

Resolution No. 3397 Passed July 20, 2009

RESOLUTION ADOPTING THE ESTIMATE OF REVENUES FOR THE YEAR 2010

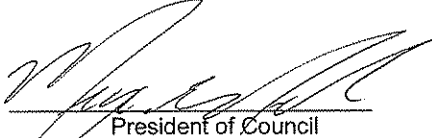
WHEREAS, an estimate of revenues has been submitted for the City of Bowling Green, Ohio for the fiscal year beginning January 1, 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO:

SECTION 1: The estimate of revenues for the City of Bowling Green, Ohio, attached and made a part hereof, prepared by the Mayor and submitted to this Council is hereby adopted as the official estimate of revenues of the City of Bowling Green, Ohio, for the fiscal year beginning January 1, 2010.

SECTION 2: That the Clerk of Council is hereby authorized and directed to certify two (2) copies of said estimate and a copy of this resolution and to submit the same to the Auditor of Wood County, Ohio.

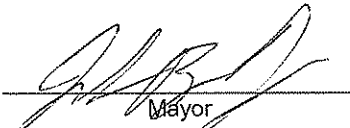
SECTION 3: This resolution shall take effect at the earliest time permitted by law.

Passed: July 20, 2009 
Date President of Council

MEGAN E. NEWLOVE

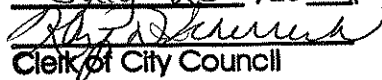
Attest: 
Clerk of Council

KAY D. SCHERREIK

Approved: July 21, 2009 
Date Mayor

JOHN B. QUINN

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Res. No. 3397 passed by the Council of the City of Bowling Green, Ohio. July 20, 2009

Clerk of City Council

**ESTIMATE OF REVENUES
FOR SUBMISSION TO WOOD COUNTY BUDGET COMMISSION**

CITY OR VILLAGE OF Bowling Green

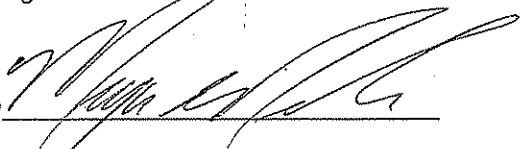
BUDGET YEAR 2010

DATE 7/20/09

This document must be adopted by the Council or other legislative body on or before July 15, and must be submitted to the Wood County Auditor on or before July 20th. Failure to comply may result in loss of Local Government and Local Government Revenue Assistance allocation.

TO THE AUDITOR OF WOOD COUNTY:

The following revenue estimates for the budget year beginning January 1, 2010 has been adopted by Council and is herewith submitted for consideration of the Budget Commission.

SIGNED 

TITLE President of Council

Estimate of Revenues
For Submission to Wood County Budget Commission
For Budget Year Beginning January 1, 2010

Fund List All Funds Individually Unless Reported on Exhibit I or II	ESTIMATED UNENCUMBERED BALANCE JANUARY 1ST	BUDGET YEAR ESTIMATED REVENUE	TOTAL BALANCE AND REVENUE
General Funds			
General - See Exhibit I			
City Income Tax	\$ 129,500	\$ 11,455,000	\$ 11,584,500
Total General Fund	\$ 129,500	\$ 11,455,000	\$ 11,584,500
Special Revenue Funds			
Payroll Stabilization	\$ -	\$ -	\$ -
Street Construction	\$ 277,546	\$ 999,300	\$ 1,276,846
State Highway Improvement	\$ 28,941	\$ 64,000	\$ 92,941
Park, Playground, & Recreation See Exhibit II			
Transportation Grant	\$ -	\$ 518,600	\$ 518,600
Revolving Loan	\$ 45,001	\$ 169,580	\$ 214,581
Community Development	\$ -	\$ 300,000	\$ 300,000
Housing Revolving Loan	\$ 15,271	\$ 62,860	\$ 78,131
Parking	\$ 46,687	\$ 176,300	\$ 222,987
Police Levy	\$ 1,175,621	\$ 1,019,000	\$ 2,194,621
Fire Levy	\$ 317,481	\$ 2,039,200	\$ 2,356,681
Unclaimed Money	\$ 27,854	\$ 3,200	\$ 31,054
Oak Grove Cemetery Endowment	\$ 52,712	\$ 2,500	\$ 55,212
Oak Grove Cemetery - Robinson	\$ 8,989	\$ 50	\$ 9,039
Civil Infraction	\$ 32,717	\$ 41,000	\$ 73,717
Law Enforcement Trust Fund	\$ 31,794	\$ 11,375	\$ 43,169
Law Enforcement Mandatory Drug Fine	\$ 79,075	\$ 15,000	\$ 94,075
Indigent Drivers Alcohol Treatment	\$ 6,454	\$ 28,000	\$ 34,454
Education & Enforcement	\$ 21,194	\$ 3,600	\$ 24,794
Interlock & Alcohol Monitoring	\$ 200	\$ 5,000	\$ 5,200
Municipal Court Special Projects	\$ 94,967	\$ 179,500	\$ 274,467
Municipal Probation Services	\$ 50,711	\$ 86,000	\$ 136,711
Special Improvement District	\$ -	\$ 105,000	\$ 105,000
Total Special Revenue Funds	\$ 2,313,215	\$ 5,829,065	\$ 8,137,080
Debt Service Funds			
Debt Service	\$ 75,866	\$ 967,388	\$ 1,043,254
Special Assessment Bond Retirement	\$ 86,005	\$ 61,700	\$ 147,705
Total Debt Service Funds	\$ 161,871	\$ 1,029,088	\$ 1,190,959
Capital Projects Funds			
Equipment Capitalization	\$ 230,025	\$ 75,000	\$ 305,025
Facility Capitalization	\$ 985,000	\$ -	\$ 985,000
Roadway Capitalization	\$ 50,000	\$ -	\$ 50,000
Sewer & Water Capital Improvement	\$ 2,335,837	\$ 12,030,000	\$ 14,365,837
Capital Improvement	\$ 42,678	\$ 903,574	\$ 946,252
Municipal Court Computerization	\$ 9,276	\$ 5,800	\$ 15,076
Street Repairs	\$ 250,473	\$ 542,145	\$ 792,618
Greenspace Acquisition	\$ 123,147	\$ 95,500	\$ 218,647
Community Center Capital Improvement	\$ 989,665	\$ 5,000	\$ 994,665
Total Capital Projects Funds	\$ 5,016,101	\$ 13,657,019	\$ 18,673,120
Enterprise Funds			
Electric Revenue	\$ 10,997,973	\$ 46,204,384	\$ 57,202,357
Electric Capital Reserve	\$ 129,397	\$ 6,054,425	\$ 6,183,822
Electric Depreciation	\$ 207,559	\$ 569,425	\$ 776,984
Water Revenue	\$ 2,395,365	\$ 3,773,165	\$ 6,168,530
Water Capital Reserve	\$ 748,003	\$ 122,000	\$ 870,003
Water Depreciation	\$ 516,333	\$ 280,000	\$ 796,333
Natural Gas Rotary	\$ 25,103	\$ 150,600	\$ 175,703
Sewer Revenue	\$ 555,039	\$ 4,004,540	\$ 4,559,579
Sewer Capital Reserve	\$ 24,278	\$ 122,000	\$ 146,278
Sewer Depreciation	\$ 165,445	\$ 130,000	\$ 295,445
Gasoline Rotary	\$ 25,427	\$ 501,300	\$ 526,727
Underground Storage Tank	\$ 11,304	\$ 500	\$ 11,804
Underground Storage Guarantee	\$ 11,304	\$ 500	\$ 11,804
Total Enterprise Funds	\$ 15,812,529	\$ 61,912,839	\$ 77,725,368
Internal Service Funds			
Engineering Division Fund	\$ 135,256	\$ 450,000	\$ 585,256
Total Internal Service Funds	\$ 135,256	\$ 450,000	\$ 585,256
TOTAL FOR MEMORANDUM ONLY	\$ 23,568,472	\$ 94,333,011	\$ 117,896,283

