compliance with state and federal regulations.

Approvals issued in accordance with this regulation do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from other federal, state, and/or county agencies. If requirements vary, the most restrictive shall prevail. These permits may include, but are not limited to, those listed below. Applicants are required to show proof of compliance with these regulations before the City will issue a zoning permit.

- (a). Ohio Environmental Protection Agency (Ohio EPA) National Pollutant Discharge Elimination System (NPDES) Permits authorizing stormwater discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI), a copy of the Ohio EPA Director's Authorization Letter with NPDES Facility Permit number for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.
- (b). Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.
- (c). Ohio EPA Isolated Wetland or Ephemeral Stream Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit or Ephemeral Stream Permit application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands Permit or Ephemeral Stream Permit is not applicable. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.
- (d). Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, public notice, or project approval, if an Individual Permit is required for the development project. If an Individual Permit is not

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required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:

- (1) A letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 404 of the Clean Water Act is not applicable.
 - (2) A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.
- (e). Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Water Resources permit application tracking number, a copy of the project approval letter from the ODNR Division of Water Resources, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable.

1105.08 Comprehensive stormwater management plan.

Comprehensive Stormwater Management Plan Required: The applicant shall develop a Comprehensive Stormwater Management Plan describing how the quantity and quality of stormwater will be managed after construction is completed for every discharge from the site and/or into a water resource or small municipal separate storm sewer system (MS4). Comprehensive Stormwater Management Plans must meet the requirements in the Construction General Permit and these regulations.

- (a). Preparation by Professional Engineer: The Comprehensive Stormwater Management Plan shall be prepared by a registered Professional Engineer and include supporting calculations, plan sheets, and design details. To the extent necessary, as determined by the Service Director or their designee, a site survey shall be performed by a registered Professional Surveyor to establish boundary lines, measurements, or land surfaces.
- (b). Community Procedures: The Service Director or their designee shall prepare and maintain procedures providing specific criteria and guidance to be followed when designing the stormwater management system for the site. These procedures may be updated from time to time, at the discretion of the Service Director or their designee based on improvements in engineering, science, monitoring, and local maintenance experience. The Service Director or their designee shall make the final determination of whether SCMs proposed in the Comprehensive Stormwater Management Plan meet the requirements of this regulation.

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- (c). Contents of Comprehensive Stormwater Management Plan: The Comprehensive Stormwater Management Plan must contain all elements and meet all requirements specified in the Construction General Permit. It shall also meet the following requirements.
- (1) Location information: The application shall note the phase, if applicable, of the overall development plan and list subplot numbers if project is a subdivision.
- (2) Site maps and SCM design plans: It is preferred that all SCMs and the entire site be shown on one plan sheet to allow a complete view of the site during plan review. If a smaller scale is used to accomplish this, separate sheets providing an enlarged view of areas on individual sheets should also be provided. Existing and proposed drainage patterns and any relevant offsite SCMs should be depicted. For each SCM, include the following:
- A. An individual identification number
 - B. Location and size
 - C. Final site conditions and detail drawings of stormwater inlets and permanent SCMs. Details of SCMs shall be drawn to scale and shall show relevant volumes, elevations and sizes of contributing drainage areas.
 - D. A completed Ohio EPA WQv Calculator Spreadsheet and/or Runoff Reduction Spreadsheet or other equivalent compliance tools provided by Ohio EPA.
 - E. Any supplemental information requested by the Service Director or their designee.
- (3) Required Calculations: The applicant shall submit calculations for projected stormwater runoff flows, volumes, and timing into and through all SCMs for flood control, channel protection, water quality, and the condition of the habitat, stability, and incision of each water resource and its floodplain. These submittals shall be completed for both pre- and post-development land use conditions and shall include the underlying assumptions and hydrologic and hydraulic methods and parameters used for these calculations. The applicant shall also include critical storm determination and demonstrate that the runoff from offsite areas have been considered in the calculations. For each SCM, identify the drainage area and size in acres, percent impervious cover within the drainage area, volumetric runoff coefficient, peak discharge, and the time of concentration for each subwatershed. Pervious and impervious areas should be treated as separate subwatersheds unless

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allowed at the discretion of the Service Director or their designee. Identify the SCM surface area, discharge and dewatering time, outlet type and dimensions.

- (4) Inspection and Maintenance Agreement. The Inspection and Maintenance Agreement required for SCMs under this regulation is a stand-alone document between the City and the applicant. This agreement shall be recorded with the corresponding County for site location.
- (5) Inspection and Maintenance Plan. This plan will meet the requirements of the Construction General Permit and will be developed by the applicant and reviewed by the Service Director or their designee. Maintenance requirements of each SCM during and after construction should be included. Once the Inspection and Maintenance Plan is approved, a recorded copy of the Plan must be provided to the property owner or association that will be responsible for long-term operation and maintenance of the BMP and submitted to the Service Director or their designee as part of the final inspection approval as described in 1105.12.

1105.09 Performance standards.

- (a). General: The stormwater system, including SCMs for storage, treatment and control, and conveyance facilities, shall be designed to prevent structure flooding during the 100-year, 24-hour storm event; to maintain predevelopment runoff patterns, flows, and volumes; to meet the requirements of the Construction General Permit; and to meet the following criteria:
 - (1) Integrated SCMs that address degradation of water resources. The SCMs shall function as an integrated system that controls flooding and minimizes the degradation of the water resources receiving stormwater discharges from the site. Acceptable SCMs shall:
 - A. Not disturb riparian areas, unless the disturbance is intended to support a watercourse restoration project and complies with Chapter 1180.
 - B. Maintain predevelopment hydrology and groundwater recharge on as much of the site as practicable. Where feasible, bioretention, permeable pavement with infiltration, underground storage with infiltration, infiltration trenches, infiltration basins, and/or rainwater harvesting must be the water quality SCMs used. Separate SCMs may be used for peak discharge control and water quality treatment.

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- C. Only install new impervious surfaces and compact soils where necessary to support the future land use.
 - D. Compensate for increased runoff volumes caused by new impervious surfaces and soil compaction by reducing stormwater peak flows to less than predevelopment levels.
 - E. Be designed according to the methodology included in the most current edition of *Rainwater and Land Development* or another design manual acceptable for use by the City and Ohio EPA.
- (2) Practices designed for final use: SCMs shall be designed to achieve the stormwater management objectives of this regulation, to be compatible with the proposed post-construction use of the site, to protect the public health, safety, and welfare, and to function safely with routine maintenance.
- (3) Stormwater management for all lots: Areas developed for a subdivision, as defined in Title 3 – Subdivision Regulations, shall provide stormwater management and water quality controls for the development of all subdivided lots. This shall include provisions for lot grading and drainage that prevent structure flooding during the 100-year, 24-hour storm; and maintain, to the extent practicable, the pre-development runoff patterns, volumes, and peaks from each lot.
- (4) Stormwater facilities in water resources: SCMs and related activities shall not be constructed in water resources unless the applicant shows proof of compliance with all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies as required in Section 1105.07 of this regulation, and the activity is in compliance with Chapter 1180 Erosion and Sediment Control, all as determined by the Service Director or their designee.
- (5) Stormwater ponds and surface conveyance channels: All stormwater pond and surface conveyance designs must provide a minimum of two (2) foot freeboard above the projected peak stage within the facility during the 100-year, 24-hour storm. When designing stormwater ponds and conveyance channels, the applicant shall consider public safety as a design factor and alternative designs must be implemented where site limitations would preclude a safe design.
- (6) Exemption: The site where soil-disturbing activities are conducted shall be exempt from the requirements of Section 1105.09 if it can be shown to the satisfaction of the Service Director or their designee that the site is part of a larger common plan of development

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where the stormwater management requirements for the site are provided by an existing SCM, or if the stormwater management requirements for the site are provided by SCMs defined in a regional or local stormwater management plan approved by the Service Director or their designee.

- (7) Maintenance: All SCMs shall be maintained in accordance with the Inspection and Maintenance Plan and Agreements approved by the Service Director or their designee.
 - (8) Ownership: Unless otherwise required by the City, SCMs serving multiple lots in subdivisions shall be on a separate lot held and maintained by an entity of common ownership or, if compensated by the property owners, by the City. SCMs serving single lots shall be placed on these lots, protected within an easement, and maintained by the property owner.
 - (9) Preservation of Existing Natural Drainage: Practices that preserve the existing natural drainage shall be used to the maximum extent practicable. Such practices may include minimizing site grading and compaction; protecting and/or restoring water resources, riparian areas, and existing vegetation and vegetative buffer strips; phasing of construction operations in order to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing and grubbing practices; and maintaining unconcentrated stormwater runoff to and through these areas.
 - (10) Post-Construction Soil Restoration: Except for areas that will be covered by impervious surface or have been incorporated into an SCM, the soil moisture- holding capacity of areas that have been cleared and graded must be restored to that of the original, undisturbed soil to the maximum extent practicable. Areas that have been compacted or had the topsoil or duff layer removed should be amended using the soil profile restoration design criteria in *Rainwater and Land Development*.
- (b). Stormwater Conveyance Design Criteria: All SCMs shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include but not be limited to:
- (1) Surface water protection: The Service Director or their designee may allow modification to streams, rivers, lakes, wetlands or other surface waters only if the applicant shows proof of compliance with all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies as required in Section 1105.07 of this regulation, and the activity is in compliance with Section 1180 Erosion and Sediment Control, all as determined by the Service Director or their designee. At a

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minimum, stream relocation designs must show how the project will minimize changes to the vertical stability, floodplain form, channel form, and habitat of upstream and downstream channels on and off the property.

