



# CITY OF KENT, OHIO

## DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: April 24, 2026  
TO: Dave Ruller, City Manager  
FROM: Bridget Susel, Community Development Director *BOS*  
RE: Tax Incentive Review Council (TIRC) Recommendations

The Tax Incentive Review Council (TIRC) is a Portage County board required by the Ohio Revised Code (ORC) to conduct annual reviews of “all exemptions from property taxation” that are granted through the post-1994 Community Reinvestment Area (CRA) program (ORC 3735.67), the Enterprise Zone (EZ) program (ORC 5709.63), and “public purpose improvements” through Tax Increment Financing ((TIF) ORC 5709.40). The annual TIRC reviews take into consideration compliance with the overall project investment, payroll, and employment commitments the various entities agreed to as part of the formal agreements previously authorized by Kent City Council.

The Tax Incentive Review Council met on March 11, 2026 to review performance for the period January 1, 2025 through December 31, 2025 for the following projects receiving real property tax exemptions:

KMPH Real Estate (Mazda): Post-1994 CRA Project	\$3,900,000 project investment	Active
Klaben Lincoln Dealership: Post-1994 CRA Project	\$2,500,000 project investment	Active
Klaben Service Center Addition: Post-1994 CRA Project	\$4,425,000 project investment	Active
Davey Tree Expert Co.: Enterprise Zone Project Corporate Headquarters Expansion	\$14,143,643 project investment	Active

The Tax Incentive Review Council found all projects to be in compliance with their respective commitment requirements and voted unanimously to recommend continuation of all of the above-listed projects. The Ohio Revised Code requires the legislative authority to vote to “accept, reject, or modify” all Tax Incentive Review Council recommendations.

I am respectfully requesting time at the May 6, 2026 Council Committee meeting to discuss this item in greater detail and to request Council’s authorization to accept, with emergency, the Tax Incentive Review Council’s 2026 recommendations to continue the above-listed agreements.

If you need any additional information in order to add this item to the agenda, please let me know.

Thank you.

cc: Eric Helmstedter, Economic Development Director  
Hope Jones, Law Director  
Kathy Coleman, Clerk of Council  
Rhonda Hall, Budget and Finance Director  
Dan Morganti, Assistant Community Development Director  
2025 CRA, TIRC and TIF Annual Report Files



# CITY OF KENT, OHIO

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## DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: April 22, 2026  
TO: Dave Ruller, City Manager  
FROM: Bridget Susel, Community Development Director *BOS*  
RE: Discussion of Time Period for Seasonal Closure of Franklin Ave.

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Numerous food and beverage businesses in the greater downtown area participate in the Designated Outdoor Refreshment Area (DORA) program and several of these businesses have suggested a review of the current start and end dates for the closure of Franklin Avenue. The current Franklin Avenue closure period is listed in Ordinance 2022-032 and it specifies “the closure will start not before the first Saturday in May and end no later than the first Saturday in October, annually.” Based on these start and end dates, Franklin Avenue is closed an average of 5.2 months/23 weeks each year.

Main Street Kent coordinates DORA activities on behalf of the participating businesses so it sent out an email poll to DORA affiliated business owners to gather input on possibly modifying the Franklin Avenue closure period to start on the Saturday of Memorial Day weekend and end immediately following the Labor Day weekend. These proposed alternative dates will reduce the period Franklin Avenue is closed each year to an average of 3.5 months/15 weeks.

The poll was sent to 36 DORA participating businesses and responses were received from 24 business owners which is a 67% response rate. Of the 24 responses received, 75% (18) were in favor of the proposed modified closure period of Memorial Day to Labor Day; 17% (4) were against changes to the closure period; and 8% (2) were indifferent.

I am respectfully requesting time at the May 6, 2026 Council Committee meeting to discuss the information gathered from the poll with Council. A representative from Main Street Kent also will be in attendance to participate in the discussion.

If you need any additional information to add this item to the agenda, please let me know.

Thank you.

Attachments

Cc: Kathy Coleman, Clerk of Council  
Hope Jones, Law Director  
Eric Helmstedter, Economic Development Director  
Dan Morganti, Assistant Community Development Director  
Dominique Bollenbacher, Community Engagement Coordinator



Outlook

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## Franklin Ave. Outdoor Seating Area

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**From** Heather Malarcik <heather@mainstreetkent.org>

**Date** Thu 3/26/2026 9:50 AM

**To** Bridget O. Susel <bridget.susel@KentOhio.gov>

**Cc** Lesley Sickle <lesley@mainstreetkent.org>

Bridget,

We recently polled all Kent bars, restaurants and breweries who serve DORA beverages regarding the outdoor seating area on Franklin Ave. Below are the results, which we found significant and worth sharing. The poll was sent to 36 business owners and we received responses from 24 of them.

### **Outdoor Seating Area - Franklin Ave./Business Poll**

*Each year, the City of Kent closes Franklin Ave. from W. Main St. to W. Erie St. to set up picnic tables, creating an outdoor seating area for community members and visitors to enjoy during the warmer months. It has been suggested to consider closing the road from Memorial Day to Labor Day, a very popular summer timeframe. Current closure: 23-24 weeks; Memorial Day - Labor Day closure: 15 weeks. We are asking for the opinions of all bar/restaurant/brewery owners who sell DORA beverages on this concept. Please complete this form by March 25, 2026. We appreciate everyone's response. Thank you!*

***- Do you think the time frame of the outdoor seating area on Franklin Ave. should be changed to Memorial Day to Labor Day?***

**Yes - 18**

**No - 4**

**Indifferent - 2**

**Note: Of the 6 businesses located on Erie St., inside the Outdoor Seating Area, 3 of them voted yes and 3 voted no.**

Heather Malarcik  
Executive Director  
Main Street Kent  
154 N. Water St., 2E  
Kent, OH 44240

**CAUTION: EXTERNAL SENDER** Do not click any links, open any attachments, or REPLY to the message unless you trust the sender and know the content is safe.

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## Quotes about Franklin Ave. Seating Area

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From Heather Malarcik <heather@mainstreetkent.org>

Date Tue 3/31/2026 1:16 PM

To Bridget O. Susel <bridget.susel@KentOhio.gov>

Bridget,

Below are some comments from business owners regarding the Franklin Ave. closure/seating area. Please let us know if you need anything else from us. Thanks!

Heather Malarcik  
Executive Director  
Main Street Kent  
154 N. Water St., 2E  
Kent, OH 44240

"We would be grateful to have it closed Memorial Day to Labor Day. Thank you to the City of Kent for making this happen each year and thank you MSK for sending out this survey."

"By reducing the time that Franklin is closed, it takes a step toward making this amenity fairer and even in its benefits. However, it continues to benefit only a few businesses who are most proximate. By closing the street, it confuses people as to what DORA is, who can participate and where it is offered - which again benefits only a few businesses to the detriment of many. (We appreciate the DORA path and constant communication efforts to better educate people though!) Closing Franklin provides a nice meeting place for many people to gather, but maybe it could be done in a way to better distribute the economic advantage."

"It's the best thing we can do for downtown businesses and the community."

"Closing the street does not really affect me one way or another other than inconvenience of traffic. With that being said, I do think it does distract people from the idea that Dora is in a bigger area."

"It's closed too long and seemed arbitrary. At least this feels like set points."

"The consistency with set dates may eliminate some confusion."

"I think it makes sense to have clear expectations for the closure."

**CAUTION: EXTERNAL SENDER** Do not click any links, open any attachments, or REPLY to the message unless you trust the sender and know the content is safe.

ORDINANCE NO. 2022 - 032

**AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO CLOSE FRANKLIN AVENUE FROM ERIE STREET TO MAIN STREET TO ASSIST DOWNTOWN BUSINESSES, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City is requesting the closure of Franklin Avenue from Erie Street to Main Street to assist the downtown businesses; and

**WHEREAS**, the closure will create an outdoor public "park" space which will provide additional outdoor seating for downtown customers to use; and

**WHEREAS**, the closure will start not before the first Saturday in May and end no later than the first Saturday in October, annually.

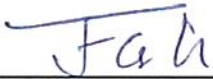
**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio, that:

**SECTION 1.** The Kent City Council authorizes the City Manager or his designee to close Franklin Avenue from Erie Street to Main Street to assist downtown businesses.

**SECTION 2.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 3.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: April 20, 2022  
Date

  
\_\_\_\_\_  
Jerry T. Fiala  
Mayor and President of Council

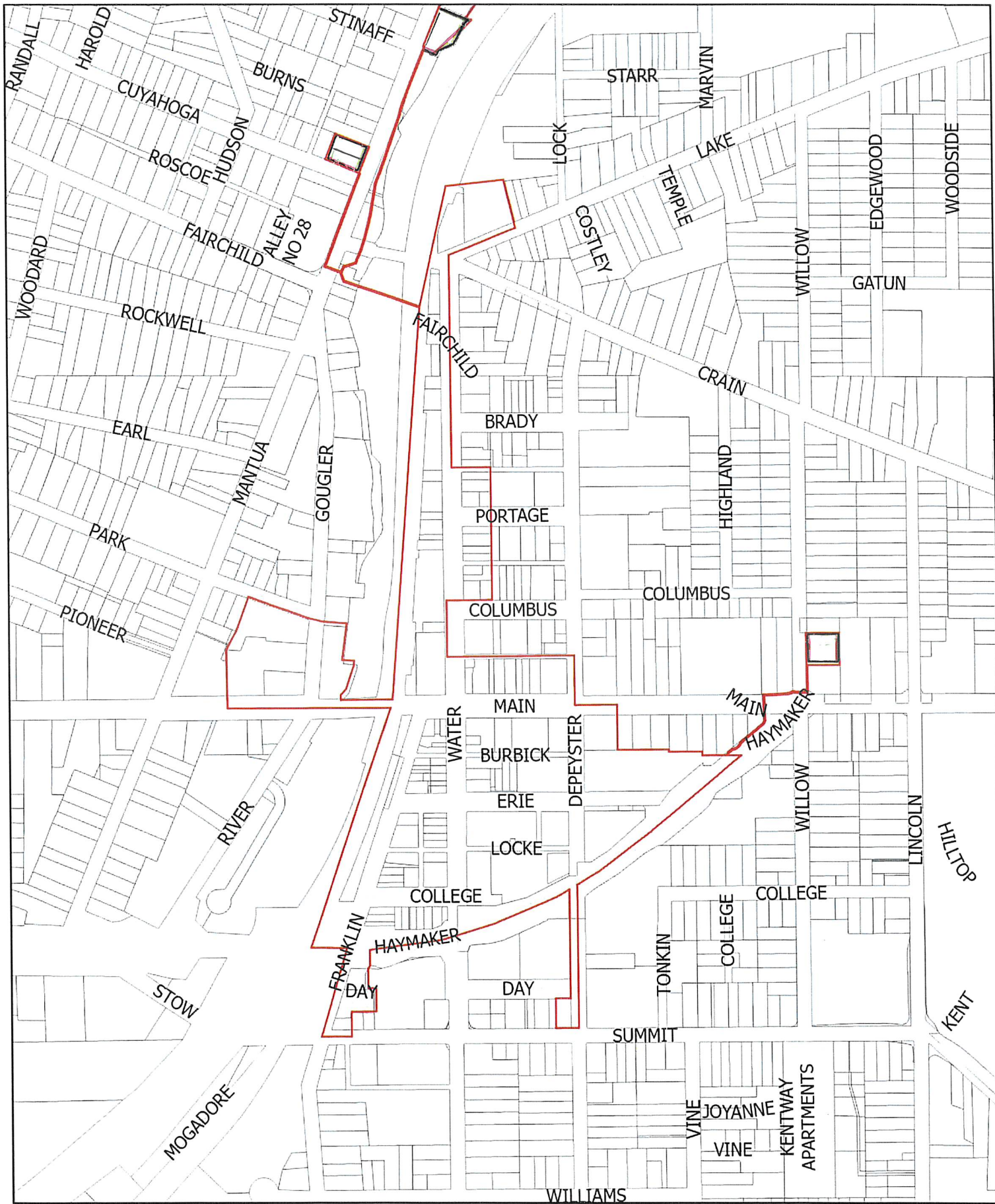
EFFECTIVE: April 20, 2022  
Date

ATTEST:   
\_\_\_\_\_  
Amy Wilkens  
Clerk of Council

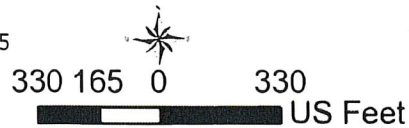
I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE No. 2022-032*, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON April 20, 202022.