Estimate of Revenues
For Submission to Wood County Budget Commission
For Budget Year Beginning January 1, 2010

Fund	CURRENT YEAR	BUDGET YEAR
Exhibit I	2009	2010
General Funds		
Balance, January 1st (2010 est.)	\$ 1,919,951.00	\$ 504,905.00
Revenues:		
Local Taxes		
Real Estate Tax	\$ 1,743,662.00	County Auditor
Personal Property Tax	\$ 20,061.00	County Auditor
Manufactured Home	\$ 7,300.00	County Auditor
Other Local Taxes	\$ 481,000.00	\$ 450,000.00
Total Local Taxes	\$ 2,252,023.00	\$ 450,000.00
Intergovernmental Revenues		
State Shared Taxes and Permits		
Local Government - County	\$ 1,171,938.00	County Auditor
Local Government - State	\$ 258,000.00	\$ 223,000.00
Estate Tax	\$ 100,000.00	\$ 100,000.00
Cigarette Tax	\$ 500.00	\$ -
Liquor and Beer Permits	\$ 33,000.00	\$ 33,000.00
Rollbacks (Homestead, 10%, 2.5%, and PP)	\$ 187,283.00	County Auditor
Gas & Electric Deregulation Reimbursement	\$ 5,000.00	County Auditor
Other State Shared Taxes and Permits	\$ 299,636.00	\$ 299,636.00
Total State Shared Taxes and Permits	\$ 2,055,357.00	\$ 655,636.00
Federal Grants or Aid	\$ -	\$ -
State Grants or Aid	\$ 900.00	\$ 800.00
Other Grants or Aid		
Total Intergovernmental Revenues	\$ 2,056,257.00	\$ 656,436.00
Special Assessments		
Street Cleaning	\$ 375,000.00	\$ 395,000.00
Weed Mowing/Snow Removal	\$ 4,500.00	\$ 4,500.00
Total Special Assessments	\$ 379,500.00	\$ 399,500.00
Charges for Services	\$ 2,792,047.00	\$ 2,738,897.00
Fees, Licenses, and Permits	\$ 25,210.00	\$ 19,080.00
Fines and Forfeitures	\$ 592,500.00	\$ 658,500.00
Interest	\$ 540,000.00	\$ 525,000.00
Miscellaneous	\$ 169,043.00	\$ 162,001.00
Other Financing Sources/transfers	\$ 6,238,423.00	\$ 5,507,950.00
TOTAL REVENUE	\$ 15,045,003.00	\$ 11,117,364.00
TOTAL REVENUE AND BALANCE	\$ 16,964,954.00	\$ 11,622,269.00

Estimate of Revenues
For Submission to Wood County Budget Commission
For Budget Year Beginning January 1, 2010

Fund	CURRENT YEAR	BUDGET YEAR
Exhibit II	2009	2010
Park, Playground & Recreation Fund		
Special Revenue Fund		
Balance, January 1st (2009 est.)	\$ 376,990.00	\$ 186,297.00
Revenues:		
Local Taxes		
Real Estate Tax	\$ 595,057.00	County Auditor
Personal Property Tax	\$ 6,408.00	County Auditor
Manufactured Home	\$ 2,625.00	County Auditor
Total Local Taxes	\$ 604,090.00	\$ -
Intergovernmental Revenues		
Rollbacks (Homestead, 10%, 2.5%, and PP)	\$ 67,677.00	County Auditor
Gas & Electric Deregulation Reimbursement	\$ 2,000.00	County Auditor
Other Grants or Aid	\$ -	\$ -
Total Intergovernmental Revenues	\$ 69,677.00	\$ -
Charges for Services	\$ 759,572.00	\$ 760,072.00
Miscellaneous	\$ 69,500.00	\$ 79,000.00
Other Financing Sources/transfers	\$ 451,529.00	\$ 419,000.00
TOTAL REVENUE	\$ 1,954,368.00	\$ 1,258,072.00
TOTAL REVENUE AND BALANCE	\$ 2,331,358.00	\$ 1,444,369.00