- (2) Off-site stormwater discharges: Off-site stormwater runoff that discharges to or across the applicant's development site shall be conveyed through the stormwater conveyance system planned for the development site at its existing peak flow rates during each design storm. Off-site flows shall be diverted around stormwater quality control facilities or the stormwater quality control facility shall be sized to treat the off-site flow. Comprehensive Stormwater Management Plans will not be approved until it is demonstrated to the satisfaction of the Service Director or their designee that off-site runoff will be adequately conveyed through the development site in a manner that does not exacerbate upstream or downstream flooding and erosion.
- (3) Sheet flow: The site shall be graded in a manner that maintains sheet flow over as large an area as possible. The maximum area of sheet flow shall be determined based on the slope, the uniformity of site grading, and the use of easements or other legally-binding mechanisms that prohibit re-grading and/or the placement of structures within sheet flow areas. The sheet flow length shall not exceed 75 feet from impervious area or 150 feet from pervious areas. Flow shall be directed into an open channel, storm sewer, or other SCMs from areas too long and/or too large to maintain sheet flow, all as determined by the Service Director or their designee.
- (4) Open channels: Unless otherwise allowed by the Service Director or their designee, drainage tributary to SCMs shall be provided by an open channel with vegetated banks and designed to carry the 10-year, 24-hour stormwater runoff from upstream contributory areas.
- (5) Open drainage systems: Open drainage systems shall be preferred on all new development sites to convey stormwater where feasible. Storm sewer systems shall be allowed only when the site cannot be developed at densities allowed under City zoning or where the use of an open drainage system affects public health or safety, all as determined by the Service Director or their designee. The following criteria shall be used to design storm sewer systems when necessary:
 - A. Storm sewers shall be designed such that they do not surcharge from runoff caused by the 5-year, 24-hour storm, and that the hydraulic grade line of the storm sewer stays below the gutter flow line of the overlying roadway, or below the top of drainage structures outside the roadway during a 10-year, 24-hour storm. The system shall be designed to meet these requirements when

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conveying the flows from the contributing drainage area within the proposed development and existing flows from offsite areas that are upstream from the development.

- B. The minimum inside diameter of pipe to be used in public storm sewer systems is 12 inches. Smaller pipe sizes may be used in private systems, subject to the approval of the Service Director or their designee.
- C. All storm sewer systems shall be designed taking into consideration the tailwater of the receiving facility or water resource. The tailwater elevation used shall be based on the design storm frequency. The hydraulic grade line for the storm sewer system shall be computed with consideration for the energy losses associated with entrance into and exit from the system, friction through the system, and turbulence in the individual manholes, catch basins, and junctions within the system.
- D. The inverts of all curb inlets, manholes, yard inlets, and other structures shall be formed and channelized to minimize the incidence of quiescent standing water where mosquitoes may breed.
- E. Headwalls shall be required at all storm sewer inlets or outlets to and from open channels or lakes.

(6) Water Resource Crossings. The following criteria shall be used to design structures that cross a water resource in the City:

- A. Water resource crossings other than bridges shall be designed to convey the stream's flow for the minimum 25-year, 24-hour storm.
- B. Bridges, open bottom arch or spans are the preferred crossing technique and shall be considered in the planning phase of the development. Bridges and open spans should be considered for all State Scenic Rivers, coldwater habitat, exceptional warmwater habitat, seasonal salmonid habitat streams, and Class III headwater streams. The footers or piers for these bridges and open spans shall not be constructed below the ordinary high water mark.
- C. If a culvert or other closed bottom crossing is used, twenty-five (25) percent of the cross-sectional area or a minimum of 1 foot of box culverts and pipe arches must be embedded below the channel bed. The conduit or conveyance must be sized to carry the 25-year storm under these conditions.

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- D. The minimum inside diameter of pipes to be used for crossings shall be 12 inches.
 - E. The maximum slope allowable shall be a slope that produces a 10-fps velocity within the culvert barrel under design flow conditions. Erosion protection and/or energy dissipaters shall be required to properly control entrance and outlet velocities.
 - F. All culvert installations shall be designed with consideration for the tailwater of the receiving facility or water resource. The tailwater elevation used shall be based on the design storm frequency.
 - G. Headwalls shall be required at all culvert inlets or outlets to and from open channels or lakes.
 - H. Streams with a drainage area of 5 square miles or larger shall incorporate floodplain culverts at the bankfull elevation to restrict head loss differences across the crossing so as to cause no rise in the 100-year storm event.
 - I. Bridges shall be designed such that the hydraulic profile through a bridge shall be below the bottom chord of the bridge for either the 100-year, 24-hour storm, or the 100-year flood elevation as determined by FEMA, whichever is more restrictive.
- (7) Overland flooding: Overland flood routing paths shall be used to convey stormwater runoff from the 100-year, 24-hour storm event to an adequate receiving water resource or SCM such that the runoff is contained within the drainage easement for the flood routing path and does not cause flooding of buildings or related structures. The peak 100-year water surface elevation along flood routing paths shall be at least two feet below the finished grade elevation of all structures. When designing the flood routing paths, the conveyance capacity of the site's storm sewers shall be taken into consideration.
- (8) Compensatory flood storage mitigation: In order to preserve floodplain storage volumes and thereby avoid increases in water surface elevations, any filling within floodplains approved by the City must be compensated by providing an equivalent storage volume. First consideration for the location(s) of compensatory floodplain volumes should be given to areas where the stream channel will have immediate access to the new floodplain within the limits of the development site. Consideration will also be given to enlarging existing or proposed retention basins to compensate for floodplain fill if

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justified by a hydraulic analysis of the contributing watershed. Unless otherwise permitted by the City, reductions in volume due to floodplain fills must be mitigated within the legal boundaries of the development. Embankment slopes used in compensatory storage areas must reasonably conform to the natural slopes adjacent to the disturbed area. The use of vertical retaining structures is specifically prohibited.

- (9) Velocity dissipation: Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall to provide non-erosive flow velocity from the structure to a water resource so that the natural physical and biological characteristics and functions of the water resource are maintained and protected.
- (c). Stormwater Quality Control: The site shall be designed to direct runoff to one or more SCMs that meet or exceed the criteria in the Construction General Permit.
- (d). Stormwater Quantity Control: The Comprehensive Stormwater Management Plan shall describe how the proposed SCMs are designed to meet the following requirements for stormwater quantity control for each watershed in the development:
- (1) The peak discharge rate of runoff from the Critical Storm and all more frequent storms occurring under post-development conditions shall not exceed the peak discharge rate of runoff from a 1-year, 24-hour storm occurring on the same development drainage area under pre-development conditions.
 - (2) Storms of less frequent occurrence (longer return periods) than the Critical Storm, up to the 100-year, 24-hour storm shall have peak runoff discharge rates no greater than the peak runoff rates from equivalent size storms under pre-development conditions. The 1, 2, 5, 10, 25, 50, and 100-year storms shall be considered in designing a facility to meet this requirement.
 - (3) The Critical Storm for each specific development drainage area shall be determined as follows:
 - A. Determine, using a curve number-based hydrologic method or other hydrologic method approved by the Service Director or their designee, the total volume (acre-feet) of runoff from a 1-year, 24-hour storm occurring on the development drainage area before and after development. These calculations shall meet the following standards:
 - a. Calculations shall include the lot coverage assumptions used for full build out as proposed.

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- b. Calculations shall be based on the entire contributing watershed to the development area.
- c. Model pervious, directly connected impervious and disconnected impervious areas as separate subwatersheds.
- d. Drainage area maps shall include area, curve number, and time of concentrations. Time of concentration shall also show the flow path and the separation in flow type.
- e. Use the Precipitation-Frequency Atlas of the United States, NOAA Atlas 14, Vol 2(3). [available online: <http://hdsc.nws.noaa.gov/hdsc/pfds/>] for rainfall depth data for stormwater design.
- f. Use the SCS Type II rainfall distribution for all design events with a recurrence interval greater than 1 year. Include lot coverage assumptions used for full build out of the proposed condition.
- g. Curve numbers for the pre-development condition shall reflect the average type of land use over the past 10 years and not only the current land use.
 - (i) Pre-development Curve Numbers – For wooded or brushy areas, use listed values from TR-55 NRCS USDA Urban Hydrology for Small Watersheds, 1986 in good hydrologic condition. For meadows, use listed values. For all other areas (including all types of agriculture), use pasture, grassland, or range in good hydrologic condition.
 - (ii) Post-development Curve Numbers - Open space areas shall use post-construction hydrologic soil groups from *Rainwater and Land Development* unless the soil is amended using the soil profile restoration design criteria in *Rainwater and Land Development*. All undisturbed areas or open space with amended soils shall be treated as “open space in good condition.”
- h. Time of Concentration - Use velocity-based methods from (TR-55 NRCS USDA Urban Hydrology in Small Watersheds, 1986) to estimate travel

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time (T_t) for overland (sheet) flow, shallow concentrated flow and channel flow.