(SEAL)

  
\_\_\_\_\_  
AMY WILKENS  
CLERK OF COUNCIL



Designated Outdoor Refreshment Area (DORA) in effect 2025



**City of Kent DORA  
Qualifying Liquor Permit Holders**

	<b>Business Name</b>	<b>DBA</b>	<b>Address</b>	<b>Permit Type(s)</b>	<b>Permit #</b>
1	101 INC	101 Bottles of Beer on the Wall	115 N. Willow St.	D5, D6	65504990005
2	107 South Inc.	Euro Gyro Pub & Pizza	107 S. Depeyster St.	D5, D6	6548651
3	120 South Inc.	Steak-Eez	120 S. Water St.	D1	6547772
4	157 Holdings LLC	157 Lounge	157 S. Water St.	D5	6548710
5	175 Main Ltd.	The Kent Stage	175 E. Main St	D5, D6	6548375
6	B & R Gillespie Holdings LLC	Tree City Coffee & Pastry	135 E. Erie St. #101 & #102	D5	0349240
7	Bell Tower Brewing Company LLC	Bell Tower Brewing Company	301 Park Ave.	A1A, A1C, D6	585080
8	Belleria Pizza Kent LLC	Belleria Pizza	135 E. Erie St.	D1, D2, D3	0600425
9	Beware Of The Leopard LLC	Beware of the Leopard	176 E. Main St. Unit B Basement Only	D1, D2, D3, D3A	674236
10	Blind Squirrel Pub LLC	Blind Squirrel Pub	802 N. Mantua St.	D1, D2, D3	734022
11	ELDJ LLC	Water St. Tavern	132 - 138 S. Water St.	D5	2470466 0001
12	Family Tacos LLC	Fresco Mexican Grill & Salsa Bar 1st Fl & Patio Suite 112	100 E. Erie St. #112	D5J	2633019
13	Fast Mex LLC	Federales	164 E. Main St. STE B & C	D5, D6	2655590
14	Hump & Hustle Brewing Co. LLC	North Water Brewing Company	101 Crain Ave.	A1A, A1C	4074739
15	Jason Merlene	Last Exit Books & Bsmt	124 E. Main St.	D1, D2	5041421
16	Kent Canadian Club	Kent Canadian Club	112 W. College Ave.	D4, D6	4590813
17	Kent Entertainment Group LLC	BarFlyy	100 E. Erie St. #130	D5J, D6	4591790
18	Kent Overstuffed Inc	Kent Paninis	295 S. Water St. #104	D5J, D6	4545457
19	Kent Tacos LLC	Barrio	295 S. Water St. #116	D5J, D6	4581760
20	Laziza Restaurant LTD	Laziza 1st 2nd Fls & Patio	195 E. Erie St.	D5I, D6	5072484
21	Lilybutt LLC	Taco Tontos	123 Franklin Ave.	D1, D2, D3	5216676 0005
22	Mabam Enterprises Inc.	Buffalo Wild Wings	176 E. Main St. 1st Floor	D2, D2X, D3, D3A, D6	53922700001
23	Maddalenas LLC	Maddalenas	252 N. Water St.	D-5	05407598-1
24	Olympia Hotel Management LLC	Kent State University Hotel & Conference Center	230 E. Erie St. 215 S. Depeyster St.	D5A, D6	6545434 0010
25	Over Easy LLC	Over Easy at the Depot	152 Franklin Ave.	D5, D6	6601162
26	Polugas Pub LLC	Dominicks Restaurant & Lounge & Patio	147 Franklin Ave.	D5, D6	7080082
27	Pub in Kent Inc.	The Pub in Kent	401 Franklin Ave.	D5, D6	7107910
28	River Merchant LLC	The River Merchant	911 N. Mantua St.	D1, D2, D3, D6	7405959
29	T I K Inc.	Brewhouse Pub & 244 N. Water St.	246 N. Water St.	D1, D3, D3A	8930829
30	TapRoot Hospitality Group LLC	Gigi's Ristorante & Market	210 S. Depeyster St.	D5I, D6	0912545
31	Timberland Enterprises Inc.	Rays Place	134 -143 Franklin Ave.	D1, D2, D3, D3A, D6	8933973
32	Troy Grill LLC	Troy Grill & Patio	118 E. Main St.	D1	9071615
33	TT1108 2	Pacific East	100 - 110 E. Main St.	D1, D2, D3, D3A	8774142
34	Twisted Root LTD	VACANT	257 N. Water St.	D1, D2, D3, D3A	09122345-1
35	Venice Café LLC	Venice Café	163 Franklin Ave.	D1, D2, D3, D3A, D6	6771988
36	Wolf Patterson LLC	The Loft	112 W. Main St.	D1, D2, D3, D3A, D6	9735474
37	Wulfjam LLC	Board and Bevy	141 E. Summit St.	D5	9796585
38	Zephyr Café Ltd.	Zephyr Café	106 W. Main St.	D1, D2, D3, D3A, D6	9918121 0005



# CITY OF KENT, OHIO

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## DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: April 23, 2026  
TO: Dave Ruller, City Manager  
FROM: Kailyn Cyrus, Zoning and Grants Coordinator  
RE: 2026 Social Service Grant Funding Awards

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The Community Development Department has completed its review of the grant applications it received from organizations seeking 2026 Social Service Grant funding from the City. The final grant funding awards for each program are listed on the attached table.

For program year 2026, the City received applications from seven (7) different nonprofit organizations seeking support for ten (10) different programs or activities totaling \$161,898.93. In 2025, City Council did approve an increase in the annual Social Service Grant program budget appropriation amount from \$65,000 to \$100,000 so there is more available funding, but this year's requests still exceeded available funding. The \$100,000 available was awarded as follows:

- Five (5) social service-related programs were funded at \$14,000 each, which is the same grant funding award level as in 2025;
- Two (2) programs received a slight increase over 2025 grant award amounts because of the higher number of persons assisted;
- One (1) new program submitted by the Portage Metropolitan Housing Authority (PMHA) will be receiving funding for the first time.

All the organizations assisted through the City's annual Social Service Grant program provide a wide range of supportive services for Kent residents including programming for at-risk youth, homeless prevention, housing for individuals and families facing domestic violence and homeless concerns, and free legal assistance for civil matters.

I respectfully request time at the May 6, 2026, Council Committee meeting so the Community Development Department can provide an information only update on the 2026 Social Service Grant program. Please let me know if you have any questions regarding the attached materials or if you need any additional information in order to add this to the agenda. Thank you.

Attachments

Cc: Bridget Susel, Community Development Director  
Dan Morganti, Asst. Community Development Director  
Kathy Coleman, Clerk of Council  
Hope Jones, Law Director  
Rhonda Hall, Budget and Finance Director

**2026 Social Service Program Funding (001-04-540-401-7560); 2026 Funding Available \$100,000**

Agency	Signatory	Email	Address	Program	2026 Amount Requested	2026 Funding Amount Recommended	2025 Grant Award
Coleman Health Services	Hattie Tracy	<a href="mailto:hattie.tracy@colemanservices.org">hattie.tracy@colemanservices.org</a>	5982 Rhodes Road, Kent, OH 44240	Eviction Prevention/Housing Start-Ups	\$16,000.00	\$15,000.00	\$14,000.00
Community Legal Aid	Steven McGarrity	<a href="mailto:smcgarrity@communitylegalaid.org">smcgarrity@communitylegalaid.org</a>	50 South Main Street, Suite 800, Akron, OH 44308	Legal Assistance for Kent Residents	\$14,000.00	\$14,000.00	\$14,000.00
AxessPointe Community Health Centers	Mark Frisone	<a href="mailto:mfrisone@fcsserves.org">mfrisone@fcsserves.org</a>	1400 S. Arlinton St. Suite 38 Akron, OH 44306	Housing and Emergency Support Services (HESS)	\$14,000.00	\$14,000.00	\$14,000.00
AxessPointe Community Health Centers	Mark Frisone	<a href="mailto:mfrisone@fcsserves.org">mfrisone@fcsserves.org</a>	1400 S. Arlinton St. Suite 38 Akron, OH 44306	Portage Area Recovery Center (PARC)	\$14,000.00	\$14,000.00	\$14,000.00
AxessPointe Community Health Centers	Mark Frisone	<a href="mailto:mfrisone@fcsserves.org">mfrisone@fcsserves.org</a>	1400 S. Arlinton St. Suite 38 Akron, OH 44306	Safer Futures	\$17,500.00	\$14,000.00	\$14,000.00
Lovelight, Inc.	Betsy Justice	<a href="mailto:lkjusti1@kent.edu">lkjusti1@kent.edu</a>	PO Box 123, Kent, OH 44240	Building Community, Building Futures - Youth Component	\$30,213.06	\$14,000.00	\$14,000.00
PMHA	Pamela Nation	<a href="mailto:pnation@portagehousing.org">pnation@portagehousing.org</a>	2832 State Route 59, Ravenna, OH 44266	Youth Camp	\$16,185.87	\$10,000.00	N/A
Kent Social Services	Mark Frisone	<a href="mailto:mfrisone@fcsserves.org">mfrisone@fcsserves.org</a>	1400 S. Arlington St. Suite 38 Akron, OH 44306	Food Pantry Assistance	\$10,000.00	\$5,000.00	\$2,000.00
Community Action Council Of Portage	John Kennedy	<a href="mailto:jkennedy@cacportage.net">jkennedy@cacportage.net</a>	1036 W. Main St. Ravenna, OH 44266	Kent Senior Property Tax Relief *	\$25,000.00	\$0.00	N/A
Akron-Canton Regional Food Bank	Natalie Canter	<a href="mailto:ncanter@acrfb.org">ncanter@acrfb.org</a>	350 Opportunity Pkwy. Akron, OH 44307	Food Pantry *	\$5,000.00	\$0.00	N/A
<b>Totals</b>					<b>\$161,898.93</b>	<b>\$100,000.00</b>	<b>\$86,000.00</b>

\* Projects Not Eligible

# Revenue Options Comparison

## Tax Option 1

Remove .25 Police Building,  
Replace with .25 for Staffing

## Upsides

- No Change in Taxes Paid
- Generates enough funds for 1<sup>st</sup> tier critical staffing needs
- Seamless, no rate change
- Uncomplicated messaging

## Downsides

- Funding for 3/3/3 staffing only, not 2<sup>nd</sup> tier staff (2/2), and not for projects,
- Partial impact on staff, no visible new projects, e.g., no parks and rec master plan, no splash park, no extra sidewalk shoveling, no paramedicine, etc.

## Critical Path

- Explain/Inform Voters
- Council authorize putting it on the Ballot
- Submit Ballot Request to County
- Gain Voter Approval

## Tax Option 2

Remove .25 Police Building,  
Replace with .50 for Staffing/Projects  
Refund .25 for City Residents

## Upsides

- No Change in City Resident Taxes Paid
- Generates enough funds for 1<sup>st</sup> and 2<sup>nd</sup> tier critical staffing needs, and new projects.
- Most impactful/visible outcomes, parks & rec, downtown upgrades, paramedicine, etc.
- Residents benefit from increases in non-resident tax contributions
- Incentivizes living/owning in Kent, reducing rental units
- Provides sustainable funding for years to come.

## Downsides

- Requires residents to physically file for refund of the .25% from the City (not RITA).
- More component parts, slightly more complicated to explain

## Critical Path

- Explain/Inform Voters
- Council authorize putting it on the Ballot
- Submit Ballot Request to County
- Gain Voter Approval

## Tax Option 3

Remove .25 Police Building,  
Replace with .25 for Staffing  
Refund with .25 for City Residents

## Upsides

- Reduces Resident Income Taxes
- Generates some new funding for a couple of new staff

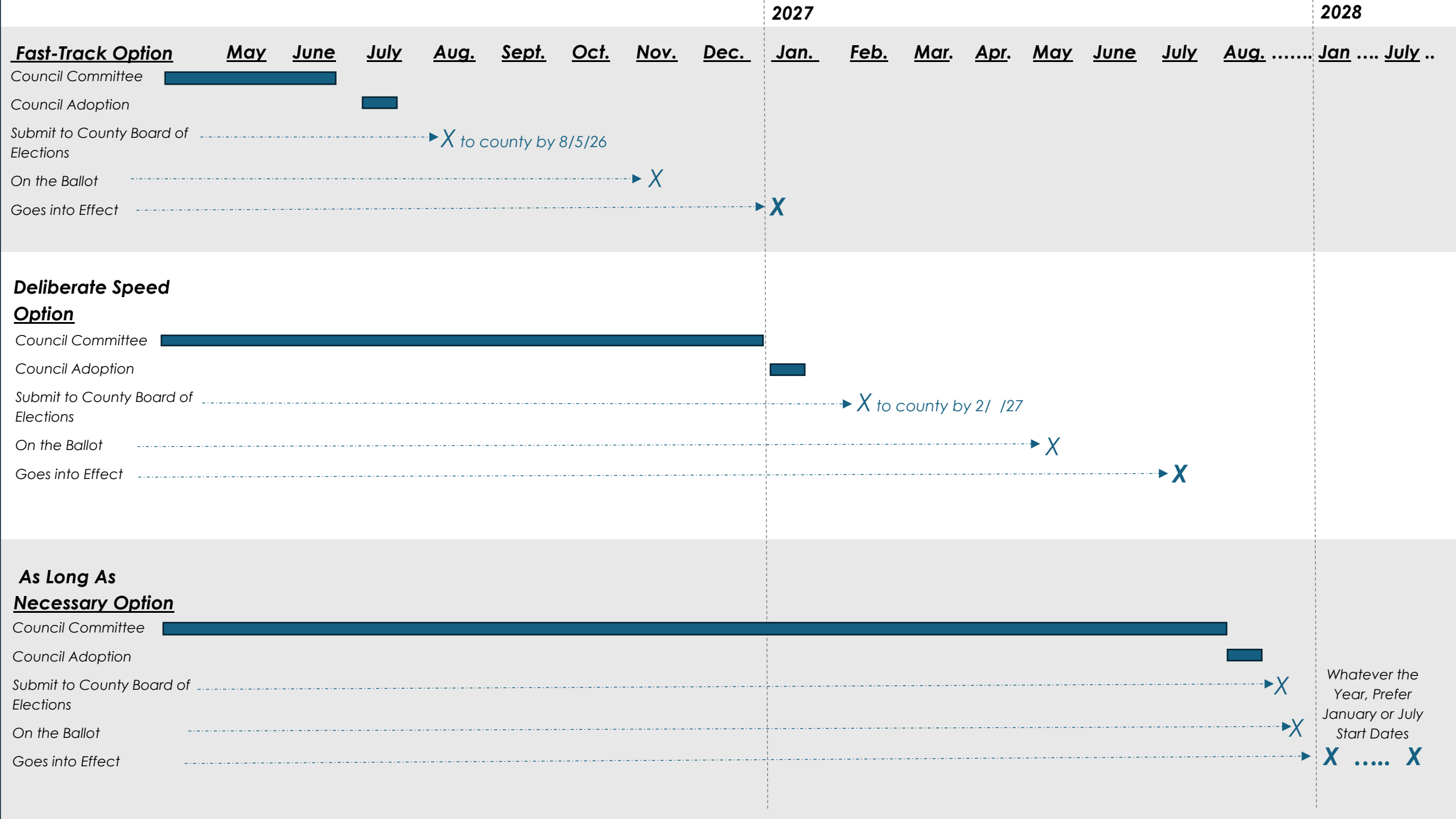
## Downsides

- Generates only partial funding for the 1<sup>st</sup> tier staffing and no funds for 2<sup>nd</sup> tier staff; and no funds for projects,
- Least Impactful/visible outcomes, limited new staff, no new projects.

## Critical Path

- Explain/Inform Voters
- Council authorize putting it on the Ballot
- Submit Ballot Request to County
- Gain Voter Approval

# Tax Re-Purposing Timeline Options



# Not a Tax Increase



The November ballot includes a request to **Repurpose** Existing Taxes to Add More Safety Crews and Year-Round Street Repair Crew

Repurposing the tax would have no change on resident's city income tax bill.

In 2014 Kent voters approved a .25 income tax increase to pay for constructing the new police safety center. Those new funds could only be used to pay for the new building debt, and the building debt was scheduled to be paid off in 2038.