**EXHIBIT VI
DEBT SCHEDULE**

City of Bowling Green

July 6, 2009

PURPOSE OF BONDS AND NOTES	AUTHORITY FOR LEVY OUTSIDE 10 MILL LIMIT	DATE OF ISSUE	DATE DUE	SERIAL OR TERM	RATE OF INTEREST	AMTS OF BONDS & NOTES OUTSTANDING AT BEGINNING OF BUDGET YEAR	BUDGET YEAR	
							AMOUNT REQUIRED FOR PRINCIPAL AND INTEREST 1/1/2010 TO 12/31/2010	AMOUNT RECEIVABLE FROM OTHER SOURCES TO MEET DEBT PAYMENTS 1/1/2010 TO 12/31/2010
Payable from Bond Ret Fund								
INSIDE 10 MILL LIMIT:								
Various Purpose Improvement Bonds		5/6/2004	12/1/2007 - 12/1/2028		3 - 5 %	12,895,000.00	1,518,475.00	488,187.50
Park and Recreation Bonds		11/9/2006	12/1/2015		4.42%	360,000.00	75,912.00	
BAN - North Main St. widening (intent to renew)		3/25/2009	10/25/2010		2.75%	800,000.00	22,000.00	
TOTAL						14,055,000.00	1,616,387.00	488,187.50
OUTSIDE 10 MILL LIMIT:								
Electric System Improvements estimates (renewed each year with interest rate fluctuating)	ORC 133.05 (B) (4)	11/29/2008	11/29/2009		Est. 4%	2,286,000.00	1,048,123.99	417,846.88
TOTAL						2,286,000.00	1,048,123.99	417,846.88

1st Reading: 6-15-09
2nd Reading: 7-6-09
3rd Reading: 7-20-09

RECORD OF ORDINANCES

Davton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7900

Passed July 20, 2009

**ORDINANCE FOR CLEANING OF STREETS
BY SPECIAL ASSESSMENT**

WHEREAS, the City of Bowling Green has for many years financed the cleaning of its streets by special assessment levied on the lots and lands in Bowling Green, Ohio, by a percentage of the tax valuation of the property assessed, and

WHEREAS, it is deemed advisable to continue to have the cleaning of streets in the City of Bowling Green financed by special assessments.

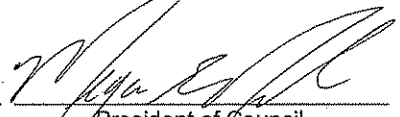
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO:

SECTION 1: That the cost and expense of cleaning the streets, alleys, lanes, squares, and public places in the City be paid for by special assessments levied upon non-tax exempt lots and lands within said City of Bowling Green, Ohio.


SECTION 2: Said special assessment shall be based upon a percentage of the tax valuation of all non-tax exempt lots and lands within the City of Bowling Green, Ohio, to produce the sum of \$395,000.00 and shall be payable annually in two equal installments during the period of the assessment; that said assessments are hereby levied on all non-tax exempt lots and lands in the City of Bowling Green for the year 2010. The City Finance Director is authorized and directed to certify the same to the County Auditor of Wood County, Ohio, to be collected as other taxes are collected and paid.

SECTION 3: This ordinance shall take effect at the earliest time permitted by law.

Passed: July 20, 2009
Date

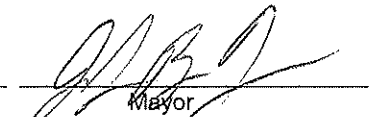

President of Council

MEGAN E. NEWLOVE

Attest: 
Clerk of Council

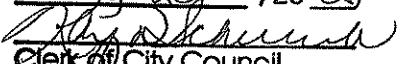
KAY D. SCHERREIK

Approved: July 21, 2009
Date


Mayor

JOHN B. QUINN

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 7900 passed by the Council of the City of Bowling Green, Ohio, July 20, 2009

Clerk of City Council

1st Reading: 6-15-09
RECORD OF ORDINANCES 2nd Reading: 7-6-09
3rd Reading: 7-20-09

Davison Legal Blank, Inc.

Form No. 30043

Ordinance No. 7901

Passed July 20, 2009

ORDINANCE ADOPTING A STORM WATER MANAGEMENT PLAN AN AMENDING AND ADOPTING SECTIONS 50.01 AND 50.02 AND 50.99 OF THE CODIFIED ORDINANCES OF THE CITY OF BOWLING GREEN, OHIO, IN ORDER TO ESTABLISH A STORM WATER MANAGEMENT PROGRAM

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

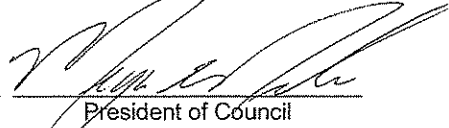
SECTION 1: That Section 50.01 and 50.02 and 50.99 of the Codified Ordinances of the City of Bowling Green, Ohio, are hereby amended and adopted in accordance with the exhibit attached hereto and made a part hereof, adopting a Storm Water Management Plan and a Storm Water Management Program for the City of Bowling Green, Ohio.

SECTION 2: Existing Sections 50.01 and 50.02 and 50.99 are hereby repealed. All other sections in Chapter 50 remain unchanged.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.


Passed:

July 20, 2009
Date


President of Council

MEGAN E. NEWLOVE

Attest:


Clerk of Council

KAY D. SCHERREIK

Approved:

July 21, 2009
Date


Mayor

JOHN B. QUINN

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION

This is to certify that the foregoing is a true copy of Ord No. 7901 passed by the Council of the City of Bowling Green, Ohio.