- (i) Maximum sheet flow length is 100 ft.
 - (ii) Use the appropriate “unpaved” velocity equation for shallow concentrated flow from Soil Conservation Service National Engineer Handbook Section 4 – Hydrology (NEH-4).
- i. The volume reduction provided by runoff reduction SCMs may be subtracted from the post-development stormwater volume. Volume reductions for these SCMs may be demonstrated using methods outlined in *Rainwater and Land Development* or a hydrologic model acceptable to the Service Director or their designee.
- B. To account for future post-construction improvements to the site, calculations shall assume an impervious surface such as asphalt or concrete for all parking areas and driveways except in instances of engineered permeable pavement systems. From the volume determined in Section 1105.09(D)(3)(a), determine the percent increase in volume of runoff due to development. Using the percentage, select the 24-hour Critical Storm from Table 1.

Table 1: 24-Hour Critical Storm

If the Percentage of Increase in Volume of Runoff is:		The Critical Storm will be:
Equal to or Greater Than:	and Less Than:	
----	10	1 year
10	20	2 year
20	50	5 year
50	100	10 year
100	250	25 year

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250	500	50 year
500	---	100 year

For example, if the percent increase between the pre- and post-development runoff volume for a 1-year storm is 35%, the Critical Storm is a 5-year storm. The peak discharge rate of runoff for all storms up to this frequency shall be controlled so as not to exceed the peak discharge rate from the 1-year frequency storm under pre-development conditions in the development drainage area. The post-development runoff from all less frequent storms need only be controlled to meet pre-development peak discharge rates for each of those same storms.

(e). Stormwater Management for Previously Developed Areas

- (1) SCMs on previously developed sites must meet the criteria in the Construction General Permit.

1105.10 Alternative actions.

- (a). When the City determines that site constraints compromise the intent of this regulation, off-site alternatives may be used that result in an improvement of water quality and a reduction of stormwater quantity. Such alternatives shall meet the standards in the Construction General Permit and shall achieve the same level of stormwater quantity control that would be achieved by the on-site controls required under this regulation. The Service Director or their designee may require proof of Ohio EPA review and approval for any alternative action proposed.

1105.11 Easements.

Access to SCMs as required by the Service Director or their designee for inspections and maintenance shall be secured by easements. The following conditions shall apply to all easements:

- (a). Easements shall be included in the Inspection and Maintenance Agreement submitted with the Comprehensive Stormwater Management Plan.
- (b). Easements shall be approved by the City prior to approval of a final plat and shall be recorded with the Wayne County Auditor and on all property deeds.

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- (c). Unless otherwise required by the Service Director or their designee, access easements between a public right-of-way and all SCMs shall be no less than 25-feet wide. The easement shall also incorporate the entire SCM plus an additional 25-foot wide band around the perimeter of the SCM.
- (d). The easement shall be graded and/or stabilized as necessary to allow maintenance equipment to access and manipulate around and within each facility, as defined in the Inspection and Maintenance Agreement for the site.
- (e). Easements to SCMs shall be restricted against the construction therein of buildings, fences, walls, and other structures that may obstruct the free flow of stormwater and the passage of inspectors and maintenance equipment; and against the changing of final grade from that described by the final grading plan approved by the City. Any re-grading and/or obstruction placed within a maintenance easement may be removed by the City at the property owners' expense.

1105.12 Right-of-entry.

Easements for the purpose of permanent maintenance shall be granted to the City for access to all major stormwater control structures and facilities.

1105.13 Maintenance and final inspection approval.

The City will assume responsibility for permanent maintenance of the major structures and facilities designed to control and manage stormwater runoff that are located on City-owned property. The maintenance of minor detention areas, generally grassed areas which are portions of individual lots, shall be the responsibility of individual homeowners. Special covenants shall be written into the title of individual lots so the homeowners are aware that portions of their property will be used for temporary water storage.

To receive final inspection and acceptance of any project, or portion thereof, the following must be completed by the applicant and provided to the Service Director or their designee:

- (a). Final stabilization must be achieved and all permanent SCMs must be installed and made functional, as determined by the Service Director or their designee and per the approved Comprehensive Stormwater Management Plan.

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- (b). An As-Built Certification, including As-Built Survey and Inspection, must be sealed, signed and dated by a Professional Engineer and a Professional Surveyor with a statement certifying that the SCMs, as designed and installed, meet the requirements of the Comprehensive Stormwater Management Plan approved by the Service Director or their designee. In evaluating this certification, the Service Director or their designee may require the submission of a new set of SCM calculations if he/she determines that the design was altered significantly from the approved Comprehensive Stormwater Management Plan. The As-Built Survey must provide the location, dimensions, and bearing of such SCMs and include the entity responsible for long-term maintenance as detailed in the Inspection and Maintenance Agreement.
- (c). A copy of the complete and recorded Inspection and Maintenance Plan and Inspection and Maintenance Agreement as specified in Section 1105.08 must be provided to the Service Director or their designee.

1105.14 On-going inspections.

The owner shall inspect SCMs regularly as described in the Inspection and Maintenance Plan and Inspection and Maintenance Agreement. The City has the authority to enter upon the property to conduct inspections as necessary, with prior notification of the property owner, to verify that the SCMs are being maintained and operated in accordance with this regulation. Upon finding a malfunction or other need for maintenance or repair, the City shall provide written notification to the responsible party, as detailed in the Inspection and Maintenance Agreement, of the need for maintenance. Upon notification, the responsible party shall have ten (10) working days, or other mutually agreed upon time, to make repairs or submit a plan with detailed action items and established timelines. Should repairs not be made within this time, or a plan approved by the Service Director or their designee for these repairs not in place, the City may undertake the necessary repairs and assess the responsible party.

1105.15 Maintenance Financing.

Financing of the permanent maintenance of the major stormwater control structures and facilities shall be handled through a "perpetual maintenance agreement" whereby all benefitting property owners of the allotment will be assessed their proportionate share of the maintenance costs. These assessments will be certified in accordance with ORC 6131.63.

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1105.16 Fees.

The Comprehensive Stormwater Management Plan review, filing, and inspection fee is part of a complete submittal and is required to be submitted to the City before the review process begins. The City shall establish a fee schedule based upon the actual estimated cost for providing these services.

1105.17 Bond.

- (a). If a Comprehensive Stormwater Management Plan is required by this regulation, soil-disturbing activities shall not be permitted until a cash bond of 10% of the total project cost has been deposited with the City Finance Department. This bond shall be posted for the City to perform the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the applicant fails to comply with the provisions of this regulation. The stormwater bond will be returned, less City administrative fees as detailed in Chapter 1105 of the City Codified Ordinances, when the following three criteria are met:
 - (1) The site has been stabilized, temporary BMPs have been removed, and the sediment settling basin has been converted to or replaced with post-construction SCM(s) and one of the following conditions are met:
 - A. 100% of the total project has achieved permanent stabilization.
 - B. Less than one (1) acre of lots remain unbuilt.
 - C. No development activities have occurred for one (1) year.
 - (2) An As-Built Certification of all SCMs is approved by the Service Director or their designee.
 - (3) An Inspection and Maintenance Plan has been approved by the City and Inspection and Maintenance Agreement has been signed by the developer, the contractor, the City, and the private owner or homeowners association who will take long term responsibility for these SCMs, is accepted by the Service Director or their designee.
- (b). Once these criteria are met, the applicant shall be reimbursed all bond monies that were not used for any part of the project. If all of these criteria are not met after three years of permanent stabilization of the site, the City may use the bond monies to fix any outstanding issues with all stormwater management structures on the site and the remainder of the bond shall be given to the private lot owner/ homeowners association for the purpose of long term

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maintenance of the project.

1105.18 Installation of water quality stormwater control measures.

The applicant may not direct runoff through any water quality structures or portions thereof that would be degraded by construction site sediment until the entire area tributary to the structure has reached final stabilization as determined by the Service Director or their designee. This occurs after the completion of the final grade at the site, after all the utilities are installed, and the site is subsequently stabilized with vegetation or other appropriate methods. The developer must provide documentation acceptable to the Service Director or their designee to demonstrate that the site is completely stabilized. Upon this proof of compliance, the water quality structure(s) may be completed and placed into service. Upon completion of installation of these SCMs, all disturbed areas and/or exposed soils caused by the installation of these practices must be stabilized within two (2) days.

1105.19 Violations.

No person shall violate or cause or knowingly permit to be violated any of the provisions of this regulation, or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.

1105.20 Appeals.

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the City in relation to this regulation may appeal to the Board of Zoning Appeals. Such an appeal shall be made in conformity with O.R.C Chapter 2506 Appeals From Orders Of Administrative Officers And Agencies. Written notice of appeal shall be served on the City.

1105.21 Penalty.

- (a). Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or

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noncompliance occurs or continues.

- (b). The imposition of any other penalties provided herein shall not preclude the City instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the City.

SECTION TWO.

That because of the immediate need for the ability to update section 1105 to be in line with current regulations, this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health and safety and shall go into immediate force and effect upon its passage.