The investments in Kent's economic recovery worked, generating higher than expected job and income tax growth which could allow the debt for the police safety center to be paid off 10 years early.

Paying off the police safety center early creates an opportunity to ask voters to sunset the .25 building income tax and replace it with the same .25 tax to fund new staffing, including more public safety first responders, create a new year-round street repair crew, and provide seed money for new quality of life projects and programs – all for the same tax amount that residents are currently paying in income taxes.

Seeing the value of that opportunity led to the tax proposal asking voters to consider replacing the old .25 tax with a new .50 tax that would include a .25 tax refund for Kent residents – again keeping what eligible Kent residents pay in income taxes after the refund, the same as what they pay today.

Resident and Non-Resident Rate Today	Sunset Safety Center	Replace	Refund		Resident Rate After	Non-Resident Rate After
	- .25	+ .50	Resident Only - .25	Non-Resident No Refund 0	2.25	2.50
2.25					2.25	2.50

In restructuring the income taxes, City Council saw the chance to use taxes as a way to promote home ownership in Kent by making income taxes lower for residents and increasing the tax contributions from non-residents.

The combination of repurposing the former building taxes plus increasing the income tax one-quarter (from 2.25 to 2.50) for non-residents, would provide enough funding to expand public safety-first responder staffing, create a new year-round dedicated street repair crew, and pursue new quality of life programs and facilities for Kent residents.

# memo

## **CITY OF KENT PARKS AND RECREATION DEPARTMENT**

**To:** Dave Ruller, City Manager  
**Cc:** City Council  
**From:** Angela Manley, Director  
**Date:** April 29, 2026  
**Re:** City Property for Public Auction

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Please find an attached city owned property in need of approval for public auction. This property was purchased in 2017 and no longer aligns with future expansion for Parks and Recreation. We will be using Kiko Auctions for a simultaneous live and online absolute auction, which will be publicized to the public through newspaper advertising, MLS database real estate listing, signage and social media pages. The auction is tentatively scheduled for June 4, 2026.

I respectfully request your approval to move forward with the sale of this property.

Portage County, Ohio - Property Record Card  
 Parcel 17-011-10-00-044-000  
 Card 1

**GENERAL PARCEL INFORMATION**

Owner KENT OHIO CITY OF  
 500 MIDDLEBURY  
 Property Address 319 W WATER ST  
 Mailing Address KENT OH 44240  
 Land Use 510 - Single family Dwlg  
 Deed CURRENT DEED VOLUME/PAGE: /  
 Legal Description LOT 11&26 SD-4-3  
 F 75

**VALUATION**

	Appraised	Assessed
Land Value	\$27,700.00	\$9,700.00
Improvements Value	\$110,300.00	\$38,610.00
CAUV Value	\$0.00	\$0.00
Taxable Value	\$48,310.00	
Net Annual Tax	\$2,221.78	

**LAND**

Land Type	Acreage	Depth	Frontage	Depth	Value
A0 - Row	0.043		0		0
L1 - Regular Lot	0.3444	200	75	122%	27670

**AGRICULTURAL**



**RESIDENTIAL**

Building Style	Conventional	Full Baths	1
Year Built	1959	Half Baths	0
Stories	1	Basement	Full Basement
Finished Area	1040	Finished Basement Area	0
First Floor Area	1040	Heating	Base
Half Floor Area	0	Cooling	Central
Upper Floor Area	0	Exterior Wall	Siding w/Masonry 1
Rooms	6	Attic	None
Bedrooms	3	Number of Fireplace Openings	0
Family Rooms	0	Number of Fireplace Stacks	0

**ADDITIONS**

Description	Area	Year Built	Value
GR1 - Garage Frame	288	0	10680
WD1 - Wood Deck	160	0	4060

**IMPROVEMENTS**

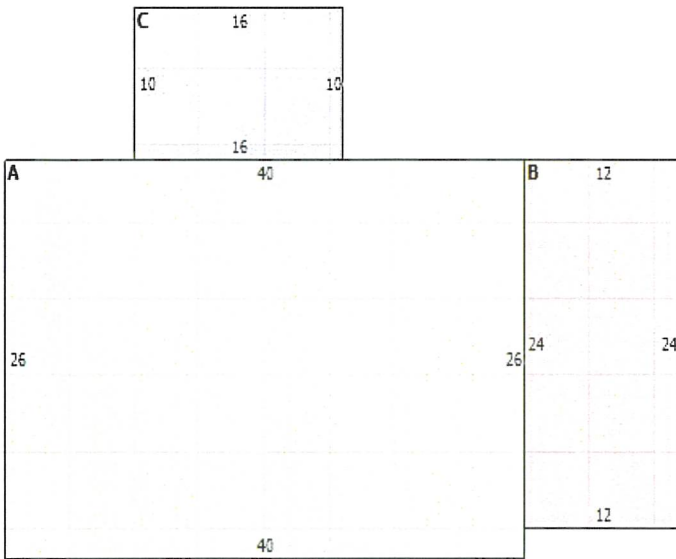
**SALES**

Date	Buyer	Seller	Price
12/15/2017	KENT OHIO CITY OF	HUNTER THOMAS F &	\$0.00
1/1/1990	HUNTER THOMAS F &	Unknown	\$0.00

**COMMERCIAL**

Grid Scale: 5ft

- A 1 s Fr/B  
1040 sqft
- B GR1  
288 sqft
- C WD1  
160 sqft





# KENT CITY HEALTH DEPARTMENT

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414 E. MAIN ST., P.O. BOX 5192, KENT, OHIO 44240 (330) 678-8109 FAX (330) 678-2082

## HEALTH DEPARTMENT GRANT AWARD

The Health Department learned that we successfully reapplied for the Food and Drug Administration (FDA) Grant for standardization of the Registered Environmental Health Specialist. The goal of this grant is demonstration of attaining best practices for food safety.

The amount awarded is \$10,000 and would like to ask that amount be appropriated in the following manner \$2,000 be placed in line 107.02.520.202.7390 and \$8,000 be placed in 107.02.520.202.7420.

Thank you for your consideration,

Joan Seidel MA, BSN, RN, CIC, FAPIC  
Health Commissioner  
April 1, 2026

**ORDINANCE NO. 2026 - 0 \_\_\_\_**

**AN ORDINANCE AUTHORIZING THE CITY OF KENT HEALTH DEPARTMENT TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$10,000.00, AND WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Kent Health Department has been awarded the Food and Drug Administration (FDA) Grant totaling \$10,000

**WHEREAS**, the City wishes to accept said grant.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio:

**SECTION 1.** Kent City Council approves execution of the subsequent agreement, and authorized that the Administration provide all information, funds, and documentation required.

**SECTION 2.** That Kent City Council hereby approves the City’s acceptance of the grant, with corresponding appropriations for its use.

**SECTION 3.** That the Kent City Council hereby understands and agrees that participation in the program will require compliance with program guidelines and assurances.

**SECTION 4.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 5.** That this ordinance is hereby declared an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this ordinance is hereby declared an emergency measure and shall take effect and be in force immediately after passage.

PASSED: MAY 20, 2026

DATE

\_\_\_\_\_  
Jack Amrhein  
Mayor and President of Council

EFFECTIVE: MAY 20, 2026

DATE

ATTEST: \_\_\_\_\_

Kathy Coleman  
Clerk of Council

I, KATHY COLEMAN, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE NO. 2026-0 \_\_\_\_ ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON MAY 20, 2026.

(SEAL)

\_\_\_\_\_  
Kathy Coleman  
Clerk of Council



# CITY OF KENT, OHIO

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## DEPARTMENT OF PUBLIC SERVICE

### MEMO

TO: Dave Ruller, City Manager

FROM: Melanie A. Baker, Service Director

DATE: 4/24/2026

SUBJECT: Codified Ordinance 353.02 Parking Regulation Authorization  
Request for a change of language on the following street:  
Needham Avenue.

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It was brought to the attention of the TE&S committee at their Monday March 30, 2026, meeting that the street of Needham Avenue was experiencing some concerning patterns of parking and traffic flow. Upon investigation it appears that there were some old "NO PARKING SIGN" on the road in 2024 and that they have been removed.

When the committee looked at the current Codified Ordinance 353.02 Parking Regulation Authorization, it appears that Needham Avenue does not have any parking restrictions, as stated below and showing in the codes as:

***NEEDHAM AVE NO PARKING RESTRICTIONS (Ord. 1999-55. Passed 4-21-99.)***

Therefore, the signs that were on Needham in 2024 should have been removed. With the removal of the signs, people can park on both sides of the street and have no restrictions for clearance.

As observed, car parking is occurring on both sides of the street and limiting maneuverability.

After reviewing the street and the parking of cars, it was determined that due to the narrow width of the road, approximately 18 feet, it would be difficult to get emergency vehicles through, as well as larger road repair vehicles or maintenance trucks.

Out of concern for emergency vehicles and the safety of the neighborhood and to provide adequate room for maintenance of city services it was determined that TE&S would like to recommend that “NO PARKING” signs be placed on the south side of the street (the same side as the fire hydrants) to ensure one lane of clear flow and that fire hydrants would not be blocked should there be an emergency.

We respectfully request that Council allow for the language to be changed as follows with the emergency clause:

**353.02 PARKING REGULATION AUTHORIZATION.**

The following regulations and restrictions are hereby authorized for enforcement on the described streets, alleys, right-of-way, and through-ways within the City.

**NEEDHAM AVE** ~~NO PARKING RESTRICTIONS (Ord. 1999-55. Passed 4-21-99.)~~  
**NO PARKING SOUTH SIDE.**

I thank you in advance for consideration of this request.

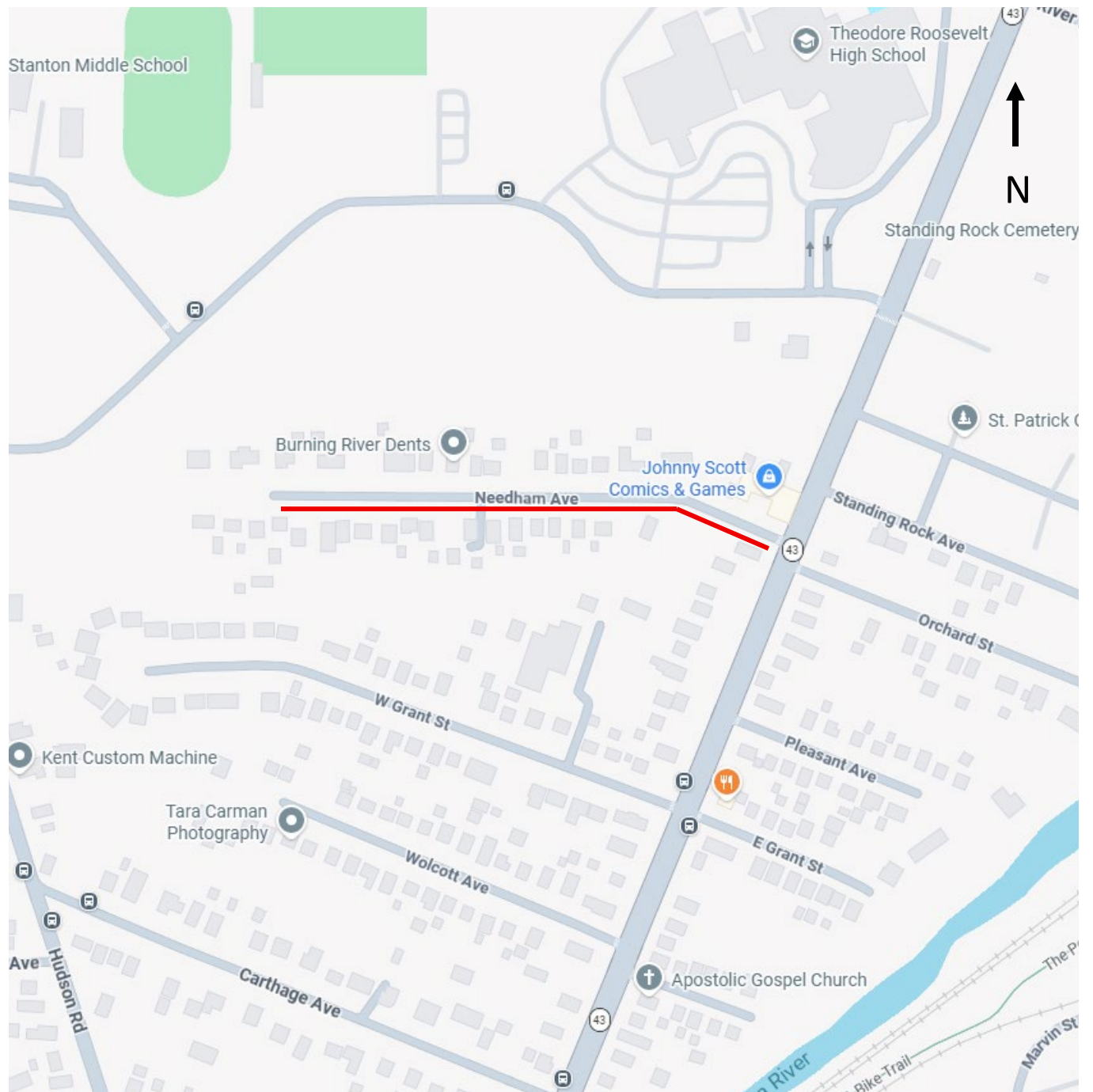
Current Codfied Ordinance language:

**NEEDHAM AVE** *NO PARKING RESTRICTIONS (Ord. 1999-55. Passed 4-21-99.)*

Proposed language:

**NEEDHAM AVE** **NO PARKING SOUTH SIDE.**







# CITY OF KENT, OHIO

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## DEPARTMENT OF PUBLIC SERVICE

### MEMO

TO: Dave Ruller, City Manager

FROM: Melanie A. Baker, Service Director

DATE: 4/24/2026

SUBJECT: Codified Ordinance changes required due to updates and new mandate by the OEPA and our NPDES permit

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On April 22nd and April 24th, 2025, Ohio EPA, Division of Surface Water (DSW) conducted an audit of the City of Kent's Municipal Stormwater Management Program (SWMP). The goal of the audit was to determine City of Kent's compliance with Ohio's environmental laws and regulations as found in Chapter 6111 of the Ohio Revised Code (ORC), Chapter 3745-39 of the Ohio Administrative Code (OAC), and the Ohio EPA General National Pollutant Discharge Elimination System (NPDES) Permit for Small Municipal Storm Sewer Systems (MS4s) #OHQ000004 (MS4 Permit).