July 20, 2009


Clerk of City Council

Storm Sewers

50.01 Definitions

Agricultural Storm Water Runoff means any storm water runoff from orchards, cultivated crops, pastures, range lands, and other non-point source agricultural activities, but not discharges from Concentrated Animal Feeding Operations as defined in 40 CFR Section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR Section 122.24.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the Municipal Separate Storm Sewer System (MS4) and Waters of the United States and/or Waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

The National Menu of Best Management Practices (BMPs) for NPDES Storm Water Phase II or successor document will be utilized to comply with each of the Six Minimum Control measures and provide measurable goals that will be utilized to demonstrate BMPs implementation.

Building Drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building sewer beginning three feet outside the building wall.

A. **CFR** means the Code of Federal Regulations.

City means the City of Bowling Green, Ohio.

City Engineer means the City Engineer or his/her authorized representative. The City Engineer shall be an employee of the City holding the title "City Engineer" either as a primary duty title or holding such designation in addition to his/her primary duty title if no city engineering department is established. If no employee of the City holds the title "City Engineer" then the City Engineer shall be the Director of Public Works or his/her authorized representative or the Director of Utilities or his/her authorized representative, as the context may require.

Contaminated means containing a harmful quantity of any substance.

Contamination means the presence of or entry into a public water supply system, the MS4, Waters of the State and/or Waters of the United States of any substance which may be deleterious to the public health and/or the quality of the water.

Design District means that territory included in Sewer District No. 1 plus that territory located beyond the corporate limits, but adjacent to Sewer District No. 1 which the proposed sanitary sewer pumping system was designed to serve.

Detention Facility means a basin, pond, oversized pipe, or other structure that reduces the peak flow rate of storm water leaving a site by temporarily storing a portion of the storm water entering the facility or site.

Discharge means any addition or introduction of any pollutant, storm water, or any other substance whatsoever into the MS4 or into Waters of the State and/or Waters of the United States.

Discharger means any person who causes, allows, permits, or is otherwise responsible for a discharge, including without limitation, any operator of a construction site or industrial facility.

Disturbed Area means an area of land subject to erosion due to any clearing, grading, excavating, filling or other alteration of land surface, where natural or manmade cover is destroyed in a manner that exposes the underlying soils.

Drainage means the removal of excess surface water or groundwater from land by surface or subsurface drains.

Ohio Environmental Protection Agency or Ohio EPA means the State of Ohio Environmental Protection Agency, or any duly authorized official of said agency.

Erosion means the process by which the land surface is worn away by the action of wind, water, ice, gravity or any combination of forces.

Erosion and Sediment Control means 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 erosion.

Facility, as used in this Ordinance, means any facility, private property, or construction site, required by the Clean Water Act to have a permit to discharge storm water associated with industrial or construction activity.

Final Stabilization means all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 70% coverage for the area has been established or equivalent stabilization practices, such as the use of mulches or geotextiles, have been employed.

Fire Department means the City of Bowling Green Fire Division or any duly authorized representative thereof.

Fire Protection Water means any water and any substances or materials contained therein used by any person other than the Fire Department to control or extinguish a fire.

Harmful Quantity means the amount of any substance that will cause pollution of Waters of the State, Waters of the United States or the MS4.

House or Building Sewer means the sewers leading from the main or lateral sewers to a home or building.

Illicit Discharge means any discharge to the MS4 that is not entirely composed of storm water and contains pollutants. Some discharges are exempted per the MS4 NPDES permit and Ordinance 50.02.

Industrial Wastes means the liquid wastes resulting from any commercial, manufacturing, or industrial operations or processes.

Main or Lateral Sewers means the sewers in the streets, alleys, and easements passing in the front, rear, or through the lots.

Municipal Separate Storm Sewer System (MS4) means the system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water, and which is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System (NPDES) means the national

program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of the Clean Water Act.

Non-Point Source means any source of any discharge of a pollutant that is not a "point source."

Notice of Intent (NOI) means the Notice of Intent that is required by the NPDES Storm Water Multi-Sector General Permit, the United States EPA Region 5 NPDES Storm Water Construction general permit, or any similar general permit to discharge storm water associated with construction and/or industrial activity that is issued by the EPA.

Notice of Termination (NOT) means the Notice of Termination that is required by the NPDES Storm Water Multi-Sector General Permit, the United States EPA Region 5 NPDES Storm Water Construction general permit to discharge storm water associated with construction and/or industrial activity that is issued by the EPA.

NPDES Permit means a permit issued by United States Environmental Protection Agency (or by the State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to Waters of the United States and/or Waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis.

Operate means drive, conduct, work, run, manage, or control.

Operator means the party or parties that either individually or taken together meet the following two criteria: 1) They have operational control over the site construction plans and specifications (including the ability to make

modifications); and 2) they have the day-to-day operational control of those activities at the site necessary to ensure compliance with Storm Water Pollution Prevention Plan requirements and any permit conditions.

Permit means the document issued by the Board of Public Utilities evidencing the payment of a tap charge, and indicating the kind of use and the area for which the charge has been paid.

Person or User means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

pH means the logarithm to the base 10 of the reciprocal of the concentration in grams per liter of hydrogen ions; a measure of the acidity or alkalinity of a solution expressed in standard units.

Point Source means 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 other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Pollutant means dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; filter backwash; munitions; chemical wastes; biological materials; toxic materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; and industrial, municipal,

recreational, and agricultural waste discharged into water or into the MS4.

Pollution means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of any Waters of the State and/or Waters of the United States, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Public Sewerage System consists of main and lateral conduits with all necessary accessories, designed to carry off all liquid wastes, and are within the public right of way or utility easement accepted by the Board of Public Utilities.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into ground-water, subsurface soils, surface soils, the MS4, the Waters of the State and/or Waters of the United States.

