

DEERFIELD REGIONAL STORM WATER DISTRICT

CODE OF REGULATIONS



Originally adopted October 10, 2006; Resolution No. 2006-42

By

The Deerfield Regional Storm Water District, Board of Trustees

Includes changes adopted through December 12, 2017



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reduce either the impact of increased storm water runoff or reduces the District's costs of providing storm water management.

- h. "**Customer**" means any person or entity who receives utility services provided by the District.
- i. "**Detention Facility**" means a facility, which, by means of a single control point, provides temporary storage of storm water runoff in ponds, parking lots, depressed areas, rooftops, buffed underground vaults or tanks, etc., for future release, and is used to delay and attenuate flow.
- j. "**Developer**" A person, firm, or corporation that presumes to excavate or fill, build structures, or otherwise improve a specific parcel or tract of land.
- k. "**Development**" means the improvement of tract(s) or parcel(s) of land with more than one structure or building.
- l. "**District**" means the Deerfield Regional Storm Water District, Warren County, Ohio, its Board and its authorized representatives.
- m. "**Director**" means the director of the District.
- n. "**Equivalent Residential Unit (ERU)**" is a value assigned by the District equal to 3,407 square feet of impervious area applicable to a property within the District.
- o. "**Facilities**" mean various storm water and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, channels, outlets, and other structural components.
- p. "**Impervious area**" means areas that have been paved and/or covered with buildings and materials which include, but are not limited to, impervious concrete, asphalt, rooftop, and blacktop.
- q. "**Improvements**" means any addition to the natural state of land which increases its value or utility, including buildings, street pavements with or without curbs and gutters, sidewalks, crosswalks, water mains, sanitary sewers, storm sewers, landscaping, street lighting, public utilities, paved parking areas, and other appropriate items.
- r. "**Industrial Wastes**" means the liquid, gaseous or solid wastes resulting from any process of industry, manufacturer, trade, or business, or from the development, processing, or recovery of any natural resource which will pollute any water it enters. As distinct from domestic or sanitary wastes.
- s. "**NPDES**" means National Pollutant Discharge Elimination System.
- t. "**NPDES Permit**" means a permit issued pursuant to Section 402 of the Clean Water Act.



- jj. "**Secondary Drainage System**" means swales or Storm Drainage Systems, including inlet and outlet structures of the Secondary Drainage System which either deposit water into or receive water from pipes that are twelve inches (12") in diameter or greater.
- kk. "**Sewage**" means any substance that contains waste products, excrement, or other discharge from the bodies of human beings or animals, which will pollute any water it enters. The standard strength for sewage shall be 200 ppm BOD and 200 ppm Suspended Solids.
- ll. "**Sewer**" means a pipe or conduit for conveying storm water, ground water, nonpolluted water, sewage or industrial waste water.
- mm. "**Square Footage Of Impervious Area**" means, for the purpose of assigning an appropriate number of ERUs to a parcel of real property, the square footage of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square footage, without regard for topographic features of the enclosed surface.
- nn. "**Storm Sewer**" means a sewer which carries storm water, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.
- oo. "**Storm Drainage System**" means all man-made Facilities, structures and natural watercourses outlets, or swales or ditches, and sewers which carry storm water, ground water, surface water and subsurface drainage water, but not streams.
- pp. "**Storm Water**" means storm water runoff, snow melt runoff, and surface runoff and drainage.
- qq. "**Shall**" "Shall" is mandatory (see "May").
- rr. "**Storm Sewer or Storm Drain**" means a sewer which carries storm and surface waters or drainage, but that excludes sewage and polluted industrial wastes.
- ss. "**Township**" means Deerfield Township in Warren County, Ohio.
- tt. "**Toxic**" means being capable of adversely affecting any organism upon assimilation or exposure.
- uu. "**Tract**" means a continuous expanse of land.
- vv. "**Wastewater**" means any water containing sewage or industrial waste or other pollutants or contaminants derived from the prior use of such water.
- ww. "**Watercourse**" means a channel in which a flow of water occurs, either continuously or intermittently.