Generally, the City of Kent did well but received 4 findings to correct. The findings received covered items such as updating forms, adding recording measures and follow up protocols to our Storm Water Management Plan, updating our MS4 Map, showing a current sanitary sewer map with surrounding jurisdictions (Summit and Portage County) and updating and amending existing current ordinances to meet the requirements of the Ohio EPA, ORC, the OAC and the General NPDES Permit for Small Municipal Storm Sewer Systems.

The final item for review, approval and final submittal to close our 2025 audit finding are the updates to the Kent Codified Code for sections 915, 921, 1193, 1199 and 1203.

The attached Service Department code updates consist of the following:

Codified Ordinance Chapter 915 Sanitary Sewer Use Ordinance –

consists of updates to the definition section. This includes removal of grammatical errors, unnecessary use of words and additional clarifications or removal of content required by the OEPA.

Codified Ordinance Chapter 921 Storm Water Use –

Consists of updates to the definitions, the discharge prohibitions, the compliance monitoring and clarification on injunctive relief.

**The definition section** includes removal of grammatical errors, unnecessary use of words and additional clarifications or removal of content required by Ohio EPA.

**The discharge prohibitions** expanded to include prohibited connections and clarified the difference between illegal connections and illicit discharges. An illicit discharge is one that is not composed entirely of storm water only, while an illegal connection is any conveyance whether above or below ground that allows for non-storm water to enter the storm water system.

**The compliance monitoring** required us to change the title to Monitoring of Illicit Discharges and Illegal Connections and required us to establish a program for continued monitoring of illicit discharges with updating our MS4 Map and document more clearly our investigations of potential problems during dry weather flow.

**The clarification of Injunctive relief** clarified person to be an owner / operator and indicated that the Director of Public Service is the authorized enforcement agency for this code.

The attached Community Development code updates consist of the following:

Codified Ordinance 1193 Resource Management Plans –

consists of adding a purpose and scope, a disclaimer of liability, a conflicts, severability, nuisances and responsibility section, and adding a section on the development of a comprehensive storm water management plan as well as performance standards. Other items reviewed and added were sections on easements, maintenance and final inspections approval, on-going inspections, installations of water quality storm water control measures, violations, appeals and penalties. Definitions were also amended as per chapters 915 and 921.

**The purpose and scope, disclaimer of liability and the conflicts, severability, nuisance and reasonability sections were added to meet the OEPA requirements.**

**The definitions section** includes removal of grammatical errors, unnecessary use of words and additional clarifications or removal of content required by the OEPA.

**The Development of and the comprehensive storm water plan along with the performance standards** cover a variety of design calculations and requirements for review. The performance standards provide the guidance for development of the plans and the long-term use and maintenance of the plans.

**The sections on easements, maintenance and final inspections approval, on-going inspections, installations of water quality storm water control measures, violations, appeals and penalties** were added to help guide and ensure that the long-term maintenance of storm water control measures were addressed. As well as providing compliance if a violation should be found.

Codified Ordinance 1199 Erosion Control –

consists of adding a purpose and scope, a definition section, a disclaimer of liability, a conflicts, severability, nuisances and responsibility section, and adding a section on the development of a storm water pollution prevention plan and performance standards. Other items added were appeals of violations, and compliance with State and Federal regulations.

**The purpose and scope, disclaimer of liability and the conflicts, severability, nuisance and reasonability sections were added to meet the OEPA requirements.**

**A definition section was added as per the OEPA requirements.**

**The development of storm water pollution prevention plans along with the performance standards** cover a variety of design requirements that better facilitate reviews and ensure compliance with the performance standards of onsite water runoff control to ensure that the OEPA regulations are followed.

**The sections on violations, appeals and compliance with State and Federal regulations were** added to help guide and ensure that all SWP3's were installed, monitored and provided compliance should a violation be found.

Codified Ordinance 1203 Low Impact Development -

consists of adding a section on green infrastructure.

**Green Infrastructure** is defined and the use of this design feature is encouraged. The design and use of this infrastructure must be consistent with the best management practices for storm water run off and designed by a professional with documentation that the proposed technique does not pose a threat to public safety.

**NOTE: The definitions changes for all the codes were reviewed to ensure continuity from chapter to chapter.**

We respectfully request your approval with the emergency clause.

Thank you.

## CHAPTER 915

### Sanitary Sewer Use Ordinance

- 915.01 General provisions, purpose and policy.
- 915.02 Administration.
- 915.03 Abbreviations.
- 915.04 Definitions.
- 915.05 Use of public sanitary sewer required.
- 915.06 Building sewers and connections.
- 915.07 Prohibited discharge(s) to the POTW.
- 915.08 FOG standards.
- 915.09 National Categorical Pretreatment Standards.
- 915.10 State Pretreatment Standards.
- 915.11 Local Limits.
- 915.12 Damage to POTW or interruption of normal operations.
- 915.13 City's right of revision.
- 915.14 Dilution.
- 915.15 Pretreatment facilities.
- 915.16 Additional pretreatment measures.
- 915.17 Accidental discharge/slug Discharge Control Plans.
- 915.18 Hauled wastewater.
- 915.19 WDP – wastewater analysis.
- 915.20 WDP – requirement.
- 915.21 WDP – existing connections.
- 915.22 WDP – new connections.
- 915.23 WDP – application contents.
- 915.24 Application signatories and certifications.
- 915.25 WDP – decisions.
- 915.26 WDP – issuance duration.
- 915.27 WDP – contents.
- 915.28 WDP – issuance process.
- 915.29 WDP – modification.
- 915.30 WDP – transfer.
- 915.31 WDP – revocation.
- 915.32 WDP – reissuance.
- 915.33 Regulation of waste received from other jurisdictions.
- 915.34 Reporting requirements – baseline monitoring reports.
- 915.35 Reporting requirements – compliance schedule progress reports.
- 915.36 Reporting requirements – compliance with Categorical Pretreatment Standard deadline.
- 915.37 Reporting requirements – periodic compliance reports.
- 915.38 Reporting requirements – reports of changed conditions.
- 915.39 Reporting requirements – reports of potential problems.
- 915.40 Reporting requirements – reports from unpermitted users.
- 915.41 Reporting requirements – notice of violation/repeat sampling and reporting.
- 915.42 Notification of the discharge of hazardous waste.
- 915.43 Analytical requirements.
- 915.44 Sample collection.
- 915.45 Reports by date of receipt of reports.
- 915.46 Recordkeeping.
- 915.47 Certification statements.
- 915.48 Compliance monitoring – right of entry, inspection and sampling.
- 915.49 Compliance monitoring – supplemental enforcement action warrants.
- 915.50 Confidential information.
- 915.51 Publication of users in significant noncompliance.
- 915.52 Administrative enforcement remedies – notification of violation.
- 915.53 Administrative enforcement remedies – consent orders.
- 915.54 Administrative enforcement remedies – show cause hearing.
- 915.55 Administrative enforcement remedies – compliance orders.
- 915.56 Administrative enforcement remedies – cease and desist orders.
- 915.57 Administrative enforcement remedies – fines.
- 915.58 Administrative enforcement remedies – emergency suspensions.
- 915.59 Administrative enforcement remedies – termination of discharge.

- 915.60 Judicial enforcement remedies – injunction relief.**
- 915.61 Judicial Enforcement remedies – civil penalties.**
- 915.62 Judicial enforcement remedies – criminal prosecution.**
- 915.63 Judicial enforcement remedies – nonexclusive.**
- 915.64 Supplemental enforcement action – penalties for late reports.**
- 915.65 Supplemental enforcement action – performance bonds.**
- 915.66 Supplemental enforcement action – liability insurance.**
- 915.67 Supplemental enforcement action – payment of outstanding fees and penalties.**
- 915.68 Supplemental enforcement action – water supply severance.**
- 915.69 Supplemental enforcement action – public nuisances.**
- 915.70 Supplemental enforcement action – informant rewards.**
- 915.71 Supplemental enforcement action – contractor listing.**
- 915.72 Wastewater treatment rates.**
- 915.73 Miscellaneous provisions – pretreatment charges and fees.**
- 915.74 Severability.**
- 915.75 Director’s rules and regulations**
- 915.76 Effective Date.**

#### **CROSS REFERENCES**

- Compulsory sewer connections – see Ohio R.C. 729.06
- Management and control of sewage system – see Ohio R.C. 729.50
- Sewage rates – see Ohio R.C. 729.49, 729.52
- Private sewage disposal systems – see S.U.&P.S. Ch. 917

#### **915.01 GENERAL PROVISIONS, PURPOSE AND POLICY**

- (a) This Ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for the City of Kent and enables the City of Kent to comply with all applicable State and Federal Laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this ordinance are:
- (1) To prevent the introduction of Pollutants into the POTW that will interfere with its operation;
  - (2) To prevent the introduction of Pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
  - (3) To protect POTW personnel who may be affected by Wastewater and Bio-solids in their course of their employment and the general public;
  - (4) To promote reuse and recycling of Wastewater and Bio-solids from the POTW;
  - (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the City of Kent POTW;
  - (6) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, Bio-solids re-use and disposal requirements, and any other Federal or State laws to which the POTW is subject on the date of this Ordinance was enacted or any future Federal or State Laws to which the POTW may be required to comply with in the future.
  - (7) To facilitate the maximum beneficial public use of the City’s POTW while preventing blockages of the POTW resulting from FOG, and to specify appropriate FOG Discharge requirements for all Users and standard requirements for Food Service Establishments.
- (b) This Ordinance shall apply to all Users of the POTW and authorizes the issuance of WDP’s; provides for monitoring, compliance, and enforcement activities outlined in the ERP; establishes administration review procedures; requires User reporting; and provides for setting of fees for the equitable distribution of costs resulting from the program established herein.

#### **915.02 ADMINISTRATION**

Except as otherwise provided herein, the Director or his/her designee shall administer, implement, and enforce the provisions of this Ordinance; any powers granted to or duties imposed upon the Director, may be delegated by the Director, to a duly authorized City employee or provided for under contract as the Director may elect (Ord. 2012. Passed 8-15-12.)

#### **915.03 ABBREVIATIONS**

The following abbreviations, when used in this Ordinance, shall have the designated meanings;

- BCC-Bioaccumulative Chemical of Concern
- BOD – Biochemical Oxygen Demand
- BMP(s) – Best Management Practice
- BMR – Baseline Monitoring Report
- CFR – Code of Federal Regulations
- CIU - Categorical Industrial User

COD – Chemical Oxygen Demand  
 DAL - Discharge Authorization Letter  
 ERP – Enforcement Response Plan  
 FOG – Fats, Oils, and Greases  
 FSP – Food Service Provider  
 gpd – gallons per day  
 IU – Industrial User  
 Mg/L – milligrams per liter  
 NOV – Notice of Violation  
 NPDES - National Pollutant Discharge Elimination System  
 NSCIU – Non-Significant Categorical Industrial User  
 OEPA – Ohio Environmental Protection Agency  
 POTW – Publicly Owned Treatment Works  
 RCRA – Resource Conservation and Recovery Act  
 SIU – Significant Industrial User  
 SNC – Significant Noncompliance  
 SS- Suspended Solids  
 SSO(s) - Sanitary Sewer Overflows  
 TDS Total Dissolved Solids  
 TOMP - Toxic Organic Management Plan  
 TRC – Technical Review Criteria  
 TSS – Total Suspended Solids  
 WDP - Wastewater Discharge Permit  
 WRF – Water Reclamation Facility  
 U.S.C. United States Code  
 USEPA – U.S. Environmental Protection Agency  
 (Ord. 2015-81. Passed 4-15-15.)

#### 915.04 DEFINITIONS

- (a) Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings Hereinafter designated. Any word or term not defined herein shall be given a meaning found in Webster’s Dictionary. Words used in this Rule in the singular may include the plural and the plural the singular. Use of masculine shall mean feminine and the use of feminine shall mean masculine.
- (1) **Act or “the Act” means** ~~t~~The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq. as well as any regulations, guidelines, limitations and standards issued there under.
- (2) **Additives means** ~~e~~Enzymes, bacteria, degreasers and/or other products designed to emulsify FOG and/or biologically treat FOG for remediation prior to discharging to the POTW.
- (3) **Approval Authority means** ~~t~~The Director of the Ohio Environmental Protection Agency.
- (4) **Authorized or Duly Authorized Representative of the User means;**
- A. If the User is a corporation:
    1. The president, secretary, treasurer, or a vice president of a corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
    2. The manager of one or more manufacturing, production, or operating facilities, provide the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for WDP; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures, a copy of said authority shall be provided by the corporation to the City.
  - B. If the User is a partnership or sole proprietorship, a general partner or proprietor, respectively.
  - C. If the User is a Federal, State, local government or institutional facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government or institution facility, or their designee.
  - D. The individuals described in paragraphs (a) through (c), above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the Discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.
  - E. If an authorization is no longer accurate, because a different individual or position has responsibility for the overall facility’s operation or overall company responsibility for environmental matters, a new authorization

satisfying the above requirements shall be submitted to the Director before any reports to be signed by an authorized individual can be submitted.