Sanitary Sewage means the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, cellar, floor drains, garage floor drains, soda fountains, refrigerator drips, and drinking fountains, but does not include storm surface water, uncontaminated ground water, or roof and footer drainage.

Sanitary Sewer Pumping System refers to the pumping station and force main between the pumping station and the main sewer, and to all sewer lines attached to or draining into the pumping station.

Service Charge means the charge established by the Board of Public Utilities to cover the cost of operation and

maintenance to the sewerage system.

Sewer District 1 means that area described in 50.73.

Subsoil Drains means the porous drains laid for removing subsurface water.

State means the State of Ohio.

Storm Water means any water flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

Storm Water Discharge Associated with Industrial Activity means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified in paragraphs (i) through (x) of this definition below, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or byproducts used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

For the categories of industries identified in

paragraph (xi) of this definition, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, byproduct or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are federally, state or municipally owned or operated that meet the description of the facilities listed in this paragraphs (i) through (xi) of this definition) include those facilities designated under the provisions of 40 CFR §122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity".

(i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) of this definition);

(ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;

(iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas

of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR §434.11(1) because the performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act authority has been released, or except for areas of non-coal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

(iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA);

(v) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA;

(vi) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;

(vii) Steam electric power generating facilities, including coal handling sites;

(viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45 and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i) through (vii) or (ix) through (xi) of this definition are associated with industrial activity;

(ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 million gallons per day or more, or required to have an approved pretreatment program under 40 CFR part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR 503;

(x) Construction activity including clearing, grading and excavation activities except operations that result in the disturbance of less than one acre of total land area, which is not part of a larger common plan of development or sale;

(xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25 (and which are not otherwise included within categories (ii) through (x) of this definition);

Storm Water Pollution Prevention Plan (SWPPP) means a plan required by a permit to discharge storm water associated with industrial activity, including construction, and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility.

Tap Charge means the total sum of money required to be paid for the privilege of draining into the storm sewer system, which may include an inspection fee and front footage charge for the installation of the storm sewer, if applicable as established by the Board of Public Utilities.

TSS (Total Suspended Solids) means solids that either floats on the surface, or are in suspension in, water, wastewater, or other liquids, and which are generally removable by a laboratory filtration device.

Uncontaminated means not containing a harmful quantity of any substance.

USC means United States Code.

User or Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state and local governmental entities.

Utilities Division means the authorized representatives of the Utilities Division of the City of Bowling Green.

Wastewater means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Waters of the State means groundwater, percolating or otherwise, lakes, bays,

ponds, impounding reservoirs, springs, rivers, streams, creeks, wetlands, marshes, inlets, canals inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the bed and banks of all watercourses and bodies of surface water that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

Waters of the United States means all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters

otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR § 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Clean Water Act.

Wetland means an area that is inundated or saturated by surface or ground-water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

50.02 Storm System Declared Public Utility

All storm water systems of the City are declared to be a Public Utility. The Utility shall be funded in a manner to be determined by the Board of Public Utilities. Revenue from storm water utility fees are to be solely utilized for storm water planning, design, regulation, education, coordination, construction, operation, maintenance, inspection, enforcement activities and implementation of the City of Bowling Green Storm Water Management Plan (SWMP), which shall comply with all applicable regulations.

A. Purpose and Objective

The City of Bowling Green is required by its Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) permit to develop, implement, and enforce a SWMP designed to reduce to the maximum extent practicable the discharge of pollutants from the storm sewer system, to protect water quality, and to satisfy the water quality requirements of Ohio Revised Code 6111 and the Clean Water Act.

The MS4 NPDES permit requires inclusion of the following Six Minimum Controls in the SWMP:

- 1) Public Education and Outreach on Storm Water Impacts
- 2) Public Involvement/Participation
- 3) Illicit Discharge Detection and Elimination
- 4) Construction Site Storm Water Control

5) Post-Construction Storm Water Management in New Development and Redevelopment

6) Pollution Prevention/Good Housekeeping for Municipal Operations

The storm water utility shall promote the public health, safety and welfare and provide for the safe and efficient capture of storm water runoff.

B. Storm Water Management

The City Engineer or his/her designee shall advise the Director of Utilities on recommendations to provide adequate storm drainage and expertise in complying with the Six Minimum Controls.

C. Powers of the Director of Utilities

Storm water utility service charges levied pursuant to this Ordinance shall be collected by the Utilities Division. The Director of Utilities shall enforce such rules and regulations approved by the Board of Public Utilities for the safe, economical, and efficient management and protection of the City's storm sewer system and for the construction and use of storm sewers, connections to the system, and for the regulation, collection, rebating and refunding of storm water revenue. The Director of Utilities shall report to the Board of Public Utilities and City Council a minimum of once per year as to the status of the storm water funds. The report shall include receipts, expenditures, projects completed, projects planned and the MS4 NPDES permit year-end report.

D. Storm Water Service Charge

The Board of Public Utilities shall establish storm water charges for each parcel of land in the City that contributes directly or indirectly to the separate storm sewer system or the combined sewer system of the City. This charge is not related to water and/or sanitary sewer service and shall apply whether the property is occupied or unoccupied.

E. Administration

The Utilities Division of the City of Bowling Green and the City's authorized representatives are authorized to administer, implement, and enforce the provisions of this Ordinance.

F. Storm Water Discharges Associated with Construction Activity, and Industrial Activity

a) Applicability

This Section applies to all facilities and sites located within the City that have storm water discharges associated with construction activity, and/or industrial activity.

- 1) Construction site runoff control is required for construction activity disturbing greater than one acre. No person shall initiate construction or create a disturbed area without first submitting a Notice of Intent (NOI) to the Ohio Environmental Protection Agency (Ohio EPA) and the City of Bowling Green with appropriate fees established by the Board of Public Utilities and also obtaining an Ohio EPA NPDES Statewide General Storm Water Permit for Construction Activities.

