

## **CHAPTER 925**

### **Storm Sewers**

**925.01 Storm sewer management.**

**925.02 Maintenance of ditches, culverts and storm sewers.**

#### **CROSS REFERENCES**

Sanitary Sewers - see S.U & P.S. Ch. 929

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#### **925.01 STORM SEWER MANAGEMENT.**

(a) Purpose: The purpose of these regulations is to provide for the health, safety, and general welfare of the citizens of the Village of New Middletown through the regulation of modifications to the Village's municipal separate storm sewer system (MS4).

(b) Rules and Regulations: The Village Administrator, in consultation with the Village Engineer or an engineering firm hired to perform engineering services on an annual basis for the Village, shall establish uniform rules and regulations and a uniform permit process to address requests by property owners in the Village who request authority to install culverts and storm water lines in the roadside ditches along the Village right of way. Such rules shall require, among other provisions, that all ditches shall remain open except in those areas where Class "A" streets are being constructed or Class "B" streets are being redesigned and reconstructed as Class "A" streets and except in those circumstances as specifically authorized by the rules and regulations and approved by the Village Engineer. All culverts or catch basins or storm water lines shall be installed only in accordance with the rules and regulations, and the specifications outlined therein, established in accordance with this section.

(c) Permit Required: No person, business, or organization shall install any culvert, catch basin or storm water pipe of any kind within any portion of the right of way of any street, in any portion of any ditch which is within the right of way of any street, or in any part of the Village's municipal separate storm sewer system (MS4), as defined in Section 923.03 of the Codified Ordinances, without first obtaining a permit from the Village Administrator. Permits may be issued under this Chapter for installation of storm sewer pipe within ditches and for closing in ditches along the streets in the Village only in those areas where Class "A" streets are being constructed or Class "B" streets are being redesigned and reconstructed as Class "A" streets and in those circumstances as specifically authorized by the rules and regulations and approved by the Village Engineer. The application for a permit shall be on such forms as shall be prescribed by the Village Administrator and shall be accompanied by a fee of ten dollars (\$10.00).

(d) Penalty:

- (1) Whoever violates any provision of this section or the rules and regulations established by the Village Administrator under the authority of this section shall be guilty of a minor misdemeanor. Each day's violation shall constitute a separate offense.
- (2) The Village also may seek any civil remedies including but not limited to injunctive relief, or may assess the costs incurred by the Village in enforcing this section or in removing any culverts, catch basins or storm water lines installed in violation of this section or in violation of the rules and regulations adopted hereunder against the person, business, or organization which violates any provision of this section, including the property owner. The Village shall give five days' notice, by regular mail, to the property owner, at his or her last known address, to pay the cost incurred by the Village. Such notice shall be accompanied by a statement of the amount of cost incurred and, in the event the same is not paid within thirty days after the mailing of such notice, such amount shall be certified to the County Auditor for collection of the same as other taxes and assessments are collected. (Ord. 2022-08. Passed 6-13-22.)

**925.02 MAINTENANCE OF DITCHES, CULVERTS AND STORM SEWERS.**(a) Maintenance of Ditches:

- (1) All owners or persons in possession of a lot or parcel of land abutting roads and highways within the Village are responsible for maintaining the ditches along such property and keeping such ditches free from obstruction, including mowing, cutting or destroying or causing to be cut or destroyed any noxious or poisonous weeds, vines, grasses or other types of vegetation growing within the ditches, adjacent to such lot or parcel of land. Notwithstanding the forgoing, the Village will be responsible for digging out any ditches that the Village determines need dug out.
- (2) In the event such owner or person in possession of such property fails to maintain such ditch within five days after written notice sent by certified mail, return receipt requested or served in accordance with R.C. 731.52, the Village may maintain the ditch and after the work is done, the Village shall give five days' notice, by regular mail, to the owner of such lot or parcel of land, at his or her last known address, to pay the cost of such maintenance. Such notice shall be accompanied by a statement of the amount of cost incurred and, in the event the same is not paid within thirty days after the mailing of such notice, such amount shall be certified to the County Auditor for collection of the same as other taxes and assessments are collected.

(b) Maintenance of Driveway Culverts and Piped Ditches:

- (1) The Village shall maintain and clean out all drive pipes or culverts or storm water pipe installed in ditches which are a part of the Village's municipal separate storm sewer system (MS4).
- (2) Except as otherwise provided in any rules and regulations adopted in accordance with Section 925.01(b), in the event it is necessary to replace any driveway culvert, the cost of such replacement shall be borne by the property owner.

- (3) Except as otherwise provided in any rules and regulations adopted in accordance with Section 925.01(b), in the event it is necessary to dig and replace any existing storm water pipe installed in ditches which are a part of the Village's MS4, the Village Administrator, after consultation with the Village Engineer or an engineering firm hired to perform engineering services on an annual basis for the Village, shall determine whether to replace such pipe or remove such pipe and return the affected area to a roadside ditch constructed in accordance with the Village Ordinances. (Ord. 2018-10. Passed 2-11-19.)