Passed: _____, 2026

Mayor

Attest:

Clerk of Council

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ORDINANCE NO. 8506

AN ORDINANCE OF THE COUNCIL OF THE CITY OF RITTMAN, WAYNE AND MEDINA COUNTIES AND STATE OF OHIO, AMENDING CHAPTER 1180, EROSION AND SEDIMENT CONTROL, OF THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

WHEREAS, soil is most vulnerable to erosion by wind and water during soil disturbing activities and this eroded soil necessitates repair of sewers and ditches and dredging of rivers, harbors, and lakes; accelerates downstream bank erosion and damage to public and private property; damages water resources by reducing water quality; and causes the siltation of aquatic habitat; and

WHEREAS, communities throughout the watershed(s) in which the City of Rittman is located have experienced and continue to experience costs associated with inadequate erosion and sediment control and increased State and Federal regulation; and

WHEREAS, there are watershed-wide efforts to reduce sedimentation in Tuscarawas River and its tributaries and to protect and enhance the unique water resources of the Tuscarawas River watershed; and

WHEREAS, the City of Rittman is a member of the Wayne Soil and Water Conservation District (WSWCD) and recognizes its obligation as a part of the organization to reduce sedimentation and to protect water quality by controlling soil disturbing activities; and

WHEREAS, 40 C.F.R. Parts 122, 123, and 124, and Ohio Administrative Code 3745-39 require designated communities, including the City of Rittman to develop a Stormwater Management Program that, among other components, requires the City of Rittman to address,

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among other components, erosion and sediment control during soil disturbing activities; and

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to adopt rules to abate soil erosion and water pollution by soil sediments; and

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Rittman, Counties of Wayne and Medina and State of Ohio, three-fourths of all members elected thereto concurring, that:

SECTION ONE

Codified Ordinance *Chapter 1180 Erosion and Sediment Control*, is hereby amended and restated in its entirety to read in total as follows:

CHAPTER 1180 EROSION AND SEDIMENT CONTROL

- 1180.01 - Purpose and scope.
- 1180.02 - Definitions.
- 1180.03 - Disclaimer of liability.
- 1180.04 - Conflicts, severability, nuisances, and responsibility.
- 1180.05 - Development of stormwater pollution prevention plans.
- 1180.06 - Application procedures.
- 1180.07 - Compliance with state and federal regulations.
- 1180.08- Stormwater pollution prevention plan (SWP3).
- 1180.09 - Performance standards.
- 1180.10 - Abbreviated stormwater pollution prevention plan (SWP3).
- 1180.11 - Fees.
- 1180.12 - Bond.
- 1180.13 - Enforcement.
- 1180.14 - Violations.
- 1180.15 - Appeals.
- 1180.99 - Penalty.

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1180.01 - Purpose and scope.

- (a) The purpose of this regulation is to establish technically feasible and economically reasonable standards to achieve a level of erosion and sediment control that will minimize damage to property and degradation of water resources, and will promote and maintain the health and safety of the citizens of Rittman.
- (b) This regulation will:
 - (1) Allow development while minimizing increases in erosion and sedimentation; and
 - (2) Reduce water quality impacts to receiving water resources that may be caused by new development or redevelopment activities.
- (c) This regulation applies to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways, underground cables, or pipelines; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; general clearing

1180.02 - Definitions.

The definitions contained in Ohio Environmental Protection Agency (“Ohio EPA”)’s Construction General Permit entitled “Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System” in effect at the time a permit is applied for under this chapter shall

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apply to this chapter, and the following definitions shall also apply:

- (a) "Abbreviated Stormwater Pollution Prevention Plan (Abbreviated SWP3)." The written document that sets forth the plans and practices to be used to meet the requirements of this regulation for sites disturbing 0.1 (one-tenth) to one (1) acre of land.
- (b) "Acre." A measurement of area equaling forty-three thousand five hundred sixty (43,560) square feet.
- (c) "Community." Throughout this regulation, this shall refer to Rittman, its designated representatives, boards, or commissions.
- (d) "Construction entrance." The permitted points of ingress and egress to development areas regulated under this regulation.
- (e) "Construction General Permit" The most recent General National Pollution Discharge Elimination System (NPDES) permit for authorization of storm water discharges associated with construction activities issued by Ohio EPA (Ohio EPA Permit #OHC000006 and its successors)
- (f) "Critical area." Any area the disturbance of which would cause soil erosion and sediment runoff and damage to private properties, water courses, storm sewers or public lands due to topography, soil type, hydrology, or proximity to a water course. These areas include, but are not limited to, riparian areas, wetlands, and highly erodible soils.

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- (g) "Development area." A parcel or contiguous parcels owned by one (1) person or persons, or operated as one (1) development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.
- (h) "Dewatering volume." See current Ohio Rainwater and Land Development Manual.
- (i) "Disturbed area." An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities such as grading, excavating, or filling.
- (j) "Drainage"
 - (1) The area of land contributing surface water to a specific point.
 - (2) The removal of excess surface water or groundwater from land by surface of subsurface drains.
- (k) "Drainage watershed." For the purpose of this regulation the total contributing drainage area to a BMP, i.e., the "watershed" directed to the practice. This includes offsite contributing drainage.
- (l) "Drainage way." A natural or manmade channel, ditch, or waterway that conveys surface water in a concentrated manner by gravity.
- (m) "Erosion" The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.
- (n) "Erosion and sediment control." The control of soil, both mineral and organic, to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity, or any combination of

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those forces.

- (o) "Erosion and sediment control plan." The written document meeting the requirements of this regulation which sets forth the plans and practices to be used to minimize soil erosion and prevent off-site disposal of soil sediment by containing sediment on-site or bypassing sediment-laden runoff through a sediment control measure during and after land development.
- (p) "Grading." The excavating, filling, or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.
- (q) "Grubbing." Removing or grinding of roots, stumps and other unwanted material below existing grade.
- (r) "Impervious." That which does not allow infiltration.
- (s) "Landscape architect." A professional landscape architect registered in the State of Ohio.
- (t) "Maximum extent practicable (MEP)." The technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by the Clean Water Act § 402(p). A discussion of MEP as it applies to small MS4s is found in 40 C.F.R. § 122.34.
- (u) "Parcel." Means a tract of land occupied or intended to be occupied by a use, building or group of buildings and their accessory uses and buildings as a unit, together with such open spaces and driveways as are provided and required. A parcel may contain more than one (1) contiguous lot individually identified by a "Permanent Parcel Number" assigned by the County Auditor's Office.

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- (v) "Percent imperviousness." The impervious area created divided by the total area of the project site.
- (w) "Permanent stabilization." Establishment of permanent vegetation, decorative landscape mulching, matting, sod, rip rap, and landscaping techniques to provide permanent erosion control on areas where construction operations are complete or where no further disturbance is expected for at least one (1) year.
- (x) "Person." Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof.
- (y) "Phasing." Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.
- (z) "Point source." Any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or the floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.
- (aa) "Pre-construction meeting." A meeting between the City and all principle parties, prior to the start of any construction, at a site that requires a stormwater pollution prevention plan.
- (bb) "Pre-winter stabilization meeting." A meeting between the City and all principal parties, prior to October 1, in order to plan winter erosion and sediment controls for a site that requires a stormwater pollution prevention plan.

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- (cc) "Professional engineer." A professional engineer registered in the State of Ohio.
- (dd) "Qualified inspection personnel." A person knowledgeable in the principles and practice of erosion and sediment controls, who possess the skills to assess all conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any sediment and erosion control measure selected to control the quality of stormwater discharges from the construction activity.
- (ee) "Rainwater and land development." Ohio's standards for stormwater management, land development, and stream protection. The most current edition of these standards shall be used with this regulation.
- (ff) "Riparian area." The transition area between flowing water and terrestrial (land) ecosystems composed of trees, shrubs and surrounding vegetation which serve to stabilize erodible soil, improve both surface and ground water quality, increase stream shading and enhance wildlife habitat.
- (gg) "Runoff." The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually conveyed to water resources or wetlands.
- (hh) "Sediment." The soils or other surface materials that are transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.
- (ii) "Sediment settling pond." A sediment trap, sediment basin or permanent basin that has been temporarily modified for sediment control, as described in the latest edition of Rainwater and Land Development.

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- (jj) "Sediment storage volume." See current edition of Rainwater and Land Development.
- (kk) "Sedimentation." The deposition or settling of sediment.
- (ll) "Setback." A designated transition area around water resources that is left in a natural, usually vegetated, state to protect the water resources from runoff pollution. Soil disturbing activities in this area are restricted by this regulation.
- (mm) "Soil disturbing activity." Clearing, grading, excavating, filling, grubbing or stump removal that occurs during clearing or timber activities, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.
- (nn) "Soil and water conservation district." An entity organized under ORC Chapter 940 referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as Wayne County SWCD.
- (oo) "Stabilization." The use of BMPs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.
- (pp) "Steep slopes." Slopes that are fifteen (15) percent or greater in grade. NOTE: If otherwise defined in community zoning, use community definition.
- (qq) "Stormwater pollution prevention plan (SWP3)." The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.
- (rr) "Stormwater." Stormwater runoff, snow melt and surface runoff and drainage.