- (5) **Baseline Monitoring Report (BMR)** means a report submitted by a User to the Director that describes the User's current discharge flow volume and constituents that provides information sufficient to determine the need for industrial pretreatment measures the form of which shall be provided by the Director.
- (6) **Best Management Practice(s) or BMP(s)** means Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce discharge of pollutants to storm water, and implement the prohibitions listed in Section 915.07 [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment practices requirements, operating procedures and practices to control plant or facility site runoff, spillage or leaks, Wastewater Discharge, sludge or waste disposal, or drainage from raw materials storage.
- (7) **Bioaccumulative Chemical of Concern or BCC** means a Any chemical that has the potential to cause adverse effects which, upon entering the surface waters, by itself or as a toxic transformation product, accumulates in aquatic organisms by a human health factor greater than 1,000, after considering metabolism and other physiochemical properties that might enhance or inhibit bioaccumulation, calculated in accordance with the methodology in rule 3745-1-37 of the Ohio Administrative Code or as defined in superseding rules of the Administrative Code.
- (8) **Biochemical Oxygen Demand or BOD** means t The quantity of oxygen utilized in biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
- (9) **Bio-solids** means s Solid or semi-solid, nutrient-rich organic material resulting from the treatment of sewage sludge, which can be safely recycled to maintain productive soils and stimulate plant growth.
- (10) **Building Drain** means t 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 the building and conveys it to the building sewer which begins five feet outside the inner face of the building wall.
- (11) **Building Sewer, Private Sewer, Service Connection and Service Lateral** means t The extension from the building drain to the main public sewer whether such main public sewer is within or outside of the public right of way, including the wye at the Sanitary Sewer.
- (12) **Bypass** means t The intentional diversion of Wastewater from any portions of a User's facility to the POTW or Waters of the State.
- (13) **Categorical Pretreatment Standard or Categorical Standard** means a Any regulation containing Pollutant Discharge limits promulgated by USEPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (14) **Categorical Industrial User** means a An Industrial User subject to a categorical Pretreatment Standard(s) or categorical Standard(s).
- (15) **Change in Operations** means a Any modification in the User's process that result in a change in the number of constituent(s) by type or concentration or change an average daily flow volume in the User's Discharge.
- (16) **Chemical Oxygen Demand or COD** means a A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water, usually expressed as a concentration (e.g. mg/L).
- (17) **City** means t The City of Kent, Ohio.
- (18) **Combined Sewer(s)** means a A sewer intended to receive and carry a combination of sanitary sewage and storm or surface waters, with or without industrial wastes.
- (19) **Compatible Pollutant(s)** means BOD, suspended solids, pH and fecal coliform bacteria, E. coli bacteria, plus Pollutants as identified in the City's NPDES permit if the City's POTW was designed to receive and treat such Pollutants, and in fact does remove such Pollutants to a substantial degree.
- (20) **Commissioner** means t The Health Commissioner of the City of Kent or his/her designee.
- (21) **Compliance Schedule** means a An enforceable sequence of actions or operations based on a time frame and leading to the completion of a stated series of events and or actions.
- (22) **Composite Sample** means a A sample of Wastewater which should contain a minimum of eight discrete samples taken at equal time intervals over the composting period or proportional to the flow rate over the composting period.
- (23) **Control Authority** means t The City of Kent.
- (24) **Chronic POTW Areas of Concern** means a Areas in the POTW system that have experienced Sanitary Sewer overflows or that must be cleaned or maintained frequently to avoid blockages or overflows.
- (25) **Daily Maximum** means t The arithmetic average of all samples for a Pollutant collected during a calendar day.
- (26) **Daily Maximum Limit** means t The maximum allowable Discharge limit of a Pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily Discharge is the total mass discharge over the course of the day. Where Daily Maximum Limits are expressed in terms of concentration, the daily Discharge is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken that day.
- (27) **Deputy Service Director/Superintendent of Engineering** means t The Deputy Service Director/Superintendent of Engineering for the City of Kent, Ohio or his/her designee.
- (28) **Direct Discharge** means a Any Discharge to an outlet, including storm sewers and combined sewer overflows into a watercourse, pond, ditch, lake or other body of surface or groundwater.

- (29) **Director means** †The Director of Public Service for the City of Kent, Ohio, or his/her designee.
- (30) **Discharge(s)** (when used as a noun) **means** †The liquid, solid, semi-solid, gaseous or radioactive substance released into the POTW.
- (31) **Discharge Authorization Letter means** aA short term letter of authorization, issued by the Director allowing for a temporary Discharge of city metered water from Users. The DAL must be precisely adhered to regarding start time, duration, location, rate of Discharge or any other specifications outline in the DAL.
- (32) **Domestic Sewage means** Wastewater originating from human excrement and gray water (e.g. household sewers, toilets, dishwashing operations, cloth washing, etc.)
- (33) **Enforcement Response Plan** is the plan implemented by the City of the Kent in order to comply with Federal Industrial Pretreatment Regulations to provide enforcement actions by the City of Kent Industrial Pretreatment Program when addressing violations of a WDP or the Sanitary Sewer User Ordinance.
- (34) **Environmental Protection Agency or United States Environmental Protection Agency (USEPA):** The United States Environmental Protection Agency, including but not limited to the Ohio Environmental Protection Agency (Ohio EPA), or any duly authorized official of said agency.
- (3435) **Existing Source(s) means** aAny source of Wastewater Discharge to the POTW that is not a “New Source”.
- (36) **Floatable Material** Any foreign matter that may float or remain suspended in the water column, and includes, but is not limited to, plastic, aluminum cans, wood products, bottles, and paper products.
- (3537) **FOG means** aAll types of fats, oils and greases regardless of origin. (see Polar FOG and Non-Polar FOG).
- (3638) **FOG Control Device means** aAny grease interceptor, grease trap, oil/water separator or other mechanism, device, or process, which attaches to, or is applied to, Wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or collect or treat FOG prior to it being discharged into the POTW. “A FOG Control Device” may also include any other proven method to control the Discharge of FOG subject to the approval of the Director.
- (3739) **Food Grinder(s) means** aAny device installed in the plumbing or sewage system for the purpose of grinding food waste or food preparation by-products for the purpose of disposing of it in the POTW.
- (3840) **Food Service Purveyors (FSP) means** aAny permanent facility within the boundaries of the City’s service area, which prepares and/or packages food or beverages for sale or consumption, on or off-site, which has any process or device that uses or produces POLAR FOG. Excluding private residences, FSP’s include, but are not limited to, bakeries, canneries, churches, food courts, food manufacturers, food packagers, food processors, grocery stores, hospitals, hotels, lounges, meat packing, nursing homes, restaurants, school vegetable oil and fat companies, and like establishments.
- (3941) **Grab Sample(s) means** aA sample taken from a Wastewater Discharge stream at a single point in time without regard to the flow in the Wastewater Discharge stream and without consideration of time, as required under 40 CFR 136.
- (4042) **Grease Interceptor(s) means** aA FOG Control Device, usually located underground and outside between a FSP and the connection to the POTW, designed to collect, contain, and remove food wastes and FOG from the process Wastewater Discharge stream while allowing the remaining Wastewater to be Discharged to the POTW by gravity. To be effective, these devices must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner on regular intervals as required by this Ordinance.
- (4143) **Grease Trap(s) means** aA FOG Control Device, usually located inside the building and under a sink of a FSP, designed to collect, contain and remove food wastes and FOG from Wastewater Discharge stream while allowing the remaining Wastewater Discharge stream to proceed to the POTW by gravity. To be effective, these devices must be cleaned, maintained and have the FOG removed and disposed of in a proper manner at regular intervals as required by this Ordinance.
- (44) **Hazardous Material** Any material, including any substance, waste, or combination thereof, which is, because of its quality, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (4245) **Holding Tank Waste(s) means** aAny Wastewater from holding tanks or chambers used in connection with vessels, chemical toilets, campers, trailers or other isolated facilities from which sanitary Wastewater emanates; including Wastewater from septic tanks and vacuum pump tank trucks. Holding Tank Waste does not mean Wastewater from City operated vacuum pump tanks trucks.
- (46) **Illicit Discharge.** As defined at 40 C.F.R. 122.26(b)(2), any discharge to an MS4 that is not composed entirely of storm sewer, except for those discharges to an MS4 pursuant to a NPDES permit or as exempted in Section 921.11.
- (47) **Illegal Connections.** An illegal connection is defined as either of the following:
- A. Any drain or conveyance, whether on the surface or subsurface that allows an illicit discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain or system from indoor drains and sinks, regardless of whether said drain connection has been previously allowed, permitted, or approved by an authorized enforcement agency or,
  - B. Any drain or conveyance connected from a commercial or industrial land use to the storm drain

system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**(4348) Incompatible Pollutant(s) means a**All Pollutants other than Domestic Sewage as defined herein, for which the City's POTW was not designed to treat and in fact does not remove to any substantial degree.

**(4449) Indirect Discharge means a**Any Discharge to the POTW.

**(4550) Industrial Pretreatment Program (IPP) means r**Regulations adopted by the City in accordance with the Clean Water Act and 40 CFR 403.8 to prevent the discharge of Pollutants to the POTW which will interfere with the operation of the POTW or its use and disposal of Bio-solids. In addition, the Program prevents the introduction of Pollutants to the POTW that may Pass Through into Waters of the State causing toxicity or other detrimental impacts.

**(4651) Industrial User(s) means a**Any User who discharges to the POTW and Wastewater Discharge resulting from processes employed in industry or manufacturing, or from development of any natural resources, and identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under divisions A, B, D, E and I or any user discharging Wastewater that may be classified as industrial Wastewater as determined by the Director. An Industrial User introduces an Indirect Discharge as defined by the USEPA and OEPA as the Discharge or introduction of Pollutants into the POTW from any Non-Domestic Source and not directly discharging into the waters of the State.

**(4752) Inflow means w**Water entering the POTW through a direct storm water/runoff connection to the POTW, which may cause an almost immediate increase in Wastewater flows to the POTW.

**(4853) Infiltration means w**Water entering the POTW from underground sources, through such pathways as broken pipes, defective pipe joints, connections, or manhole walls.

**(4954) Inspector(s) means a**A person authorized by the Director to inspect any existing or proposed Wastewater generation, conveyance, processing, and/or disposal facilities.

**(5055) Instantaneous Limit(s) means t**The maximum concentration of a Pollutant allowed to be discharged at any time, determined from the analysis of any grab or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

**(5156) Interference(s) means a**A Wastewater Discharge that, alone or in conjunction with a Wastewater Discharge or Wastewater Discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its Bio-solids processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of Bio-Solids use or disposal in compliance with any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

**(5257) Local Limit(s) means s**Specific Wastewater Discharge limits developed and enforced by the City upon residential, industrial, commercial, institutional or governmental facilities to implement the general and specific Wastewater Discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

**(5358) Manager means t**The person(s) designated by the City to supervise the operation(s) of the POTW, and who is charged with certain duties and responsibilities by this Ordinance or the Director. The term also means a Duly Authorized Representative of the Director.

**(5459) Manifest(s) means t**The receipt or for which is retained by the generator of the Wastewater for disposing treatable and recyclable Wastewater as required by the City. For purposes related to OFG, a manifest means either: (1) the receipt from disposal of FOG from a FOG Control Device or; (2) The FOG Manifest Form as provided by the Director or; (3) another method of documentation approved by the Director.

**(5560) May means a**A discretionary condition as determined by the Director.

**(5661) Medical Waste(s) means i**Isolation wastes, infectious agents, human blood or blood products, pathological wastes, sharps, body parts, **means e**Contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

**(5762) Monthly Average means t**The sum of all "daily Discharges" measured during a calendar month divided by the number of "daily Discharges" measured during that month.

**(5863) Monthly Average Limit(s) means t**The highest allowable average of "daily Discharges" over a calendar month, calculated as the sum of all "daily Discharges" measured during a calendar month divided by the number of "daily Discharges" measured during that month.

**(64) Municipal Separate Storm Sewer System (MS4) As defined at 40 C.F.R. 122.26 (b)(8), municipal separate storm sewer system: a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):**

- (A) Owned or operated by, a state, city, town, borough, parish, municipality, township, county, district, association or other public body (created by or pursuant to state law) having jurisdiction over sewage, industrial wastes, including special district under state law such as a sewer district, or similar entity, or an Indian tribe or an authorized Indian tribal organization or a designated and approved management agency under Section 208 of the Clean Water Act that discharges to water of the United States; and**
- (B) Designed or used for collecting or conveying solely storm water,**

(C) Which is not a combined sewer, and

(D) which is not a part of a publicly owned treatment works.

**(5965) National Pollutant Discharge Elimination System (NPDES) Storm Water Permit means** A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general areawide basis. ~~the National Pollutant Discharge Elimination System permit issued to the City of Kent WEF by the Ohio EPA.~~

**(6066) National Prohibitive Discharge Standard(s) means** aAny regulation developed under the authority of Section 307(b) of the Act and 40 CFR, Section 403.5, and amendments thereto.

**(6467) New Source(s) means**

- A. Any building, structure, or installation from which there is or may be a Discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
  1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an Existing Source;
  3. The production or Wastewater generating process of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing facility, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered, as determined by the Director.
- B. Construction on a site at which an Existing Source is located results in a modification, rather than a New Source, if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a)(2) or (3) above but otherwise alters, replaces, or adds to
- C. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
  1. Begun or caused to begin, as part of a continuous onsite construction program
    - (i) any replacement, assembly, or installation of facilities or equipment; or
    - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
  2. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- D. Any change in the ownership, food types or operational procedures that have the potential to increase the amount of FOG generated and/or discharged by a FSP in an amount that alone or collectively causes or creates a potential for POTW blockages and/or SSO's in the POTW.
- E. A physical change or operational change causing increased FOG generation that exceed the current amount of FOG discharged to the POTW by a FSP or construction of a FSP that requires a building permit, and involves any one or combination of the following; (1) under slab plumbing in the food processing area; (2) a 30% increase in the net public seating area; (3) a 30% increase in the size of the kitchen area; (4) any change in the size or type of food preparation equipment; (5) a 30% increase in food preparation production, or; (6) any FSP that is non-operational for a period greater than twelve (12) months.
- F. Tenant-finish is defined as a New Source and is a portion of an existing building that is subsequently occupied by a FSP, oftentimes requiring building and/or plumbing modifications to meet the specifications and needs of the FSP tenant. Tenant-finish differs from new construction in that a sewer connection permit may have already been issued.

**(6268) Non-Contact Cooling Water means** wWater used for cooling purposes that does not come into direct contact with any raw material, immediate product, waste product, or finished product, or that is not chemically treated.

**(6369) Non-Domestic Sewage means** aAll Wastewater that is not of Domestic Sewage origin (e.g. commercial, industrial, institutional and governmental process Wastewater Discharges, etc.).

**(6470) Non-Polar FOG means** fFats, oils and greases that are derived from petroleum and mineral sources such as, but not limited to, machinery lubricating oils, gasoline station products, petroleum refining products and petroleum storage depot products. Concentration levels are derived from a Grab Sample and analyzed by EPA Method 1664A.

**(6571) Non-Significant Categorical Industrial User means** aAn Industrial User subject to reporting requirements in Section 915.47 for Categorical Pretreatment Standard Users that never Discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling water and boiler blow down wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met as provided for in 40CFR 403.3(v)(2):

- A. The IU has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
- B. The IU annually submits the certification statement required in 40CFR 403.12(q) together with any additional information necessary to support the certification statement; and
- C. The IU never discharges any untreated concentrated wastewater.