- 2) Facilities which discharge storm water associated with industrial activity directly or indirectly into a City storm water conveyance, shall in addition to filing copies of the NOI with the Ohio EPA shall also submit signed copies of the NOI to the City of Bowling Green Director of Utilities office with appropriate fees established by the Board of Public Utilities. Discharges covered by this permit shall be composed entirely of storm water unless specifically exempted by the Ohio EPA NPDES General Storm Water Permit Associated with Industrial Activity.

b) Access to Facilities/Sites

- 1) City of Bowling Green representatives are authorized by this Ordinance to enter and inspect facilities/sites subject to regulation under this Ordinance upon presentation of credentials.
- 2) Facility operators shall allow representatives of the City ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- 3) The Utilities Division shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City to conduct monitoring and/or sampling of the facility's storm water discharge.
- 4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed

by the operator at the written or verbal request of the Utilities Division and shall not be replaced. The costs of clearing such access shall be borne by the operator.

- 5) Unreasonable delays in allowing the Utilities Division access to a permitted facility are a violation of a storm water discharge permit and of this Ordinance. A person, who is the operator of a facility with a NPDES permit to discharge storm water associated with construction activity or industrial activity, commits an offense if the person denies the Utilities Division reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Section.

c) Unpermitted Discharges Prohibited

A person who is the operator of a facility commits a violation if the person discharges, or causes to be discharged, storm water associated with construction activity or industrial activity without first having obtained an Ohio EPA NPDES permit to do so.

d) Compliance with Permit.

- 1) A facility shall be operated in strict compliance with the requirements of its NPDES permit to discharge storm water associated with industrial or construction activity.
- 2) A person commits an offense if the person operates a facility in violation of a requirement of the facility's NPDES permit to discharge storm water associated with industrial or construction activity.

G. Modification of Storm Water Pollution Prevention Plans

- 1) The Utilities Division may require any operator of a facility to modify the facility's Storm Water Pollution Prevention Plan (SWPPP) if in the best professional judgment of the City; the SWPPP does not comply with the requirements of the facility's or site's NPDES permit to discharge storm water associated with industrial or construction activity.
- 2) The deficiencies in a facility's or site's SWPPP will be made in writing, and the City will give the facility operator a reasonable amount of time, not to exceed thirty (30) days, to make necessary changes in the SWPPP.

H. Construction Storm Water Pollution Prevention Plans

- 1) The City of Bowling Green requires that erosion, sediment and storm water practices used to comply with this Ordinance and Ohio EPA NPDES Statewide General Storm Water Permit for Construction Activity shall utilize the current edition of Ohio's "Rainwater and Land Development" manual or other standards acceptable to Ohio EPA. A NOI application shall be submitted to the City with a SWPPP for review and approval by the City Engineer.
 - a) Non-Structural Preservation Methods. The SWPPP must make use of practices which preserve the existing natural condition as much as feasible. Such practices may include: preserving riparian areas adjacent to surface Waters of the State, preserving 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 or grubbing practices. The recommended buffer that a person should leave undisturbed along a surface Water of the State is 25 feet as measured from the ordinary high water mark of the surface water. Erosion, stabilization, runoff control, sediment control, post-construction storm water management requirements, surface water protection, other controls, maintenance and inspection practices shall comply with the Ohio EPA Storm Water NPDES Permit for Water Discharges Associated with Construction Activity.

- b) Storm water discharges shall be designed for the ultimate use of the land. Areas developed for a subdivision shall provide a storm water management system for the ultimate development of all the subdivided lots.
- c) Storm water management facilities shall be designed and constructed so that they will continually function with minimal maintenance. Storm water management facilities shall be designed and constructed as a multiuse facility wherever practical.
- d) Storm water management facilities shall be designed and

constructed with specific regard to safety.

- e) The design criteria shall be applied to each watershed within the development area.
- f) The runoff rate from the development area shall not be greater after development than it was before developed. Redeveloped areas shall minimize runoff to the maximum extent possible and in no case shall the runoff be greater than runoff prior to development.
- g) The SWPPP shall be designed by a licensed professional engineer.
- h) Inspection and review fees shall be established by the Board of Public Utilities to be paid by the applicant.
- i) Methods for controlling increases in the rate and volume of storm water runoff may include, but are not limited to, the following:
 - 1) Retarding flow velocities by increasing friction.
 - 2) Grading and construction of terraces or diversions to slow runoff by diffusion, or use of grade control structures.
 - 3) Induced infiltration of increased storm water runoff into the soil where practical.
 - 4) Provisions for detention of storm water.

- 5) Specific methods for controlling storm water runoff are contained in the latest edition of "Rainwater and Land Development", by the Ohio Department of Natural Resources.

I. Post-Construction Storm Water Management Requirements

Post-Construction Storm Water Management Requirements are necessary to protect the receiving stream's physical, chemical, and biological characteristics and to ensure stream functions are maintained. Post construction storm water practices shall provide perpetual management of runoff quality and quantity. A SWPPP shall contain the description of the post construction Best Management Practices (BMPs) that will be installed during the construction of the site and the rationale for their selection. The rationale must address the anticipated impacts on the channel and flood plain morphology, hydrology, and water quality. The SWPPP with the proposed BMPs must be submitted to the City Engineer for review and approval. Post construction BMPs cannot be installed within a surface Water of the State unless authorized by a Clean Water Act 401 water quality certification, U.S. Army Corps of Engineers 404 permit or Ohio EPA non-jurisdictional wetland/stream program approval.