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CHAPTER II

STORM WATER CHARGES

- 200 STORM WATER MANAGEMENT UTILITY: There is hereby established the Deerfield Regional Storm Water District's "Storm Water Management Utility".
- 201 STORM WATER CHARGE NECESSARY: Chapter II establishes storm water rates and user service fees. Monies collected from these fees are to be utilized for the management of storm water. It is hereby determined necessary for the protection of public health, safety, and welfare and to conform with federal, state, and local laws and regulations that a system of charges for storm water service be established which allocates the cost of providing storm water service to each user in such a manner that the allocated costs are proportionate to the cost of providing storm water service to that user, insofar as those costs can reasonably be determined.
- 202 POWERS OF THE BOARD: Storm water service fees levied pursuant to this chapter may be collected by the District or its agent, including Warren County. Notwithstanding other provisions of the District regulations, the Board or its designated agent shall make and enforce such regulations as may be deemed necessary for the safe, economical, and efficient management and protection of storm water systems within the District; for the construction and use of storm sewers and connections to the storm water system consistent with policies established by the District; and for the regulation, collection, rebating and refunding of such storm water fees.
- 203 DEPOSITS, FEES AND CHARGES: The Board of Trustees of the District shall establish the deposits, fees and charges for storm water services. These deposits, fees and charges shall be listed in a Deposit, Fee and Charge Schedule which shall be approved by the District Board. The same may include any surcharges, penalties or interest which may be applicable. The approved schedule in force on the date a deposit, fee or charge is required shall govern the amount of the deposit, fee or charge.
- 204 STORM WATER USER FEE: A Storm Water User Fee shall be imposed on each and every lot and parcel of land with impervious surface, as



- 209 CHANGE OF OWNERSHIP, LIABILITY OF UNPAID BILLS: When a property which receives a storm water bill from the District changes ownership, the person who will become the new owner shall, within fifteen (15) days of change of ownership, notify Warren County of the change in ownership. Failure to notify the County of the change in ownership within fifteen (15) days of the change in ownership will subject the new owner to be liable for all past due amounts for that property, and any other remedies allowed by law.
- 210 IMPERVIOUS AREA BASIS: The Storm Water User Fee for any property, lot or parcel of land shall be based upon the quantity of impervious area situated thereon.
- 211 EQUIVALENT RESIDENTIAL UNIT STANDARD: All properties having impervious area within the District will be assigned an equivalent residential unit (ERU), or a multiple thereof, with all properties having impervious area receiving at least one (1) ERU. Fractional ERU calculations shall be rounded to the nearest tenth of an ERU. One ERU shall consist of 3,407 square feet of impervious surface.
- 212 RESIDENTIAL PROPERTIES: All residential properties shall be assigned 1 ERU. A flat rate will apply to all residential properties.
- 213 NON-RESIDENTIAL PROPERTIES: Non-residential properties will be assigned an ERU value based upon impervious surface, as determined by the District.
- 214 CHARGE: The Storm Water User Fee as prescribed in the rate schedule is as follows:

\$1.92 per month per equivalent residential unit (ERU).
- 215 RIGHT TO APPEAL: Owners may challenge the ERU multiple assigned to their property by filing an appeal with the Board for adjustment thereof, stating in writing the grounds for the appeal. The Board shall cause appropriate investigation thereof and report the findings to the appellant. The Board or the Board's designee, shall consider the appeal and determine whether an adjustment of the ERU multiple for any such lot or parcel is necessary, and adjust such ERU multiple if appropriate.
- 216 NEW CONSTRUCTION: When an improvement is constructed on a previously empty lot, the District's Storm Water User Fee shall begin when the water meter for that improvement is activated.