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- (ss) "Subdivisions, major and minor." See Ohio Administrative Code 711.001 for definition.
- (tt) "Surface water of the state." Also "water resource" or "water body." Any stream, lake, reservoir, pond, marsh, wetland, or other waterway situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in ORC 6111.01 are not included.
- (uu) "Temporary stabilization." The establishment of temporary vegetation, mulching, geotextiles, sod, preservation of existing vegetation, and other techniques capable of quickly establishing cover over disturbed areas to provide erosion control between construction operations.
- (vv) "Topsoil." The upper layer of the soil that is usually darker in color and richer in organic matter and nutrients than subsoil.
- (ww) "Total maximum daily load." The sum of the existing and/or projected point source, nonpoint source, and background loads for a pollutant to a specified watershed, water resource or wetland, or water resource or wetland segment. A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into the water and still ensure attainment and maintenance of water quality standard.
- (xx) "Unstable soils." A portion of land that is identified by the Service Director or their designee as prone to slipping, sloughing, or landslides, or is identified by the U.S. Department of Agriculture Natural Resource Conservation Service methodology as having a low soil strength.

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- (yy) "Water quality volume (WQv)." The volume of stormwater runoff which must be captured and treated prior to discharge from the developed site after construction is complete. WQv is based on the expected runoff generated by the mean storm precipitation volume from post- construction site conditions at which rapidly diminishing returns in the number of runoff events captured begins to occur.
- (zz) "Watershed." The total drainage area contributing runoff to a single point.
- (aaa) "Wetland." Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended).

1180.03 - 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.

1180.04 - Conflicts, severability, nuisances, and responsibility.

- (a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions shall prevail.
- (b) 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.

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- (c) This regulation shall not be construed as authorizing any person to maintain a private or public 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.
- (d) 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.

1180.05 - Development of stormwater pollution prevention plans.

- (a) This regulation requires that a stormwater pollution prevention plan (SWP3) be developed and implemented for all soil disturbing activities disturbing one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one (1) or more acres of total land. A stormwater pollution prevention plan must be developed and implemented for all commercial and industrial site development. The Service Director or their designee may require a SWP3 or an Abbreviated SWP3 for sites disturbing less than one (1) acre.
- (b) Activities disturbing one-tenth or less of an acre are not required to submit a SWP3 or an abbreviated SWP3, unless required by the Service Director or their designee. These activities must comply with all other provisions of this regulation.

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1180.06 - Application procedures.

- (a) Soil Disturbing Activities Submitting a SWP3. The applicant shall submit two (2) sets of the SWP3 and the applicable fees to the City and two (2) sets of the SWP3 and the applicable fees to the Wayne County SWCD as follows:
 - (1) For Subdivisions. After the approval of the preliminary plans and with submittal of the improvement plans.
 - (2) For Other Construction Projects. Before issuance of a zoning permit by the Zoning Inspector.
 - (3) For General Clearing Projects. Prior to issuance of a zoning permit by the Zoning Inspector.
- (b) Soil Disturbing Activities Submitting an Abbreviated SWP3. The applicant shall submit two (2) sets of the abbreviated SWP3 and the applicable fees to the City and two (2) sets of the abbreviated SWP3 and the applicable fees to the Wayne County SWCD as follows:
 - (1) For Single-Family Home Construction. Before issuance of a zoning permit by the Zoning Inspector.
 - (2) For Other Construction Projects. Before issuance of a zoning permit by the Zoning Inspector.
 - (3) For General Clearing Projects. Prior to issuance of a zoning permit by the Zoning Inspector.
- (c) The Service Director or their designee and the Wayne County SWCD shall review the plans submitted under Section 1180.06 (a) or (b) for conformance with this regulation and revisions. A plan rejected because of deficiencies shall receive a checklist or narrative report stating specific problems and the procedures for filing a revised plan.

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- (d) Soil disturbing activities (including mechanized clearing) shall not begin and zoning, building, or grading permits shall not be issued without:
- (1) Approved SWP3 or abbreviated SWP3;
 - (2) NOI submittal to Ohio EPA and NPDES permit covered issued;
 - (3) Physical marking in the field of protected areas or critical areas, including wetlands and riparian areas; and
 - (4) Installation of construction entrances, perimeter sediment barriers and other erosion and sediment controls that must be in place to address initial site conditions.
- (e) SWP3 for individual sublots in a subdivision will not be approved unless the larger common plan of development or sale containing the subplot is in compliance with this regulation.
- (f) The developer, Service Director or their designee, and contractor, and other principal parties, shall meet with the Service Director or their designee for a pre-construction meeting no less than seven (7) days prior to soil-disturbing activity at the site to ensure that erosion and sediment control devices are properly installed, limits of disturbance and buffer areas are properly delineated, and construction personnel are aware of such devices and areas. Pre-construction meetings for abbreviated SWP3s may be waived at the discretion of the Service Director or their designee.
- (g) Approvals issued in accordance with this regulation shall remain valid for one (1) year from the date of approval.

1180.07 - Compliance with state and federal regulations.

Approvals issued in accordance with this regulation do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the US Army Corps of

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Engineers, and other federal, state, and/or county agencies. If requirements vary, the most restrictive requirement shall prevail. These permits may include, but are not limited to, those listed below. All submittals required to show proof of compliance with these state and federal regulations shall be submitted with SWP3s or abbreviated SWP3s.

- (a) Ohio EPA Construction General Permit or the Most Current Version Thereof. Proof of compliance with these requirements shall be the applicant's notice of intent (NOI), a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit including the NPDES Facility Permit number assigned by Ohio EPA or a letter from the site owner certifying and explaining why the NPDES permit is not applicable. Please note that when a separate SWP3 shall be prepared for a separate phase or stage of development, a separate NOI or NPDES Facility Permit number must be provided.
- (b) Section 401 of the Clean Water Act. Proof of compliance shall be a copy of the Ohio EPA water quality certification application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable because there are no wetlands on site. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.
- (c) Ohio EPA Isolated Wetland or Ephemeral Stream Permit. Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit or Ephemeral Stream application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands Permit or Ephemeral Stream Permit is not applicable because there are no wetlands or ephemeral streams

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on the site. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.

- (d) Section 404 of the Clean Water Act. Proof of compliance shall be a copy of the U.S. Army Corps of Engineers individual permit application, public notice, or project approval, if an individual permit is required for the development project. If an individual permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's nationwide permit program. This shall include one (1) of the following:

(1). A letter from the site owner certifying that a qualified professional has evaluated the site and determined that Section 404 of the Clean Water Act is not applicable, and provide documentation.

(2). A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable nationwide permit. Wetlands and other waters of the United States shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.

- (e) Ohio Dam Safety Law. Proof of compliance shall be a copy of the ODNR Division of Water permit application tracking number, a copy of the project approval letter from the ODNR Division of Water, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable.

1180.08- Stormwater pollution prevention plan (SWP3).

- (a) In order to control sediment pollution of water resources, the applicant shall submit a SWP3 in accordance with the requirements of this regulation and the Construction General Permit.

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- (b) The SWP3 shall include best management practices (BMPs) and stormwater control measures (SCMs) adequate to prevent pollution of public waters by soil sediment from accelerated storm water runoff from development areas.
- (c) The SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect.
- (d) The SWP3 shall include control measures to ensure that discharges from the construction site and construction support activities comply with non-numeric effluent limitations contained in the Construction General Permit.
- (e) In addition to all information required by the Construction General Permit, the SWP3 shall also include completed design tools found on Ohio EPA's website such as sediment Basin Compliance Spreadsheet.
- (f) Before any off-site support areas such as borrow or spoil areas, concrete or asphalt batch plants, equipment staging yards or material storage areas are utilized, a SWP3 for the off-site support area must be submitted and approved by the Service Director or their designee. The applicant shall ensure appropriate permits have been obtained to operate the off-site support area. Failure to do so can lead to enforcement action under Sections 1180.13 and 1180.14 of this code.
- (g) The SWP3 shall be amended whenever there is a change in design, construction, operation or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the state or if the SWP3 proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity.

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- (h) In the SWP3, each temporary and permanent stormwater practice shall be designated with an individual identification number.
- (i) The SWP3 site map shall include existing and proposed one-foot contours.
- (j) The SWP3 shall include data sheets for all sediment traps, sediment basins, and SCMs that identify contributing drainage area, disturbed area, water quality volume, sedimentation volume, dewatering volume, practice surface area, facility discharge and dewatering time, outlet type and dimensions, and any other relevant parameters for each practice.
- (k) The SWP3 shall include a separate plan and profile view of each individual sediment settling pond and its outlet structure. Detail drawings of the outlet structure shall indicate the following elevations:
 - (1). Pond bottom;
 - (2). Elevation required to store the required sediment storage volume;
 - (3). For sediment basins, the elevation at which the skimmer is attached;
 - (4). For sediment traps, the top and bottom of the stone outlet section;
 - (5). Elevation required to store the dewatering volume, exclusive of the sediment storage volume;
 - (6). Elevation of the top of embankment; and/or
 - (7). Crest of the emergency spillway.
- (l) Where used as a sediment-settling pond during construction, the plan shall include a detail drawing of the temporary outlet configuration of the permanent storm water basin with the following information specified:

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- (1). Storage volume provided below the elevation at which the skimmer or other surface dewatering device is attached;
 - (2). Elevation at which the skimmer or other surface dewatering device is attached;
 - (3). Elevation at which the full dewatering zone is stored above the skimmer invert;
 - (4). Any temporary modification to permanent outlet orifices or weirs required to ensure no discharge below the skimmer invert and only the skimmer controls the discharge up to the top of the dewatering volume; and
 - (5). Calculations of the sediment storage volume, dewatering volume and skimmer drawdown time shall also be provided
- (m) A soils engineering report. The Service Director or their designee may require the SWP3 to include a soils engineering report based upon his/her determination that the conditions of the soils are unknown or unclear to the extent that additional information is required to protect against erosion or other hazards. This report shall be based on adequate and necessary test borings, and shall contain all the information listed below. Recommendations included in the report and approved by the Service Director or their designee shall be incorporated in the grading plans and/or other specifications for site development.
- (1). Data regarding the nature, distribution, strength, and erodibility of existing soils.
 - (2). If applicable, data regarding the nature, distribution, strength, and erodibility of the soil to be placed on the site.
 - (3). Conclusions and recommendations for grading procedures.
 - (4). Conclusions and recommended designs for interim soil stabilization devices and measures, and for permanent soil stabilization after construction is completed.