Detailed drawings and maintenance plans must be provided for all post-construction BMPs. Maintenance plans shall be provided by the permittee to the post construction operator of the site (including homeowner associations) upon completion of construction activities (prior to termination of general NPDES permit coverage). For sites located within the City of Bowling

Green MS4, the permittee, land owner, or other entity with legal control of the property will be required to develop and implement a maintenance plan to comply with the requirements of the City. Maintenance plans must ensure that pollutants collected within structural post-construction practices are disposed of in accordance with local, state and federal regulations. To ensure that storm water management systems function as they were designed and constructed to do, the post construction operation and maintenance plan must be a stand-alone document, which contains: (1) a designated entity for storm water inspection and maintenance responsibilities; (2) the routine and non routine maintenance to be undertaken; (3) a schedule for inspection and maintenance; (4) any necessary legally binding maintenance easements and agreements; and (5) a map showing all access and maintenance easements.

Post-construction storm water BMPs that discharge pollutants from point sources once construction is completed, may require authorization under a separate NPDES Permit (for example storm water discharges from regulated industrial sites). Post construction shall comply with Ohio EPA authorization for storm water discharges associated with construction activity under the NPDES Permit.

J. Storm Water Facility Maintenance

The responsible party shall maintain all storm water management facilities as required by the City of Bowling Green, Ohio EPA, NPDES Statewide General Storm Water Permit for Construction Activity and the Ohio EPA NPDES Statewide Permit for Industrial Activity. All storm water management facilities shall be maintained to meet the design standards and the provisions of these regulations and permits. Failure to maintain or comply with

the Ohio EPA Statewide General Storm Water Permits for Construction, Industrial Activity and Ordinance 50.02 will result in action against the owner and/or developer, according to Section 50.99.

An inspection and maintenance agreement binding on all subsequent owners of land draining into the storm water facilities shall be developed as part of the design criteria. Such agreements shall provide access to the facilities for regular inspection by the City of Bowling Green to ensure that the facility is maintained to meet design standards and the provisions of these regulations. Such agreements or restrictions shall be recorded on the deed for the property, and reference thereon be made to the entity or individual(s) to be responsible for maintenance. The location and dimensions of storm water facilities and easements shall be recorded on the deed, or when in an approved subdivision, on the final plat, and reference thereon be made to the entity or individual(s) responsible for maintenance. The City Engineer will verify and approve inspection and maintenance agreements, design standards, restrictions, easements and the entity or individual that is responsible for maintenance, prior to approval of construction of storm water facilities.

K. Easements and Rights of Way

Permanent access and access easements required to perform inspection and maintenance of storm water control structures, storm water conveyance systems, permanent vegetative plantings and other conservation practices shall be provided as follows:

- 1) Access to flood control storm drainage ditches, channels, and storage facilities, shall be by means of easements. Such easements shall not be less than 25 feet in width, exclusive of the width of the ditch, channel, or other facility it is to

serve, and an easement of this type shall be provided at least on one side of the flood control or storm drainage ditch, channel, or similar type facility. The easement shall be granted to the entity responsible for the maintenance.

- 2) Access along storm sewers shall be provided by means of easements. Such easements shall not be less than 15 feet in width, with a minimum width of seven feet on each side of the sewer's center line.
- 3) Access around storm water storage facilities shall be provided by a means of a 25-foot easement in the case of dry bottom detention basins, and a 25-foot easement with a 25-foot level beach in the case of wet bottom detention basins, measured from the top of bank and shall include the storage facility itself. The storm water storage facilities for residential subdivisions shall be constructed on common lots. These storage facilities shall not be constructed to span multiple private property lots.
- 4) Easements for the emergency flow ways shall be a minimum of 20 feet in width or larger if required.
- 5) Those lots crossed by an easement shall be restricted against the planting within said easement of trees, shrubbery or other plantings with woody growth characteristics, and also against the construction therein of buildings, fences, walls, mounds or any other obstructions to the free flow of storm water and the passage of inspectors and maintenance equipment, and, also restricted against the changing of final grade from that described by the approved grading plan. Any obstructions placed in an easement are subject to removal. The cost of the removal may be charged to the property owner and will not be replaced by the City.

L. Illicit Discharge to MS4 Prohibited

- 1) A person commits an offense if the person introduces or causes to be introduced into the MS4 any discharge that is not composed entirely of storm water.
- 2) It is an affirmative defense to any enforcement action for a violation of Ordinance 50.02, that the discharge was composed entirely of one or more of the following categories of discharges:
 - a) A discharge authorized by, and in full compliance with, an NPDES permit (other than the NPDES permit for discharges from the MS4);
 - b) A discharge or flow resulting from fire fighting by the Fire Department;
 - c) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials that the State of Ohio Fire Code requires to be contained and treated prior to discharge, in which case treatment adequate to remove harmful quantities of pollutants must have occurred prior to discharge;
 - d) Agricultural storm water runoff;
 - e) A discharge or flow from water line flushing or disinfection that contains no harmful quantity of total residual chlorine or any other chemical used in line disinfection;
 - f) A discharge or flow from lawn watering, or landscape irrigation;
 - g) A discharge or flow from a diverted stream flow or natural spring;
 - h) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
 - i) Uncontaminated groundwater infiltration (as defined at 40 C.F.R. § 35.2005(20)) to the MS4;
 - j) Uncontaminated discharge or flow from a foundation drain, basement footer drain, or crawl space pump;
 - k) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
 - l) A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;
 - m) A discharge or flow from individual residential car washing;
 - n) A discharge or flow from a riparian habitat or wetland;
 - o) A discharge or flow of cold water (or hot water with prior permission of the City) used in street washing or cosmetic cleaning that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance; or
 - p) Drainage from a private residential swimming pool containing no harmful quantities of chlorine or other chemicals. Drainage from swimming pool filter backwash is prohibited.
 - q) A discharge or flow of uncontaminated storm water pumped from an excavation.
- 3) No affirmative defense shall be available under subsection (2) if:
 - a) The discharge, illicit connection or flow in question has been determined by the City to be a source of a pollutant or pollutants to the Waters of the United States, Waters of the State or to the MS4;
 - b) Written notice of such determination has been provided to the discharger;
 - c) The illicit discharge has continued after the expiration of the time given in the notice to cease the discharge.
- 4) A person commits an offense if the person introduces or causes to be introduced into the MS4 any harmful quantity of any substance.
- 5) The City shall have the authority to enter any facility, private property or

construction site to conduct testing, monitoring, or inspection necessary to identify illicit connections.