**(6672) Non-Significant Industrial User means a**An IU that discharges less than 100 gallons per day (gpd) of Normal Strength Wastewater.

**(6773) Normal Strength Wastewater means** Wastewater which contains Pollutant constituents as defined in 915.11(b) table (Pollutant Group A) and does not contain any toxic, hazardous or regulated substances.

**(74) Off-Lot Discharging Household Sewage System A system designated to treat household sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.**

**(6875) Ohio EPA means †**The State of Ohio Environmental Protection Agency or successor agencies, or where appropriate, a designation for the Director of Ohio EPA or other fully authorized official of this Agency.

**(6976) Oil/Water Separator means a**A device designed to separate Non-polar FOG from industrial or commercial Wastewater sources prior to Discharge to the POTW.

**(7077) Ordinance (Sanitary Sewer Use Ordinance) means †**The legal document enacted but the City that defines the use of the City's POTW including rules of enforcement.

**(78) Owner/Operator Any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or on the owner's behalf.**

**(7479) Pass Through means a**A discharge which exists the WRF into waters of the State in quantities or concentrations which, alone or in conjunction with a Discharge or Discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

**(7280) Person means †**Individual, partnership, society, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, institution or any other legal entity; or their legal representatives, agents, or assigns. This definition includes Federal, State, and local government entities.

**(7381) pH means a**A measure of the acidity or alkalinity of a solution, expressed in standard units of 0-14.

**(7482) Polar FOG means †**Fats oils and greases of animal and vegetable origin that are typically associated with blockages and overflows in the POTW, such as ae discharged to the POTW from FPS(s). Concentration levels are derived by analyzing using EPA Method 1664A.

**(7583) Pollutants(s) means Anything that causes or contributes to pollution. Pollution may include, but is not limited to,** dredged spoil, soiled waste, incinerator residue, filter backwash, Domestic Sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, **paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard waste, refuse, rubbish, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, noxious or offensive matter of any kind,** municipal, agricultural and industrial wastes discharged into or added to water; and certain characteristics of Wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor) or any man induced alteration of the chemical, physical, biological and radiological integrity of water.

**(7684) Premises means a**Any parcel of real estate or portion of real estate, including any improvements, determined by the Director to be a single user for purposes of receiving, using and paying for services.

**(7785) Pretreatment means †**The reduction of the amount of pollutants, elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater prior to, or in lieu of, introducing such Pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the Pollutants unless allowed by an applicable Pretreatment Standard.

**(7886) Pretreatment Requirement(s) means a**Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

**(7987) Pretreatment Standards or Standards means p**Prohibiting Discharge standards, categorical Pretreatment Standards and Local Limits.(8082) Process Wastewater means Wastewater as defined as Non-Domestic Sewage.

**(8488) Prohibited Discharge Standards or Prohibited Discharges means a**Absolute prohibitions against the Discharge of certain substances; these prohibitions appear in Section 915.07 of this Ordinance.

**(8289) Properly Shredded Garbage means †**The wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the POTW, with no particle greater than one half inch in any dimension.

**(8390) Publicly Owned Treatment Works (POTW) means a**A treatment works as defined by section 212 of Act (33 U.S.C. section 1292), which is owned by the City. This definition includes devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial waste of a liquid nature and any conveyances, which convey Wastewater to a POTW.

**(8491) Public Sewer means a**A sewer in which all owners of properties abutting the sewer have equal rights, and the sewer is owned and controlled by public authority. As used herein, a public sewer shall be understood to be a

component of the POTW and mean a public Sanitary Sewer unless otherwise specified.

**(8592) Resource Conservation and Recovery Act (RCRA) means** †The U.S. law that regulated ongoing operations involving generation, transport, and treatment/transport/disposal of hazardous wastes.

**(8693) Sample Point means** a location approved by the Director or his designee from which Wastewater can be collected that is representative on content and consistency of the entire flow of Wastewater being discharged.

**(8794) Sanitary Sewer means** a sewer that carries Domestic Sewage and/or industrial wastes from residences, business establishments, institutions and industrial establishments, together with minor quantities of ground, storm and surface waters or unpolluted water from any source that is not admitted intentionally.

**(8895) Sanitary Sewer Overflow (SSO) means** a An overflow of untreated Wastewater from the POTW into the environment.

**(8996) Sewer means** a pipe or conduit that carries Wastewater or drainage water.

**(9097) Shall means** mMandatory

**(9198) Significant Industrial User (SIU) means**

A. Except as provided in paragraphs (c) and (d) of this Section, a Significant Industrial User is:

1. An Industrial User subject to Categorical Pretreatment Standards; or
2. An Industrial User that:
  - (i) Discharge and average of twenty five thousand (25,000) gpd or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling water and blown down Wastewater);
  - (ii) Contributes a process Wastewater Discharge which makes up five(5) percent or more of the average dry weather hydraulic or organic capacity of the WRF; or
  - (iii) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the operation of the POTW or for violating any Pretreatment Standard or Requirement.
3. The City may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical Wastewater (excluding sanitary, non contact cooling and boiler blow down Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
  - (i) The industrial User, prior to City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
  - (ii) The Industrial User annually submits the certification statement required together with any additional information necessary to support the certification statement; and
  - (iii) The Industrial User never discharges any untreated concentrated Wastewater.
4. Upon finding a User meeting the criteria in Subsection 915.07 through 915.12 of this Ordinance has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

**(9299) Significant Noncompliance means** a User as defined in Ohio Law and Regulations who is in violation of applicable Pretreatment requirements as defined in 915.51.

**(93100) Slug Discharge(s) or Slug Load(s) means** a Any Discharge at a flow rate or concentration, which could cause a violation of the prohibited Discharge standards in Section 915.07 through 915.12 of this Ordinance. A Slug Discharge is any Discharge of a non routine, episodic nature, including but not limited to an accidental spill or non customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulation.

**(94101) Spill Prevention and Control Plan means** a A formal written plan, approved by the Director, to prevent the discharge of Pollutants into the POTW, while also outlining remedial actions should a spill actually occur.

**(95102) State means** a A State of Ohio

**(96103) Storm Drain or Storm Sewer means** a A drain or sewer for conveying storm and surface waters and drainage, groundwater, subsurface water or unpolluted water from any source.

**(97104) Storm Water means** any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

**(98105) Temporary WDP means** †The short term permit, issued by the Director, for the treatment of polluted groundwater that is intended to be discharged to the POTW. Wastewater Discharges authorized under this permit shall contain no process Wastewater or potable City water.

**(99106) Total Dissolved Solids or Dissolved Solids means** †The concentration of dissolved solids in water that is not removable by laboratory filtering as determine by the method specified in 40 CFR Regulations, Part 136, usually expressed as mg/L.

**(100107) Total Suspended Solids or Suspended Solids means** †The concentration of suspended matter that floats on the surface or is suspended in water, that is removeable by laboratory filtering as determined by the use of the method specified in 40 CFR Regulations, Part 136; usually expressed in mg/L.

**(101108) USEPA means** †The United States Environmental Protection Agency, or where appropriate, the

Administrator or other duly authorized official of that Agency.

**(402109) User means a** Person discharging into the City's POTW or source of indirect Discharge.

**(403110) Waste Minimization Plan means t**The use of "source reduction" and/or environmentally sound recycling methods prior to discharge of waste products to the POTW. The purpose of this plan is to eliminate the generation of waste products at the source and refers to any practice that reduces the use of hazardous materials in the production process.

**(404111) Wastewater means l**Liquid and water-carried industrial Pollutants, Non-Domestic Sewage and Domestic Sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, government facilities and institutions, whether treated or untreated, which are introduced into the POTW.

**(405112) Wastewater Discharge Permit (WDP) means t**The permit, issued by the Director, authorizing the use of the City's POTW. Wastewater Discharges authorized under a WDP excludes those discharges defined as Normal Strength Wastewater or Temporary.

**(406113) Water Reclamation Facility means t**That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

**(407114) Waters of the State means a**All streams, lakes, ponds, marches, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contaminated within, flow through or border upon the state of Ohio or any portion thereof.

**(408115) Watercourse means a**Any flowing body of water, or facility where water would flow if it were present, where the outlet is to the Waters of the State, including but not limited to rivers, streams, creeks, ditches and so forth.

## CHAPTER 921

### Storm Water Use

- 921.01 Storm water utility, purpose and intent.
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- 921.32 Adoption of ordinance.

#### 921.01 STORM WATER UTILITY, PURPOSE AND INTENT.

- (a) It is hereby declared necessary for the protection of the public health, safety, welfare and convenience of the City and its inhabitants to codify the storm drainage utility and equitable rates or charges to be paid to the City for the use of such services which shall be used for the payment of the cost of management, maintenance, operation, repair, construction, reconstruction, enlargement, replacement and related costs of the storm drainage system.
- (b) The further purpose of this ordinance is to provide for the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the most current National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:
  - (1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user
  - (2) To prohibit ~~Illicit~~ **Illegal** Connections and Illicit Discharges to the MS4
  - (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance(Ord. 2017-17. Passed 3-15.17.)

#### 921.02 FINDINGS, DETERMINATIONS AND POWER.

- (a) It is hereby found, determined, and declared that those elements of the system which provide for the collection, treatment and disposal of storm water and regulation of ground water are of benefit and provide services to all property within the incorporated City limits, including property not presently served by the storm elements of the system. The beneficiaries of the system include all real properties within the City of Kent which benefit by the provision, operation and improvement of the system. Such benefits may include, but are not limited to, the provision of adequate systems of collection, conveyance, detention, treatment and release of storm water, the reduction of hazard to property and life resulting from storm water runoff, improvement in general health and

welfare through reduction of undesirable storm water conditions, and improvements to the water quality in the storm and surface water system and its receiving waters.

- (b) The storm water utility, under the direction of the Director of Public Service shall, and does, have the power to:
- (1) Prepare rules and regulations as needed to implement this Chapter and forward the same to City Council for consideration and adoption, and adopt such policies and procedures as are required to implement said regulations to carry out other responsibilities of the utility.
  - (2) Administer the acquisition, design, construction, maintenance and operation of the utility system, including capital improvements.
  - (3) Administer and enforce this Chapter and all regulations and procedures adopted relating to the design, construction, maintenance and operation and alteration of the utility system including, but not limited to, the quantity, quality and/or velocity of the storm water conveyed thereby.
  - (4) Inspect private systems as necessary to determine the compliance of such systems with this Chapter and any regulations adopted pursuant to this Chapter.
  - (5) Advise City Council, the City Manager and City departments on matters relating to the utility.
  - (6) Prepare and revise a comprehensive drainage plan for adoption by City Council periodically.
  - (7) Review plans, approve or deny, inspect and accept extensions of the system.
  - (8) Establish and enforce regulations to protect and maintain the water quality within the system in compliance with water quality standards established by state, regional and/or federal agencies as now adopted or hereafter amended.
  - (9) Analyze the cost of services and benefits provided, and the system and structure fees, charges, fines and other revenues of the utility annually.
- (Ord. 2017-17. Passed 3-15-17.)

### 921.03 DEFINITIONS.

- (a) For the purpose of this Chapter, the following definitions shall apply; words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined herein shall be construed to have the meaning given by the common and ordinary use as defined in the latest edition of Webster's Dictionary.
- (1) **Authorized Enforcement Agency** means eEmployees or designees of the Director of Public Service of Kent designated to enforce this ordinance.
  - (2) **Best Management Practices (BMPs) Also Storm Water Control Measures (SCMs)**: sSchedule of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, operation and maintenance procedures, treatment requirements and other management practices (both structural and non-structural) to prevent or reduce the discharge of pollutants to storm water. ~~pollution of water resources and to control storm water volume and rate. This BMPs also~~ includes s treatment practices, operating procedures, and practices, to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
  - (3) **Billing Period** means tThe period identified from the first day of the month to the last day of the month. All bills rendered during a month are for the period beginning on the first day of the same month and are valid for that entire month unless otherwise identified. When City water service is discontinued during a month, the drainage fee due for that account shall be pro rata portion of the month for which water services were active. When a developed property that does not receive City water services changes ownership during a billing period, the account existing on the first day of the billing period shall be liable for the prorated portion of the drainage fee for that billing period from the first day of the billing period until the day the property transaction is recorded with the Portage County Recorder.
  - (4) **Bonds** means rRevenue bonds, notes, loans or any other debt obligations issued or incurred to finance the cost of construction.
  - (5) **Calendar Year** means aA twelve month period commencing on the first day of January of any year.
  - (6) **Clean Water Act** Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 97-117 and Pub. L. 100-4, 33 U.S.C. 1251 et. Seq. Referred to as Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, and any subsequent amendments thereto.
  - (7) **Comprehensive Storm Water Management Plan (SWMP)** The written documents and plans meeting the requirements of this regulation that sets forth the plans, and practices, and SCMs to minimize storm water runoff from a development area, to safely convey or temporarily store and release post-development runoff at an allowable rate to minimize flooding and stream bank erosion, and to protect or improve storm water quality and stream channels.
  - (8) **Construction Activity** means aActivities subject to the most current NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, and excavation and demolition.
  - (9) **Cost of Construction** means eCosts reasonably incurred in connection with providing capital improvements to the system or of any portion thereof, including, but not limited to, the costs of:

- A. Acquisition of all property, real or personal, and all interests in connection therewith including all rights-of-way and easements therefore,
  - B. Physical construction, installation and testing, including the costs of labor, services, materials, supplies and construction services used in connection therewith,
  - C. Architectural, engineering, legal and other professional services,
  - D. Insurance premiums taken out and maintained during construction, to the extent not paid for by a contractor or sub-contractor in respect of any default under a contract relating to construction;
  - E. Any taxes or other charges which become due during construction,
  - F. Expense incurred by the City or on its behalf with its approval in seeking to enforce any remedy against a contractor or sub-contractor in respect of any default under a contract relating to construction,
  - G. Principal of interest on any bonds, and
  - H. Miscellaneous expenses incidental thereto.
- (10) **Debt Service means** ~~w~~With respect to any particular calendar year and any particular series of bonds, an amount equal to the sum of all interest payable on such bonds during such calendar year, plus any principal installments of such bonds during such calendar year.
- (11) **Deputy Service Director/Superintendent of Engineering means** ~~t~~The Deputy Service Director/Superintendent of Engineering for the City of Kent, Ohio or his/her designee.
- (12) **Developed Property means** ~~t~~That which has been altered from its natural state by removal of vegetation and/or topsoil or by the addition of any improvements such as a building, structure, impervious surface, change of grade, or landscaping. For new construction, a property shall be considered developed pursuant to this ordinance:
- A. Upon issuance of a Certificate of Occupancy, or upon completion of construction of final inspection if no such certificate is issued; or
  - B. Where construction is at least 50 percent complete and construction is halted for a period of three months.
  - C. Where vegetation and/or topsoil have been removed leaving exposed soil surfaces for a period of three months.
- (13) **Development Area** ~~A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.~~
- ~~(13)~~ **Director means** ~~t~~The Director of Public Service for the City of Kent, Ohio, or his/her designee.
- (15) **Disturbed Area** ~~An area of land subject to erosion due to removal of vegetative cover and/or soil disturbed areas~~
- ~~(14)~~ **Dwelling Unit means** ~~a~~Any residential space as classified by the City building Code.
- (17) **Environmental Protection Agency or United States Environmental Protection Agency (USEPA); The United States Environmental Protection Agency, including but not limited to the Ohio Environmental Protection Agency (Ohio EPA), or any duly authorized official of said agency.**
- ~~(15)~~ **Equivalent Residential Unit or ERU means** ~~t~~The statistical average horizontal impervious areas of "residential units" (single family, mobile homes, multifamily, condominiums, etc., within the City of Kent). The horizontal impervious areas includes, but its not limited to, all areas covered by structures, roof extensions patios, porches, driveways, and sidewalks.
- ~~(16)~~ **Equivalent Residential Unit Rate means** ~~a~~A drainage fee charged on each ERU as established by City Council.
- ~~(17)~~ **Exempt Property means** ~~p~~Public rights of way, public streets, public alleys and public sidewalks.
- ~~(18)~~ **Extension and Replacement means** ~~e~~Costs of extensions, additions, and capital improvements to, or the renewal and replacement of capital assets of or purchasing and installing new equipment for, the system, or land acquisitions for the system and any related costs thereto, or paying extraordinary maintenance and repair, including the costs of construction, or any other expenses which are not costs of operation and maintenance or debt service.
- (22) **Floatable Material** ~~Any foreign matter that may float or remain suspended in the water column, and includes but is not limited to, plastics, aluminum cans, wood products, bottles and paper products.~~
- ~~(19)~~ **Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quality, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- ~~(20)~~ **Illicit Illegal-Discharge.** ~~As defined at 40 C.F.R. 122.26(b)(2) any discharge to an MS4 that is not composed entirely of storm sewer, except for those discharges to an MS4 pursuant to a NPDES permit or Any direct or indirect non-storm water discharge to the storm drain system, except~~ as exempted in Section 921.11.
- ~~(21)~~ **Illegal Illicit-Connections.** An **illicit illicit** connection is defined as either of the following:
- A. Any drain or conveyance, whether on the surface or subsurface that allows an **illicit illegal** discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water

discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain or system from indoor drains and sinks, regardless of whether said drain connection has been previously allowed, permitted, or approved by an authorized enforcement agency or, B. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

- (2226) **Impervious Area and Impervious Surface** means a horizontal surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semipervious surfaces, as well as streets, roofs, sidewalks, patios, porches, parking lots, athletic courts and other similar surfaces.
- (2327) **Industrial Activity** means activities subject to most current NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26(b)(14).
- (2428) **Municipal Separate Storm Sewer System (MS4)** as defined at 40 C.F.R. 122.26 (b)(8), **municipal separate storm sewer system** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) that are:
- (A) Owned or operated by ~~the federal government~~, a state, **city, town, borough, parish**, municipality, township, county, district, **association** or other public body (created by or pursuant to state ~~or federal~~ law) **having jurisdiction over sewage, industrial wastes**, including special district under state law such as a sewer district, or similar entity, **or an Indian tribe or an authorized Indian tribal organization flood-control district or drainage districts or similar entity** or a designated and approved management agency under Section 208 of the Clean Water Act that discharges ~~into~~ to water of the United States ~~water resources~~; and
  - (B) Designed or used for collecting or conveying solely storm water,
  - (C) Which is not a combined sewer, and
  - (D) which is not a part of a publicly owned treatment works.
- (2529) **National Pollutant Discharge Elimination System (NPDES)** A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters if the United States without a permit.
- (30) **National Pollutant Discharge Elimination System (NPDES) Storm Water Permit** A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general areawide basis
- (2631) **Non-Residential Developed Property** means a lot or parcel not exclusively residential as defined herein, including transient rentals such as hotels and motels.
- (2732) **Non-Storm Water Discharge** means a discharge to the storm drain system that is not composed entirely of storm water.
- (33) **Off-Lot Discharging Household Sewage System** A system designated to treat household sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.
- (2834) **Operating Budget** means the annual operating budget adopted by the City Council for the succeeding calendar year.
- (2935) **Operations and Maintenance** means the current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, labor, executive compensation, and costs of materials and supplies used for current operations, and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice.
- (36) **Owner/Operator**: Any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or on the owner's behalf.
- (3037) **Person** means any individual, partnership, society, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, institution or any other legal entity; or other legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- (3138) **Pollutant** means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables ~~materials~~; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
- (3239) **Premises** means any building, lot, parcel of land, or portion of land whether improved or unimproved

including adjacent sidewalks and parking strips.

- (3340) Residential Property means a**Any lot or parcel developed exclusively for residential purposes, including, but not limited to, single family homes, manufactured homes, multifamily, apartment buildings, and condominiums.
- (3441) Revenues means a**All rates, fees, assessments, rental or other charges or other income received by the Storm Water Drainage Fund, in connection with the management and operation of the system, including amounts received from the investment or deposits of moneys in any fund or account and any amounts contributed by the City, all as calculated in accordance with sound accounting practice.
- (3542) Storm Drainage System means p**Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- (3643) Storm Water defined at 40 CFR 122.26(b)(13) and means storm water runoff, snow melt runoff and surface runoff and drainage. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.**
- (3744) Storm Water Control Measures (SCMs):** Also Best Management Practice (BMP): Schedules of activities, prohibitions of practices, operation and maintenance procedures, treatment requirements and other management practices (both structural and non-structural) to prevent or reduce the pollution of waste resources and to control storm water volume and rate. This includes practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- (3845) Storm Water Management System or System means t**The existing storm water management of the City and all improvements thereto which by this Chapter are constituted as the property and responsibility of the City, to be operated as an enterprise fund to, among other things, conserve water, control discharges necessitated by rainfall events, incorporated methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.
- (3946) Storm Water Fee means a**A fee authorized by Ordinance(s) established to pay operations and maintenance, extension and replacement and debt service.
- (4047) Storm Water Drainage Fund (Fund 208) means t**The enterprise fund created by City Council to operate, maintain and improve the system and for such other purposes as stated in this Chapter.
- (4148) Storm Water Pollution Prevention Plan (SWPPP or SWP3) means a**A document which describes the Best Management Practices/Storm Water Control Measures and activities to be implemented by a person or business to identify sources of pollution or containment at a site and the actions to eliminate or reduce pollutant or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm water, Storm Water Conveyance Systems and/or Receiving Waters to the Maximum Extent Possible.
- (4249) Undisturbed Property means r**Real property which has not been altered from its natural state by dredging, filling, removal of trees or vegetation or other activities which have disturbed or altered the topography or soils on the property.
- (4350) User Fee District means t**The area or property within the corporate limits of the City of Kent.
- (4451) Vacant Improved Property means v**Vacant property which is, or could reasonably be, served by any subdivision improvements that allow egress.
- (4552) Wastewater Any water or other liquid, other than uncontaminated storm water, discharged from a facility. Liquid and water-carried industrial pollutants, non-domestic sewage, and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, government facilities and institutions, whether treated or untreated, which are introduced into the publicly owned treatment works (POTW).**

(Ord. 2017-17. Passed 3-15-17.)

#### **921.04 APPLICABILITY.**

This ordinance shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by the Director.

(Ord. 2017-17. Passed 3-15-17.)

#### **921.05 RESPONSIBILITY FOR ADMINISTRATION.**

This Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Director may be delegated in writing by the Director to persons or entities acting in the beneficial interest of or in the employ of the City of Kent. (Ord. 2017-17. Passed 3-15-17.)

#### **921.06 DIRECTOR'S RULES AND REGULATIONS.**

This Director shall make and enforce rules and regulations as he/she may deem necessary for the enforcement of the provisions of this chapter for the safe, efficient and economical management of the City's Storm Drainage System. Such rules and regulations, when not repugnant to existing ordinances of the City or laws of the State,

shall have the same force and effect as ordinances of Council.  
(Ord. 2017-17. Passed 3-15-17.)

#### **921.07 ULTIMATE RESPONSIBILITY.**

The standards set forth herein promulgated pursuant to this ordinance are minimum standards; therefore, this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.  
(Ord. 2017-17. Passed 3-15-17.)

#### **921.08 STORM SEWERS.**

(a) Permit for New Storm Sewer Connection.

(1) Any person desiring to make a new connection into the City storm sewer system, whether such connection is direct or indirect, shall first secure a permit to do so.

(2) The permit shall be issued only when the contemplated connection to the City storm sewer system is made in conformity with accepted practices for making such connections and is approved by the Director.

(3) The Director shall charge a new connection fee of one hundred dollars (\$100.00) for each permit so issued.

This fee shall not apply to permits issued for reconnection of an existing connection which is being reconstructed without increase in its size or the drainage area thereby served.

(b) Storm Sewer System Fund. The fee paid to the Director for issuing permits to tie into the storm sewer system shall be deposited in a fund called the Storm Sewer System Fund to be used for maintenance, repair, construction and extension of the storm sewer system of the City. (Ord. 2017-17. Passed 3-15-17.)

#### **921.09 USE OF PUBLIC STORM SEWER REQUIRED.**

(a) Deposits Prohibited. No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area within the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

(b) Discharge to Natural Outlet Prohibited. No person shall discharge to any natural outlet within the City, or within any area under the jurisdiction of the City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with Federal, State and City regulations.

(c) Connection Required; Costs.

(1) Every building within the City shall be separately and individually connected by a separate building storm sewer lateral to a public storm sewer where there is such storm sewer adjoining the lot or parcel of land on which such building stands. Any and all costs for the initial installation and replacement where replacement is necessary due to an increase in storm sewer demand resulting from a change in the nature of the use of the structure within the boundaries of the private premises of individual property owners in the City shall be paid for by the owner of the property being served by the storm sewer laterals. The owner of the property shall maintain, repair and replace where necessary due to poor condition of the lateral that portion of storm sewer lateral located within the public right of way and on private property from the City main to the building being served by the lateral. Where storm sewer laterals are a part of a reconstruction project, the City shall repair and/or replace where necessary that portion of the storm sewer laterals located within the public right of way.

(2) Every building in existence prior to the construction of a public storm sewer adjacent to the lot or parcel of land on which the building stands shall, upon the construction of such adjacent storm sewer, be connected to such storm sewer within six months of the time such storm sewer is so constructed and made available for use.

(3) The Service Director shall cause written notice to be given to the owner of each lot or parcel of land to which such connections required herein are to be made. The notice shall state the number and character of connections required. The notice under this section shall be by certified mail addressed to such owner at his last known address to the address to which tax bills are sent. The returned receipt for notice given by certified mail accepted by the addressee or anyone purporting to act for him shall be prima facie evidence of the service of notice required under this section. If it appears by the return of the certified mail notice that the owner cannot be found, such owner shall be served by publication of the notice once in a newspaper of general circulation within the City.

(4) When such connection to the public storm sewer are not installed by the owner of the property within thirty days from the date of service of such notice, the work may be done by the City and the cost thereof together with a forfeiture of twenty five percent (25%) of the cost thereof, assessed against the lots and lands for which such storm sewer connections are made.

(5) This section shall be supplemental to and not in derogation of existing ordinances relative to storm sewer connections for any building within the City.

(d) Building shall be connected to the public sewers only through a service from the main in the street or dedicated utility right-of-way on which the lot has frontage, except that when there is no main in the street or dedicated utility right-of-way and a proper connection can be made elsewhere on adjoining property, the owner of the lot may, after obtaining a recorded easement from the owner of the lot on an adjacent street or dedicated utility right-of-way, obtain a connection to the public sewer through said easement from adjoining street or dedicated utility right-of-way. The

owner of the lot to be secured through the easement shall furnish a copy of the recorded easement to the Department of Public Service. When the main is laid in the street or dedicated utility right-of-way on which lot has frontage the owner shall install a standard service from the new main or dedicated utility right-of-way and disconnect the service from the main in the adjoining street or dedicated utility right-of-way.

(e) Storm Sewers Under Control of the City. All storm sewers of any kind within the lines of any street or other public ground, or any storm sewer constructed by the City shall be under control of the City. (Ord. 2017-17. Passed 3-15-1

### **921.10 BUILDING STORM SEWER LATERALS AND CONNECTIONS.**

(a) Storm Sewer Connection Permits. Storm sewer connection permits shall be taken out in each special case in the name of the owner, agent or person in whose interest the work is to be done as provided in subsection (c) hereof, before any work is commenced, and in no case shall work be commenced or prosecuted unless such permit is on the grounds and possession of the person doing the work. Each permit shall designate the street and number of the house and subplot and shall include such a definite description of the premises as to clearly define the location and elevation of the connection and shall include the name of the contractor who will install the sewer.

Industrial users shall furnish information concerning here layout and design of storm sewer facilities located on the property of the applicant. Included but not limited to a submittal to the Director shall be.

Proposed new sources or significant industrial users and other industrial users shall apply at least ninety days prior to connecting to or contributing to the City's Storm Drainage System and shall have obtained such permit before connection or contribution is made. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address and location, if different from the address.
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972 as amended;
- (3) Site plans, floor plans, mechanical and plumbing plans and details to show all storm drainage system sewers, sewer connections and appurtenances by the size, location and elevation;
- (4) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

No new connection with any storm sewer shall be made until an application with the plan of the same attached, is filed with and approved by the Deputy Service Director/Superintendent of Engineering, and accompanied with a permit fee of twenty five dollars (\$25.00) for each dwelling unit and a fee of seventy five dollars (\$75.00) for each commercial or industrial unit, plus all appropriate tap in fees, assessments, etc.