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(5).Design criteria for corrective measures when necessary.

(6).Opinions and recommendations covering the stability of the site.

(7).Delineations of surface waters of the state located on the site. Affirmation by the U.S.

Army Corps of Engineers may be required.

1180.09 - Performance standards.

- (a) The SWP3 must contain a description of the controls appropriate for each construction operation and the applicant must implement such controls. BMP selection and design must meet criteria established within the current Construction General Permit. BMPs must be design constructed and installed to meet specifications in *Rainwater and Land Development*. The SWP3 must clearly describe for each major construction activity the appropriate control measures; the general sequence during the construction process under which the measures will be implemented; and the contractor responsible for implementation (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization).
- (b) The approved SWP3, and the sediment and erosion controls, and non-sediment pollution controls contained therein, shall be implemented and maintained according to the requirements in the Construction General Permit. Site operators must conduct site inspections as described in the Construction General Permit upon the commencement of construction. Certified inspection reports shall be submitted to the Service Director or their designee within seven (7) working days from the inspection and retained at the development site.
- (c) The following standards will also apply:

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- (1). Construction entrances shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be built of a stabilized pad of aggregate stone or recycled concrete or cement sized greater than 2" in diameter placed over a geotextile. Culverts shall be provided where construction entrances cross drainage ditches and water bars shall be provided to divert sediment-laden runoff away from connected roadways.
- (2). Streets and catch basins adjacent to construction entrances shall be kept free of sediment tracked off site. Streets directly adjacent to construction entrances and receiving traffic from the development area, shall be cleaned daily to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall also be cleaned weekly and protected from sediment-laden runoff, if feasible without posing a public safety hazard.
- (3). Based on site conditions, the Service Director or their designee may require additional best management practices to control off site tracking and dust. These additional BMPs may include:
 - A. Fencing shall be installed around the perimeter of the development area to ensure that all vehicle traffic adheres to designated construction entrances.
 - B. Applicants shall take all necessary measures to comply with applicable regulations regarding fugitive dust emissions, including obtaining necessary permits for such emissions. The Service Director or their designee may require dust controls including the use of water trucks to wet disturbed areas, tarping stockpiles,

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temporary stabilization of disturbed areas, and regulation of the speed of vehicles on the site.

(4). Construction vehicles shall avoid water resources. If it is infeasible to provide and maintain an undisturbed natural buffer around water resources, the SWP3 shall comply with all the following additional requirements:

- A. All stream crossings shall be designed as specified in the most recent edition of Rainwater and Land Development.
- B. Temporary stream crossings shall be constructed if water resources or wetlands will be crossed by construction vehicles during construction.
- C. Construction of bridges, culverts, or sediment control structures shall not place soil, debris, or other particulate material into or close to the water resources or wetlands in such a manner that it may slough, slip, or erode.
- D. Protected areas or critical areas, including wetlands and riparian areas shall be physically marked in the field prior to earth disturbing activities.

(5). For sites that will not be completed by October 1, a Pre-Winter Stabilization Meeting shall be held by the landowner and the developer, engineer and contractor of the project and the City prior to October 1, in order to plan and approve winter erosion and sediment controls as defined in the most current online edition of Rainwater and Land Development.

- (d) Perimeter controls must be installed two (2) working days prior to commencement of construction. The approved plan must be implemented until the site reaches final stabilization. All properties adjacent to the site of soil-disturbing activity shall be protected from soil erosion

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and sediment run-off and damage, including, but not limited to, private properties, natural and artificial waterways, wetlands, storm sewers and public lands.

(e) It is the owner's responsibility to maintain current records of contractor(s) responsible for implementation the SWP3 and providing that information to the Service Director or their designee.

(f) Erosion and sediment controls shall be designed, installed, and maintained effectively to minimize the discharge of pollutants during the course of earth disturbing activities. The controls shall include the following minimum components:

(1) Non-Structural Preservation Measures. The SWP3 must make use of practices that preserve the existing natural condition to the maximum extent practicable. Such practices may include preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing of construction operations in order to minimize the amount of disturbed land at any one (1) time, minimizing disturbance of steep slopes, designation of tree preservation areas or other protective clearing or grubbing practices. Soil compaction shall be minimized and, unless infeasible, topsoil shall be preserved. Provide and maintain a fifty-foot buffer of undisturbed natural vegetation around surface waters of the state, or riparian or wetland setbacks, if applicable, whichever is greater, unless maintaining this buffer is infeasible (e.g., stream crossings for roads or utilities, or for channel and floodplain rehabilitation and restoration). Direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration.

(2) Erosion Control Practices

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A. The SWP3 must make use of erosion controls that are capable of providing cover over disturbed soils. The amount of soil exposed during construction activity shall be minimized. A description of control practices designed to restabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 must provide specifications for stabilization of all disturbed areas of the site and provide guidance as to which method of stabilization will be employed for any time of the year. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction operations, the use of construction entrances, and the use of alternative ground cover.

(3) Runoff Control Practices. The SWP3 shall incorporate measures that control the volume and velocity of stormwater runoff within the site to prevent erosion. Peak flow rates and total stormwater volume shall be controlled to minimize erosion and outlets, downstream channel and streambank erosion.

(4) Sediment Control Practices. The SWP3 shall include a description of, and detailed drawings for, all structural practices that shall store runoff, allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas to minimize sediment discharges from the site. The design, installation, and maintenance of erosion and sediment controls shall address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site. Sediment control practices must meet the following requirements:

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A. Sediment Settling Ponds.

1. Sediment settling ponds shall be provided in the form of a sediment trap or sediment basin as defined in the latest edition of Rainwater and Land Development and the Ohio Construction General Permit. The maximum allowable contributing drainage area to a sediment trap shall be limited to less than five (5) acres. Contributing drainage areas of five (5) acres or more shall be treated with a sediment basin. An equivalent best management practice may be utilized upon approval from the City.
2. The dewatering structure of sediment basins shall be designed to have a minimum forty-eight-hour drain time, and, unless infeasible, be designed to always withdraw runoff from the surface of the pond throughout the storm cycle. As such, a skimmer discharge device consistent with Rainwater and Land Development shall be provided to dewater sediment basins.
3. Sediment traps shall also provide both a sediment storage zone and dewatering zone, but the outlet structure shall be constructed consistent with the specifications contained in the latest edition of Rainwater and Land Development.
4. When post-construction detention/water quality ponds are to be used as temporary sediment trapping BMPs, a skimmer discharge device consistent with Rainwater and Land Development shall be utilized during construction phase and until the site is deemed permanently stabilized by the City.

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5. The skimmer shall be designed per the equivalent requirements of sediment basins and the operator must ensure that the outlet structure of the pond provides an equivalent or better sediment storage zone and dewatering zone. As such, temporarily while the site is under construction, there shall be no discharge of runoff below the elevation required for the sediment storage zone and the discharge of stormwater within the dewatering zone shall only occur through the skimmer.
 6. Sediment must be removed from the sediment-settling pond when the design capacity of the sediment storage zone has been completely filled by sediment accumulations. This limit is typically reached when sediment occupies one-half ($\frac{1}{2}$) of the basin depth.
- C. Silt Fence and Diversions. Where intended to provide sediment control, silt fence shall be placed on a level contour and shall be capable of temporarily ponding runoff.
1. Alternative perimeter controls for sheet flow discharges may be considered by the City, but their use shall not exceed the limitations indicated in the Ohio Construction General Permit. Detail drawings and plan notes shall specify the diameter of filter socks, compost berms, and other such alternative perimeter controls if used instead of silt fence.
 2. Inlet Protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment-laden water

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entering active storm drain systems. Straw or hay bales and filter socks around catch basins are not acceptable forms of inlet protection.