224. TERMINATION OF WATER SERVICES FOR NON-PAYMENT: Any water service termination for non-payment of the District's Storm Water User Fee shall proceed according to the Policies of Warren County and the Utility Billing Agreement between the District and the Warren County Board of County Commissioners, and any amendments thereto.
225. OPPORTUNITY FOR HEARING: Prior to the termination of water services pursuant to the policies and procedures of Warren County, the recipient of those services shall be afforded the opportunity for a hearing. Any request for such hearing shall be in writing and directed to both Warren County and the District.
226. ADDITIONAL CHARGES: The District may levy an additional charge to any customer for any of the following reasons:
- a. For any actions contrary to these Regulations or for any violation or failure to comply with these Regulations.
 - b. For willful misrepresentation as to any material facts related to storm water services.
 - c. For tampering with or molesting any storm water component or control device either under the control of, or belonging to the District, or any other component affecting other properties.
 - d. For connecting a sanitary sewer line or non-storm water pipe directly or indirectly with any other source of waste water to the storm water system.
 - e. For denial to the District of reasonable access to the premises.
 - f. Non-payment of any District deposits, fees or charges.
227. FEE TIMING: All District Storm Water User Fees are billed in advance of the time period they cover, regardless of the frequency of billing.
228. REFUND POLICY: In the event that a storm water account includes a credit amount, due to overpayment for any reason, refunds and credits of such amounts shall be considered on a case-by-case basis, based on the following:
- a. When an account includes a credit amount of one thousand dollars (\$1,000.00) or more, the District will issue a refund check, for the entire credit amount, to that customer.
 - b. When an account includes a credit amount less than one thousand dollars (\$1,000.00), that account will be issued a credit in that amount. The District will instruct its billing agent to apply any such credit amount toward the next invoice(s) for said account until such credit is exhausted. However, upon request of the customer, the District may issue a refund check instead of the account credit.



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CHAPTER III

ILLICIT DISCHARGE REGULATIONS

301. PURPOSE: to regulate the use of the storm water system within the District.

302-398. RESERVED.

399. PENALTY. Whoever violates any provision of this Chapter or District directives pursuant to this chapter shall be subject to the remedies of Section 199 PENALTY of these Regulations.



reconstruction of Public Improvement projects which comply with the Policy contained in Section 402 of these Regulations.

- f. Construct, repair or reconstruct Public Improvements financed in whole or in part through special assessments levied upon properties which may benefit from the Public Improvements.

If, after performing a preliminary investigation, the Board determines that District involvement is appropriate and the Request does NOT involve construction, repair or reconstruction meeting one of the four criteria in Section 403 and if sufficient funding is available, the Board may do one or more of the following:

- a. provide the Requesting party with any existing reports, studies or other information which the District maintains in its records and which may provide insight into the nature or cause of the problem, subject to applicable copying charges; or
- b. provide information on possible funding sources that may be available to the resident or parcel owner to address the issues presented in the Request; or
- c. if the Request is to evaluate a Storm Water quantity issue which results in flooding or road ponding, then the Board may provide a technical evaluation of the issue, either through the District's consulting engineer or any other appropriate entity and/or design a solution to the flooding or road ponding.

403. POLICY: To the extent permitted by budgetary limitations, it shall be the District's policy to attempt to assist the property owners within the District in resolving Storm Water flooding and drainage issues.

- A. Any real property owner within the limits of the District may present such issues to the District Board and request that the District Board consider providing District assistance in the resolution of such issue.
- B. It shall be the policy of the District that District funds, at the Board's sole discretion, May be expended to pay for some or all costs associated with the District's construction, repair or reconstruction of Public Improvements, but only if such Public Improvements meet all of the elements of at least one of the following four criteria:

- 1. Criterion 1 Such Public Improvements are:



shall be responsible for all costs and expenses of the District associated with the owner's request for assistance.