- 6) Illicit discharges shall be corrected expeditiously as possible as directed by the City of Bowling Green.

M. Connection of Sanitary Sewer to MS4 Prohibited.

A person commits an offense if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

N. Enforcement

An actual or threatened illicit discharge to the MS4 that violates or would violate this Ordinance is hereby declared to be a violation and is subject to enforcement action per Ordinance 50.99.

O. Penalties

Violators are subject to the penalties listed in 50.99 of this ordinance.

§50.99 VIOLATIONS, PENALTIES, AND RIGHT OF APPEAL

(A) Whenever the Director of Utilities or his/her designee, finds that any user has violated or is violating any prohibition, limitation of provision of this Ordinance or MS4 stormwater regulation, he/she may serve upon such user a written Notice of Violation stating the nature of the violation. Within ten (10) days of receipt of this notice an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director of Utilities. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director of Utilities to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(B) Emergency Suspension of Utility Service and MS4 Access

The City may, without prior notice, suspend water service, sanitary sewer service, and/or MS4 discharge access to a user discharging to the MS4, Waters of the United States, Waters of the State of Ohio or the City sewerage system tributary to the waste water treatment plant, when such suspension is necessary to stop an actual or threatened illicit discharge which:

(1) Presents or may present imminent and substantial danger to the environment or to the health or welfare of persons as determined by the City of Bowling Green; or

(2) Presents or may present imminent and substantial danger to the MS4, the waste water treatment plant or waters of the United States as determined by the City of Bowling Green.

(3) As soon as is practicable after suspension of service or MS4 discharge access, the City shall notify the violator of the suspension in person or by certified mail, return receipt requested, and shall order the violator to cease the illicit discharge immediately.

(4) If the violator fails to comply with an order issued under this chapter, the City may take such steps as the City deems necessary to prevent or minimize damage to the MS4 or Waters of the United States and Waters of the State of Ohio, the City sewerage system, and wastewater treatment plant or to minimize danger to persons.

(5) The City shall not reinstate suspended services or MS4 access to the violator until the violator presents proof, satisfactory to the City, that the illicit discharge has been eliminated and the cause determined and corrected;

(a) The violator pays the City for all costs the City incurred in responding to abating, and remediating the discharge or threatened discharge; and

(b) The violator pays the City for all costs the City will incur in reinstating service or access.

(6) A violator whose service or access has been suspended or disconnected may appeal such enforcement action to the City in writing within ten (10) days of notice of the suspension in accordance with this Ordinance.

(7) The City may obtain a lien against the property to recover its response costs.

(8) The remedies provided by this Section are in addition to any other remedies set out in this Ordinance. Exercise of this remedy shall not be a bar against, or a prerequisite for taking other action against a violator.

(C) Non-Emergency Suspension of Utility Service and MS4 Access

The City may terminate the City provided

water supply, sanitary sewer connection, and/or MS4 access to any person discharging to the MS4 in violation of this Ordinance if such termination would abate or reduce the illicit discharge.

(1) The City will notify a violator of the proposed termination of its water supply, sanitary sewer connection, and/or MS4 access.

(2) The City shall not reinstate suspended services or MS4 access to the discharger until: [should the following sections be alphabetical rather than numbering? They appear to be subsets of Section 2]

(a) The violator must present proof, satisfactory to the City, that the illicit discharge has been eliminated and its cause determined and corrected; and

(b) The violator pays the City for all costs the City will incur in reinstating service or MS4 access.

(3) The remedies provided by this Section are in addition to any other remedies set out in this Ordinance. Exercise of this remedy shall not be a bar against, or a prerequisite for taking other action against a violator.

(4) A person commits an offense if the person reinstates water service, sanitary sewer service, and/or MS4 access to premises terminated pursuant to this Section without the prior approval of the City.

(C) Consent Orders. The Director of Utilities may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document.

(D) Show Cause Hearing. If the violation is

not corrected by timely compliance, the City Engineer, or the Director of Utilities may order any user who causes or allows an unauthorized discharge to show cause before the Director of Utilities as to why the proposed enforcement action should not be taken. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the Director of Utilities regarding the violation, and directing the offending party to show cause before the City why an order should not be made directing termination of service. The notice of hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any user. A Show Cause Hearing shall not be a bar against, or prerequisite for, taking any other action against a violator.

(E) The Director of Utilities may conduct a hearing and take evidence, or may designate any officer or employee of the City of Bowling Green to:

(1) Issue in the name of the City notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings.

(2) Take the evidence.

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City for action thereon.

(F) At any public hearing, testimony taken before the City or any person designated by it, must be under oath and recorded by a stenographer. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.

(G) After the City has reviewed the evidence, it may issue an order to the user

responsible for the discharge directing that, following a specified time period, storm or sanitary sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

(H) Any discharge in violation of the substantive provisions of this chapter or an Order of the City shall be considered a public nuisance. If any user discharges, stormwater, sewage, industrial wastes or other wastes into the City treatment or collection system contrary to the substantive provisions of this chapter or an Order of the City, the City Attorney shall commence an action for appropriate legal and/or equitable relief in the Common

Pleas Court of Wood County.

(I) Any user who is found to have violated an Order of the City or who willfully or negligently fails to comply with any provision of this chapter, and the orders, rules and regulations issued hereunder, shall be fined not less than \$1000.00 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against any user found to have violated this resolution of the orders, rules and regulations issued hereunder.