3. Off-site Tracking of Sediment and Dust Control. Best management practices must be implemented to ensure sediment is not tracked off-site and that dust is controlled. These best management practices must include, but are not limited to, the following:

- a. Construction entrances shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be built of a stabilized pad of aggregate stone or recycled concrete or cement sized greater than two (2) inches in diameter, placed over a geotextile fabric, and constructed in conformance with specifications in the most recent edition of Rainwater and Land Development. Culverts shall be provided where construction entrances cross drainage ditches and water bars shall be provided to divert sediment-laden runoff away from connected roadways.
- b. Streets and catch basins adjacent to construction entrances shall be kept free of sediment tracked off site. Streets directly adjacent to construction entrances and receiving traffic from the development area, shall be cleaned daily to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall also be cleaned weekly and protected

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from sediment-laden runoff, if feasible without posing a public safety hazard.

c. Based on site conditions, the Service Director or their designee and/or the Wayne County SWCD may require additional best management practices to control off site tracking and dust. These additional BMPs may include the following.

i. Fencing shall be installed around the perimeter of the development area to ensure that all vehicle traffic adheres to designated construction entrances.

ii. Designated vehicle and wheel-washing areas. Wash water from these areas must be directed to a designated sediment trap, the sediment- settling pond, or to a sump pump for dewatering in conformance with Section 1180.09(d)(6) of this regulation. No surfactants or detergents may be used to wash vehicles.

d. Applicants shall take all necessary measures to comply with applicable regulations regarding fugitive dust emissions, including obtaining necessary permits for such emissions. The Service Director or their designee and/or the Wayne County SWCD may require dust controls including the use of water trucks to wet disturbed areas, tarping stockpiles, temporary stabilization of disturbed areas, and regulation of the speed of vehicles on the site.

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4. Surface Waters of the State Protection. Construction vehicles shall avoid water resources. A fifty-foot undisturbed natural buffer shall be provided around surface waters of the state unless infeasible. If it is infeasible to provide and maintain an undisturbed fifty-foot natural buffer, the SWP3 shall comply with the stabilization requirements in Section 1180.09(d)(2)B.1. for areas within fifty (50) feet of a surface water or riparian or wetland setbacks if applicable, whichever is greater; and minimize soil compaction and, unless infeasible, preserve topsoil. If a riparian or wetland setback is greater than fifty (50) feet, no disturbance of natural vegetation shall occur within the riparian or wetland setback unless a variance to the riparian or wetland setback regulation has been granted. If the applicant is permitted to disturb areas within fifty (50) feet of a water resource, the following conditions shall be addressed in the SWP3.
- a. All BMPs and stream crossings shall be designed as specified in the most recent edition of Rainwater and Land Development.
 - b. Structural practices shall be designated and implemented on site to protect water resources from the impacts of sediment runoff.
 - c. Temporary stream crossings shall be constructed if water resources or wetlands will be crossed by construction vehicles during construction.
 - d. Construction of bridges, culverts, or sediment control structures shall not place soil, debris, or other particulate material into or close to the water resources or wetlands in such a manner that it may slough, slip, or erode.

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- e. Concentrated stormwater runoff from BMPs to natural wetlands shall be converted to diffuse flow through the use of level spreaders or other such appropriate measure before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series to ensure non-erosive velocities.
 - f. Protected areas or critical areas, including wetlands and riparian areas shall be physically marked in the field prior to earth disturbing activities.
- (5) Non-Sediment Pollutant Controls. The applicant must implement site best management practices to prevent toxic materials, hazardous materials, or other debris from entering water resources, wetlands or the MS4. These practices shall include but are not limited to the following.
- A. Waste Materials. A covered dumpster shall be made available for the proper disposal of garbage, plaster, drywall, grout, gypsum, and other waste materials.
 - B. Concrete Truck Wash Out. The washing of concrete material into a street, catch basin, other public facility, natural resource or water of the state is prohibited. A designated area for concrete washout shall be made available.
 - C. Disposal of Other Wastewaters. The discharge of washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials to a street, catch basin, other public facility, natural resource or waters of the state is prohibited. The discharge of soaps or solvents used in vehicle and equipment washing is also prohibited. If generated, these wastewaters must be collected and disposed of properly.
 - D. Fuel/Liquid Tank Storage. All fuel/liquid tanks and drums shall be stored in a marked storage area. A dike shall be constructed around this storage area with a minimum capacity equal to one hundred ten (110) percent of the volume of the largest containers in the storage area and/or a spill kit shall be provided to clean up spills. The SWP3 shall contain spill prevention and response procedures and these procedures shall be discussed at the pre-construction meeting.
 - E. Toxic or Hazardous Waste Disposal. Any toxic or hazardous waste shall be disposed of properly. The discharge of fuels, oils, and other pollutants used in vehicle and equipment operation and maintenance is prohibited.

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- F. Contaminated Soils Disposal and Runoff. Discovery of previously unknown contaminated soils onsite shall be self-reported to Ohio EPA and local authorities. Contaminated soils from redevelopment sites shall be disposed of properly. Runoff from contaminated soils shall not be discharged from the site. Proper permits shall be obtained for development projects on solid waste landfill sites or redevelopment sites. Where construction activities are to occur on sites with contamination from previous activities, operators shall be aware that concentrations of materials that meet other criteria (i.e. not considered a hazardous waste, meeting voluntary action program (VAP standards)) may still result in stormwater discharges in excess of Ohio water quality standards. Such discharges are not authorized by this code. Appropriate BMPs are addressed in the Ohio Construction General Permit.
- G. The SWP3 must include methods to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, and sanitary waste to precipitation, stormwater runoff, and snow melt. The SWP3 shall include measures to prevent and respond to chemical spills and leaks. Applicants may also reference the existence of other plans (i.e., spill prevention control and countermeasure (SPCC) plans, spill control programs, safety response plans, etc.) provided that such plan addresses this requirement and a copy of such plan is maintained on site.
- (6) Internal Inspections. Site inspections must be conducted according to the Ohio Construction General Permit requirements.
- A. For sites that will not be completed by October 1, a pre-winter stabilization meeting shall be held by the landowner and the developer, engineer, and contractor of the project and the City prior to October 1, in order to plan and approve winter erosion and sediment controls as defined in the most current online edition of Rainwater and Land Development.
- B. The applicant shall assign qualified inspection personnel to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate, or whether additional control measures are required. Qualified inspection personnel are individuals with knowledge and experience in the installation and maintenance of sediment and erosion controls. Certified inspection reports shall be submitted to the Service Director or their designee within seven (7) working days from the inspection and retained at the development site.
- C. These inspections shall meet the following requirements:

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1. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of or the potential for, pollutants entering the drainage system.
2. Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that they are operating correctly. The applicant shall utilize an inspection form provided by the City or an alternate form acceptable to the Service Director or their designee.

(7) Maintenance

- A. The applicant shall provide a description of maintenance procedures needed to ensure the continued performance of control practices and shall ensure a responsible party and adequate funding to conduct this maintenance, all as determined by the Service Director or their designee.
- B. When inspections reveal the need for repair, replacement, or installation of erosion and sediment control BMPs, the Ohio Construction General Permit and the following procedures shall be followed.
 1. When BMPs Require Repair or Maintenance. Follow the Ohio Construction General Permit.
 2. When BMPs Fail to Provide Their Intended Function. If an internal inspection reveals that a BMP fails to perform its intended function as detailed in the SWP3 and that another, more appropriate control practice is required, the SWP3 must be amended and the new control practice must be installed within three (3) to ten (10) days of the inspection as determined by the Service Director or their designee or site inspector.
 3. When BMPs Depicted on the SWP3 Are Not Installed. Follow the Ohio Construction General Permit.

- (8) Final Stabilization. Final stabilization shall be determined by the Service Director or their designee. Once a definable area has achieved final stabilization, the applicant may note this on the SWP3 and no further inspection requirement applies to that portion of the site. Final stabilization also requires the installation of permanent (post-construction) stormwater control measures (SCMs). Obligations under this chapter shall not be completed until installation of post- construction BMPs is verified.

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1180.10 - Abbreviated stormwater pollution prevention plan (SWP3).

- (a) In order to control sediment pollution of water resources, the applicant shall submit an Abbreviated SWP3 in accordance with the requirements of this regulation.
- (b) The Abbreviated SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect.
- (c) The Abbreviated SWP3 shall include a minimum of the following BMPs. The City may require other BMPs as site conditions warrant.
 - (1) Construction Entrances. Construction entrances shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be built of a stabilized pad of aggregate stone or recycled concrete or cement sized greater than two (2) inches in diameter, placed over a geotextile fabric, and constructed in conformance with specifications in the most recent edition of Rainwater and Land Development.
 - (2) Concrete Truck Wash Out. The washing of concrete material into a street, catch basin, or other public facility or natural resource is prohibited. A designated area for concrete washout shall be indicated on the plan. Use for other waste and wastewater is prohibited.
 - (3) Street Sweeping. Streets directly adjacent to construction entrances and receiving traffic from the development area, shall be cleaned daily to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall be cleaned weekly.
 - (4) Stabilization. The development area shall be stabilized as detailed below in Table 1.

TABLE 1: STABILIZATION

Area Requiring Stabilization	Time Frame to Apply Erosion Controls
Any disturbed area within 50 feet of a surface water of the state and not at final grade	Within 2 days of the most recent disturbance if that area will remain idle for more than 14 days.