- d. For the purposes of this Criterion 5, Storm Water includes sump pump effluent in conformance with Warren County regulations.
- C. It shall be the policy of the District that District funds shall *not* be expended to pay for any costs associated with the construction, repair or reconstruction of projects that do not meet at least one of criteria in Section 403.B herein, including, but not limited to:
1. Private Improvement projects.
 2. Projects or studies that address Storm Water issues caused by runoff from one or more Private Properties to one or more other Private Properties.
 3. The construction, repair, or reconstruction of improvements on private property, natural or man-made, for the purposes of stream bank stabilization. However, District funding is available to construct, repair or reconstruct improvements on private property, natural or man-made, for the purposes of stream bank stabilization to address such conditions if:
 - a. such improvements significantly address water quality; or
 - b. such improvements significantly address flooding issues; or
 - c. the stream bank erosion: (i) is unreasonable, and (ii) is adjacent to the discharge of a Public Improvement, and (iii) is the direct result of the discharge of said Public Improvement.
 4. The construction, repair, reconstruction, dredging or other maintenance of detention or retention basins, except for outlet structures which empty into such basins.
- D. The District shall not reimburse a Person for the costs associated with any project constructed by the Person or pursuant to a contract awarded by the Person. However, the District May reimburse any other political subdivision for costs associated with a project provided that such reimbursement is pursuant to a written agreement between the District and the other political subdivision.
- E. When feasible, the District Board may also initiate any Storm Water project, evaluation or study the Board deems necessary and appropriate and contribute funding toward the completion of the same in any amount the Board deems appropriate and feasible.
404. RANKING PROCEDURE: If the District determines that a Request for Assistance involves the construction, repair or reconstruction of a Public Improvement and otherwise meets one of the four (4) criteria in Section 403 herein to be eligible to be considered for possible District financial



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CHAPTER V

PURCHASING POLICY

501. PURCHASE ORDERS – CERTIFICATION: Purchase orders shall be used to approve purchase commitments and to encumber funds against the available appropriation account(s) according to Administrative Rule. Section 5705.41 R.C. states that no contracts or orders involving the expenditure of money may be made unless the treasurer has certified that “the amount required to meet the obligation has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances.” The vehicle normally used to present this certification is the purchase order.

The process of using purchase orders not only facilitates the ordering of merchandise/services, it is also part of the budgetary process. The amount of each purchase order shall be posted to the proper appropriation ledger page(s). This is known as “encumbering” or “setting aside” a portion of the appropriation. The treasurer’s certificate typically appears on the bottom of the purchase order. This states that the funds are available and/or are in the process collection. This means that the District has appropriations and the cash to pay for this purchase or the money is estimated to be collected. The posting of this purchase order reduces the amount of available appropriation. When an appropriation accounts reflects zero, then no more purchase orders should be entered into until the taxing authority increases that account’s appropriation.

Any contract made without this certification shall be void and no warrant shall be issued in payment. However, there is a “then and now” certificate that may be issued. This provision allows for the district trustees to approve a purchase order after goods or services have been purchased if there were unencumbered appropriations at the time the contract or order was placed (then) and currently (now) there are unencumbered appropriations. If the order is for \$1,000 or less the treasurer may authorize the expenditure without trustee approval. The administrative assistant may spend up to \$250 without trustee approval. Otherwise, the district trustees must pass a resolution authorizing the payment for the goods or services.



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CHAPTER VI

EXPENSE & REIMBURSEMENT GUIDELINES

600. REIMBURSEMENT POLICY: Board members are entitled to reimbursement, with District funds, for reasonable District-related expenses incurred in exercising their Board duties, or for the purchase of supplies, equipment, copying, postage, cellular phone charges, or other expenses directly related to District business.
601. MINIMIZING COSTS: Board members shall exercise care when incurring expenses, and, whenever reasonably possible under the circumstances, select the most economical alternative for any product or service, taking into account any quality concerns.
602. EXPENSE REIMBURSEMENT REPORT: For any expense to be considered for reimbursement, a Board member must request reimbursement by submitting an Expense Reimbursement Report form, including supporting receipts, invoices or cellular call records which document such expenses. Upon presentation of such form, the entire Board shall consider such request for reimbursement as any other invoice. Reimbursement shall only be granted upon the determination of necessity and reasonableness of the charges by the Board and approval of the request by a majority of the Board members during a regular, special, or emergency meeting of the Board. Any expenses which are determined by a majority of the Board to be unnecessary, unreasonable or of a personal nature shall not be reimbursed.
603. SALES TAX EXEMPTION: The District is exempt from paying State of Ohio sales tax, thus saving the District a percentage equivalent to the tax, on each purchase. For this reason, reimbursements should be minimized. When purchases requiring a reimbursement are unavoidable, prior to purchasing items on behalf of the District, Board members should secure a Tax Exemption Certificate to qualify the purchase for the exemption. However, if the sales tax is unavoidable, the Board member will be reimbursed for the cost of the item as well as the sales tax. These types of purchases should be minimized.



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CHAPTER VII

CREDIT CARD POLICY

701. POLICY STATEMENT: This policy relates to the use of any and all credit cards and gas cards (hereafter, collectively, referred to as "credit cards") issued by the District. District credit cards are to be used only in conformance with specific agency purchasing policies as set forth herein.

702. POLICY OBJECTIVES: To outline the responsibilities of those individuals who have been granted, by the District Board, the authority to receive and use District credit cards for only approved and budgeted expenses incurred while conducting the affairs of the District.

To specify rules and limitations for the use of the District's credit cards.

703. RATIONALE: The District recognizes that the same control procedures that are applied to expense reports must be exercised over the use of District credit cards.

704. SCOPE: This policy applies to all District agents, employees and Board Members.

705. RESPONSIBILITIES OF CREDIT CARD USERS ("Recipients"): All expenditures shall correspond to an approved budget line item and shall be charged to the appropriate general ledger accounts.

All charges on the District credit card's statement shall be accompanied by receipts and supporting documents.

It is the sole responsibility of the Recipient (as defined below) of the credit card to obtain a purchase order number for all approved purchases.

The credit card Recipient will be responsible for the payment of any unauthorized purchase, any use deemed by the District Board to be personal or private business, and for any purchase not in conformance with the policies contained herein.

706. USE FOR AUTHORIZED DISTRICT EXPENSES ONLY: District credit cards shall only be used by the Recipient of such credit cards for authorized District expenses. Such authorized District expenses are limited to office supplies and equipment and copying expenses. The



report, all charges on credit card statement shall be accompanied by a receipt.

General ledger account codes based on the receipt details shall be recorded on the expense report.

Credit card statements shall be submitted by the Recipient for approval to the Board and then forwarded to the District accountant within five days of the receipt of the statements.

Each Recipient is responsible for knowing the spending limit of the card issued to them and shall not exceed that limit. Moreover, each Recipient will be limited by the Board in the amount which may be charged without prior authorization from the Board. This limit may be different for different persons and it is the responsibility of each Recipient to know their own limit and adhere to it.

Each Recipient shall, as soon as possible, submit a copy of the vendor's credit card slip to the District Board. If no credit card slip was obtained that described the transaction, the employee shall submit a signed voucher that shows the name of vendor or entity from which goods or services were purchased, the date and the amount of the transaction, the official business that required the transaction, and the chart of account number indicating the line item to which the transaction is to be charged. All credit card slips shall include this information as well. Vouchers shall also include a statement why a credit card slip was not obtained.

Each Recipient shall return the credit card to the Board either:

- (a) upon demand by the District Board, or
- (b) upon termination of the Recipient's employment or service with the District.

711. PERSONAL OR PRIVATE BUSINESS USE OF COMPANY CREDIT CARD: District credit cards are not intended for personal or private business use and such personal or private business use of District credit cards by anyone is strictly prohibited. Usage is strictly restricted to District-related purposes only. The Recipient shall be responsible for any personal or private business use expenses and shall report immediately to the appropriate authorities, including the District Board or Accountant, any personal or private business use. Personal or private business use of the card may lead to forfeiture of the card and disciplinary action, up to and including dismissal, and may result in criminal charges or referral to the Ohio Ethics Commission.