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TABLE 1: STABILIZATION

For all construction activities, any disturbed area, including soil stockpiles, that will be dormant for more than 14 days but less than one year, and not within 50 feet of a stream	Within 7 days of the most recent disturbance within the area
Disturbed areas that will be idle over winter	Prior to November 1

NOTE: Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed. These techniques may include mulching or erosion matting.

- (5) Inlet Protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment-laden water entering active storm drain systems, including rear yard inlets. Straw, hay bales, and filter socks are not acceptable forms of inlet protection.
- (6) Silt Fence and Other Perimeter Controls. Silt fence and other perimeter controls approved by the City shall be used to protect adjacent properties and water resources from sediment discharged via sheet (diffused) flow. Silt fence shall be placed along level contours and the permissible drainage area is limited to those indicated in the current edition of Rainwater and Land Development.
- (7) Internal Inspection and Maintenance. All controls on the development area shall be inspected at the inspection frequency listed in the Ohio Construction General Permit. Maintenance shall occur as detailed below:
- A. When BMPs Require Repair or Maintenance. If the internal inspection reveals that a BMP is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.
 - B. When BMPs Fail to Provide Their Intended Function. If the internal inspection reveals that a BMP fails to perform its intended function and that another, more appropriate control practice is required, the abbreviated SWP3 must be amended and the new control practice must be installed within ten (10) days of the inspection.

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C. When BMPs Depicted on the Abbreviated SWP3 Are Not Installed. If the internal inspection reveals that a BMP has not been implemented in accordance with the schedule, the control practice must be implemented within ten (10) days from the date of the inspection. If the inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.

(8) Final Stabilization. Final stabilization is achieved when the site has reached 70% cover and when the Service Director or their designee approves the site condition.

1180.11 - Fees.

The SWP3 and abbreviated SWP3 review, filing, and inspection fee is part of a complete submittal and is required to be submitted to the City and the Wayne County SWCD before the review process begins. Please consult with the Zoning Administrator or their designee for current fee schedule. Applicants will be responsible for all applicable fees charged for each additional inspection that Wayne County SWCD must conduct if a site has one of the following compliance issues:

- (a). Construction activities have started at the site with no SWP3 completed;
- (b). Failure to install sediment basin(s) when the SWP3 and/or site drainage clearly indicate as a first step (within 7 days prior to grading and within 7 days of grubbing)
- (c). Failure to implement any sediment/erosion controls; or
- (d). Dewatering activities resulting in turbid discharges.

1180.12 - Bond.

- (a). If an SWP3 or abbreviated SWP3 is required by this regulation, soil disturbing activities shall not be permitted until a cash bond or deposit has been deposited with the Finance Department. The amount shall be a fifteen hundred dollars (\$1,500.00) minimum, and an additional fifteen hundred dollars (\$1,500.00) paid for each subsequent acre or fraction thereof or the cost of stabilizing disturbed areas based on a fee schedule established by the City. Note: Please review and consult with Soil and Water Conservation District as applicable to ensure bond or deposit amount is adequate. The bond will be used for the City to perform the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the applicant fails to comply with the provisions of this regulation. The cash bond shall be returned, less City administrative fees as detailed in Chapter

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1180 of the Codified Ordinances, after all work required by this regulation has been completed and final stabilization has been reached, all as determined by the Service Director or their designee.

- (b). A portion of bond (equivalent of cost to apply final stabilization) will be retained until all areas disturbed by construction activity are permanently stabilized and a Notice of Termination has been submitted to Ohio EPA. Where vegetative growth is used to achieve permanent stabilization, the area shall comply with final stabilization requirements of the Construction General Permit.
- (c). No project subject to this regulation shall commence without a SWP3 or abbreviated SWP3 approved by the Service Director or their designee.

1180.13 - Enforcement.

- (a) If the City or its duly authorized representative determines that a violation of the rules adopted under this code exist, the City or representative may issue an immediate stop work order if the violator failed to obtain any federal, state, or local permit necessary for sediment and erosion control, earth movement, clearing, or cut and fill activity.
- (b) All development areas may be subject to external inspections by the Service Department or their designee and/or the Wayne County SWCD to ensure compliance with the approved SWP3 or abbreviated SWP3.
- (c) After each external inspection, the Service Director or their designee and/or the Wayne County SWCD shall prepare and distribute a status report to the applicant.
- (d) If an external inspection determines that operations are being conducted in violation of the approved SWP3 or abbreviated SWP3 the Service Director or their designee and/or the Wayne County SWCD may take action as detailed in Section 1180.14 of this regulation.
- (e) Failure to maintain and repair erosion and sediment controls per the approved SWP3 plan may result in the following escalation:
 - (1) First Violation. The Service Director or their designee will issue a notice of deficiency to the owner or operator. All controls are to be repaired or maintained per the SWP3 plan within three (3) days of the notification. If controls have not been corrected after this time, the Service Director or their designee may issue a stop work order for all activities until corrections have been made.
 - (2) Second Violation. The Service Director or their designee may issue a formal Notice of Violation which includes a two hundred fifty dollar (\$250.00) administrative fee against

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the SWP3 bond or site plan deposit. All controls are to be repaired or maintained per the approved SWP3 plan within three (3) days of the Notice of Violation. If controls have not been corrected after this time, the Service Director or their designee may issue a stop work order for all activities until corrections have been made.

- (3) Third and Subsequent Violations. The Service Director or their designee may issue a Stop Work Order for all construction activities and charge a two hundred fifty dollar (\$250.00) administrative fee against the SWP3 bond or site plan deposit. The stop work order will be lifted once all controls are in compliance with the approved SWP3 plan.
- (f) The Service Director or their designee shall have the authority to make immediate on-site adjustments to the SWP3 in order to achieve compliance with this chapter.
- (g) A final inspection will be made to determine if the criteria of this chapter has been satisfied and a report will be presented to the City on the site's compliance status.
- (h) The Service Director or their designee will monitor soil-disturbing activities for non-farm residential, commercial, industrial, or other non-farm purposes on land of less than one (1) contiguous acre to ensure compliance required by these rules.
- (i) The Service director or their designee shall notify the U.S. Army Corps of Engineers when a violation on a development project covered by an individual or nationwide permit is identified. The Service Director or their designee shall notify the Ohio Environmental Protection Agency when a violation on a development project covered by a Section 401 water quality certification and/or isolated wetland permit is identified.

1180.14 - Violations.

- (a) No person shall violate or cause or knowingly permit to be violated any of the provisions of this regulation, or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.
- (b) Upon notice, the City Manager and/or designee may suspend any active soil disturbing activity for a period not to exceed ninety (90) days, and may require immediate erosion and sediment control measures whenever he or she determines that such activity is not meeting the intent of this regulation. Such notice shall be in writing, shall be given to the applicant, and shall state the conditions under which work may be resumed. In instances, however, where the Municipal Manager and/or designee finds that immediate action is necessary for public safety or the public interest, he or she may require that work be stopped upon verbal order pending issuance of the written notice.

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1180.15 - Appeals.

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the City in relation to this regulation may appeal to the court of common pleas. Such an appeal shall be made in conformity with the Ohio Revised Code sections. Written notice of appeal shall be served on Municipal Manager and a copy shall be provided to the Wayne County SWCD.

1180.99 - Penalty.

- (a) Any person, firm, entity, or corporation, including, but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (b) The imposition of any other penalties provided herein shall not preclude the City instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the City of Rittman.

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SECTION TWO.

That because of the immediate need for the ability to update section 1180 to be in line with current regulations, this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health and safety and shall go into immediate force and effect upon its passage.

Passed: _____, 2026

Mayor

Attest:

Clerk of Council

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Passed: _____, 2026

RESOLUTION NO. 8507

A RESOLUTION OF THE COUNCIL OF THE CITY OF RITTMAN, WAYNE AND MEDINA COUNTIES AND STATE OF OHIO, SUPPORTING THE OHIO COMMISSION FOR THE UNITED STATES SEMI QUINCENTENNIAL (AMERICA250-OH) AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio legislature and the Governor created AMERICA250-OH in 2021 to plan, encourage, develop and coordinate the commemoration of the 250th anniversary of the United States and Ohio's integral role in that event and the role of its people on the nation's past, present and future; and

WHEREAS, AMERICA250-OH hopes to engage ALL Ohioans and ALL 88 counties through their many signatures and officially recognized programs, projects and events over the next several years by inspiring future leaders and celebrating all Ohioans contributions to the nation over the last 250 years; and

WHEREAS, by adoption of AMERICA250-OH Resolution we hope to educate, preserve, innovate, and celebrate

NOW THEREFORE, be it ordained by the Council of the city of Rittman, Counties of Wayne and Medina and State of Ohio, two-thirds of all members elected and appointed thereto concurring:

SECTION ONE.

The City of Rittman hereby endorses AMERICA250-OH and their mission to educate, preserve, innovate and celebrate EVERY Ohioan in EVERY county; and

RECORD OF ORDINANCES

Ordinance No. 8507

Passed: _____, 2026

SECTION TWO.

That a copy of this resolution be sent to the Municipal legislative delegation and AMERICA250-OH Commission.

SECTION THREE.

Because of the immediate need, this Resolution is declared an emergency measure and shall be in full force and effect immediately upon its passage.

Passed: _____, 2026

Mayor

Attest:

Clerk of Council