All openings made within the street lines for the purpose of laying any storm sewer shall be done in open trench and a street excavation permit shall be obtained for such work, unless approved otherwise by the Director.

(b) Natural Outlet Discharge Permits. All persons shall obtain a permit to discharge any storm water to any natural outlet in the City. Under no circumstances does a permit from the Ohio EPA excuse any person from obtaining a permit.

To obtain a permit to discharge storm water to any natural outlet of the City, the following conditions shall be met:

- (1) Proof of permit from the Ohio EPA to discharge into waters of the State, or a statement from Ohio EPA that such permit is not required; and
- (2) Information as described in subsection (a) hereof, if requested by the Director.

(c) Inspection and Costs. Prior to completion of the connection to a storm sewer, the contractor shall notify the Director for the purpose of arranging an inspection. The connection shall not be made unless inspection of the work site is made by the Director and permission is granted for connection. All excavations shall remain open and barricaded until inspected.

Whenever practicable, a separate and independent building storm sewer lateral shall be provided for each building.

Existing building storm sewer laterals may not be used to connect new buildings to a storm sewer unless approved by the Director after the owner demonstrates that the existing building storm sewer meets all requirements of this chapter. The Director may consider information provided by the owners such as video tape of the pipe, flow calculations and as built drawings in consideration of approval of reuse.

The connection and construction of all sewers shall be made in conformance with subsection (d) hereof. Such information as the City possesses relevant to the location of wye branches, depth of sewer and so forth shall be kept in the office of the Director and furnished upon request.

All reasonable care shall be taken to ensure the correctness of such information but neither the Director nor the City shall be held liable for errors or mistakes arising there from.

All costs and expenses incidental to the installation and connection of the building storm sewer shall be borne by the owner. The owner shall indemnify the City for loss or damage that may directly or indirectly be occasioned by the installation of the building storm sewer.

As specified in Section 915.07(b)(11), no connections of pipes carrying unpolluted water such as groundwater, storm water, roof runoff, subsurface drainage or uncontaminated cooling or industrial process water shall be made to the sanitary sewer. Conversely, polluted water shall be discharged into the Storm Drainage System.

(d) Materials, Specifications. Bonding and Guarantees. The construction and connection of all storm sewers,

building storm laterals,, storm sewer joints, special connections, catch basins, inlets, yard drains, manholes and other facilities shall be composed of such materials and be installed in accordance with such specifications and procedures as the Director shall prescribe by regulation, which also shall include provisions for minimum financial performance bonding requirements and construction and maintenance guarantees for such construction and connections.

(Ord. 2017-17. Passed 3-15-17.)

### **921.11 DISCHARGE AND CONNECTION PROHIBITIONS.**

(a) Prohibition of ~~Illegal~~ ~~Illicit~~ Discharges.

(1) No person shall throw, drain or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water. Prohibited discharges include, but are not limited to: wastewater from concrete washout, unless managed by an appropriate control; wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials; fuels, oils or other pollutants used in vehicle and equipment operations and maintenance; and soap or solvents used in vehicle and equipment washing.

(2) The commencement, conduct or continuance of any ~~illegal~~ ~~illicit~~ discharge to the storm drainage system is prohibited except as described as follows:

A. The following discharges are exempt from discharge prohibitions established by the ordinance: water line flushing, landscape irrigation, ~~routine external building washdown which does not use detergents~~, pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents haven't been used, uncontaminated groundwater from trench or well point dewatering, diverted stream flows, rising ground waters, uncontaminated ground water infiltration. Infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and footer drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from inflow, uncontaminated pumped ground water, discharges from potable water sources, foundation or footer drains where flows are not contaminated with process materials such as solvents, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated/~~debrominated~~/~~desalinated~~ swimming pool discharges, and street wash water **with dry cleanup method and no detergents to minimize pollutants. These discharges are exempt until such time as they are determined by the City or Ohio EPA to be significant contributors of pollutants to the MS4.**

B. Discharges or flow from firefighting (**not planned exercises**), and other discharges specified in writing by the Director as being necessary to protect public health and safety.

C. Discharges associated with dye testing, however this activity requires a verbal notification to the Director prior to the time of the test.

**D. Discharges specified in writing by the City as being necessary to protect public health and safety.**

**E. Discharges from off-lot discharging household sewage treatment systems existing before January 1, 2007, and permitted by the Portage County Combined General Health District for the purpose of discharging treated sewage effluent in accordance with the Ohio Administrative Code 3701-29, or other applicable Portage County Combined General Health District regulations, until the Ohio Environmental Agency issues an NPDES permitting mechanism for household sewage treatment systems existing before January 1, 2007. These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by the Portage County Combined General Health District. Discharges from new or replacement off-lot household treatment systems installed after January 1, 2007, are not exempt from the requirements of this regulation.**

**In compliance with the City's Storm Water Management Program, discharges from all off-lot discharging household sewage treatment systems must either be eliminated or have coverage under the NPDES permit issued and approved by the Ohio Environmental Protection Agency. When such permit coverage is available for systems existing before January 1, 2007, discharges from off-lot discharging household sewage treatment systems existing before January 1, 2007, will no longer be exempt from the requirements of this regulation.**

**DF.** The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA) or Ohio EPA, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge.

(3) The local government may evaluate and remove any of the above exemptions if it is determined that they are causing an adverse impact.

(b) Prohibition of ~~Illicit~~ ~~Illegal~~ Connections.

(1) The construction, use, maintenance or continued existence of ~~illicit~~ ~~illegal~~ connections to the storm drainage system is prohibited.

(2) This prohibition expressly includes, without limitation, **illicit illegal** connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this ordinance if the person connects a line conveying **sewage-illicit discharge** to the MS4, or allows such a connection to continue.

(4) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Director.

(5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Director requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Director.

(Ord. 2017-17. Passed 3-15-17.)

### **921.12 SUSPENSION OF MS4 ACCESS.**

#### **(a) Emergency Cease and Desist Orders.**

(1) When the Director finds that any person has violated, or continues to violate, any provisions of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Director may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

A. Immediately comply with all ordinance requirements; and

B. Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating discharge.

(2) Any person notified of an emergency order directed to it under this Subsection shall immediately couple and stop or eliminate its endangering discharge. In the event of a discharge's failure to immediately comply voluntarily with the emergency order, the Director may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Director may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under the ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Director within three (3) days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

#### **(b) Suspension due to Illicit Discharges in Emergency Situations.**

(1) The Director may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to health or welfare of persons, or to the MS4 United States. If the violator fails to comply with a suspension order issued in an emergency, the Director may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

#### **(c) Suspension due to the Detection of Illicit Discharge.**

(1) Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Director will notify a violator of the proposed termination of its MS4 access. The violator may petition the Director for a reconsideration and hearing.

(2) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior written approval of the Director.

(Ord. 2017-17. Passed 3-15-17.)

### **921.13 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.**

#### **(a) Submission of NOI to Director.**

(1) Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Director prior to the allowing of discharges to the MS4.

(2) The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water associated with industrial activity shall submit a copy of the Notice of Intent to the Ohio EPA as applicable.

(3) The copy of the Notice of Intent may be delivered to the Director either in person or by mailing it to:

Notice of Intent to Discharge Storm Water  
Director of Public Service  
930 Overholt Road  
Kent, Ohio 44240

- (4) A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the Notice of Intent to do so to the Director.  
(Ord. 2017-17. Passed 3-15-17.)

#### **921.14 COMPLIANCE-MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS.**

**(a) Establishment of an Illicit Discharge and Illegal Connection Monitoring Program.** The City shall establish a program to detect and eliminate illicit discharges and illegal connections to the MS4. This program shall include mapping of MS4, including MS4 outfalls and household sewage treatment systems; the routine inspection of storm water outfalls to the MS4, and the systematic investigation of potential residential, commercial, industrial, and institutional facilities for the source of dry weather flows found because of these inspections.

**(ab) Right of Entry: Inspection and Sampling.**

- (1) The Director shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance.
- A. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements to allow access to representatives of the Director.
  - B. Facility operators shall allow the Director 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.
  - C. The Director shall have the right to set up on any permitted facility such devices as necessary in the opinion of the Director to conduct monitoring and/or sampling of the facility's storm water discharge.
  - D. The Director has the right to require the discharge to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to the satisfaction of the Director to ensure their accuracy.
  - E. 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 written or oral request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the operator.
  - F. Unreasonable delays in allowing the Director access to a permitted facility **subject to this regulation for the purposes of illicit discharges inspection is are** a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with an NPDES permit to discharge storm water associated with industrial activity or construction activity commits an offense if the person denies the Director reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

**(bc) Search Warrants.**

- (1) If the Director has been refused access to any part of the premises from which storm water is discharges, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any other order issued hereunder, or to protect overall public health, safety, and welfare of the community, the Director may seek issuance of a search warrant, **civil remedies including but not limited to injunctive relief and/or criminal remedies** from any court of competent jurisdiction.

(Ord. 2017-17. Passed 3-15-17.)

#### **921.15 BEST MANAGEMENT PRACTICES/STORM WATER CONTROL MEASURE REQUIREMENTS.**

Director will adopt requirements identifying BMPs/SCMs for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs/SCMs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs/SCMs shall be part of a Comprehensive Storm Water Management Plan as necessary for compliance with requirements of the NPDES permit. Also see Chapter 1193 and 1199.

(Ord. 2017-17. Passed 3-15-17.)

### **921.16 WATERCOURSE PROTECTION.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing private owned structures within or adjacent to a watercourse, so that structures will not become a hazard to the use, function, or physical integrity of the watercourse. (Ord. 2017-17. Passed 3-15-17.)

### **921.17 NOTIFICATION OF SPILLS.**

(a) Notwithstanding other requirements of law, as soon as any persons responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in **illegal illicit** discharges or pollutants discharging into storm water, the storm drain system, or waters of the State of Ohio or United States, said person shall take all necessary steps to ensure the discovery, contamination, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Director in person or by phone or facsimile no later than the next business day. Notification in person or by phone shall be confirmed by written notice addressed and mailed to the Director within five (5) business days of the phone notice. If the discharge of prohibited material emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

(b) Failure to provide notification of a release as provided above is a violation of this ordinance.

(Ord. 2017-17. Passed 3-15-17)

### **921.18 VIOLATIONS, ENFORCEMENT, AND PENALTIES.**

#### **(a) Violations.**

(1) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

(2) In the event the violation constitutes an immediate danger to public health or public safety, the Director is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Director is authorized to seek costs of the abatement as outlined in Section 921.21.

(b) Warning Notice. When the Director finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, the Director may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieved the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the Director to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

#### **(c) Notice of Violation.**

(1) Whenever the Director finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Director may order compliance by written notice of violation to the responsible person. **Such notice must specify the violation and shall be hand delivered, and/or sent by registered mail, to the owner/operator of the facility.**

(2) The Notice of Violation shall contain:

- A. The name and address of the alleged violator;
- B. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- C. A statement specifying the nature of the violation;
- D. A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
- E. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- F. A statement that the determination of violation may be appealed to the Director by filing a written notice of appeal within thirty (30) days of service of notice of violation; and

(3) A statement specifying that, should a violator fail to restore compliance within the established time schedule, the work will be done by a designated government agency or a contractor at the expense thereof shall be charged to the violator. Such notice may require without limitation:

- A. The performance of monitoring analyses, and reporting;

- B. The elimination of ~~illicit~~ **illegal** connections or **illicit** discharges;
- C. The violating discharges, practices, or operations shall cease and desist;
- D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property
- E. Payment of a fine to cover administrative and remediation costs; and
- F. The implementation of source control or treatment BMPs/SCMs.

(d) Compensatory Action. In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the Director may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

(e) Civil Penalties. In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within five (5) days, or such greater period the Director shall deem appropriate, after the Director has taken one or more of the actions described above, the Director may impose a penalty not to exceed one thousand dollars (\$1,000) (depending on the severity of the violation) for each day the violation remain unremedied after receipt of the notice of violation.

(f) Criminal Prosecution. Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to criminal penalty of one thousand dollars (\$1,000) per violation per day and/or imprisonment for a person not to exceed 180 days. Each act of violation and each day upon which any violation shall occur and constitute a separate offense.

(Ord. 2017-17. Passes 3-15-17.)

#### **921.19 APPEAL OF NOTICE OF VIOLATION.**

Any person receiving a Notice of Violation may appeal the determination of the Director. The notice of appeal must be received within five (5) days from the date of the Notice of Violation. Hearing on the appeal before the Director or his/her designee shall take place within fifteen (15) days from the date of receipt of the notice of appeal. The decision of the Director or their designee shall be final. In the event that the cause of the Notice of Violation has been corrected, the time periods may be extended as determined to be appropriate by the Director.

(Ord. 2017-17. Passed 3-15-17.)

#### **921.20 ENFORCEMENT MEASURES AFTER APPEAL.**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within fifteen (15) days of the decision of the Director or their designee, then the Director shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the governmental agency or designated contractor to enter upon the premises for the purpose set forth above.

(Ord. 2017-17. Passed 3-15-17.)

#### **921.21 COST OF ABATEMENT OF THE VIOLATION.**

Within thirty (30) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within thirty (30) days. If the amount due is not paid within a timely manner as determined by the decision of the Director or by the expiration of the time in which to file an appeal the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any provision of this article shall become liable to the City of Kent by reason of such violation. Interest at the rate of one percent (1%) per month shall be assessed on the balance beginning on the first day following discovery of the violation.

(Ord. 2017-17. Passed 3-15-17.)

#### **921.22 VIOLATIONS DEEMED A PUBLIC NUISANCE.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

(Ord. 2017-17. Passed 3-15-17.)

#### **921.23 STORM WATER FEE.**

Subject to the provisions of this Chapter, each and every residential developed property, nonresidential developed property and vacant improved property, other than exempt property, within the corporate limits of the City, and the owners and non-owner users thereof, have imposed upon them a storm water fee. In the event the owner and non-owner users of a particular property are not the same, the liability for each the owner and the non-owner user for the fee attributed to that property shall be joint and several. The storm water fee shall be a monthly or a regular interval service charge and shall be determined by the provisions of this Chapter and the ERU and ERU Rate which shall be established and changed from time to time by City Council. The rate hereby adopted by the City Council is \$4.30 per Equivalent Residential Unit (ERU) per month beginning April 1, 2016.

(Ord. 2017-17. Passed 3-15-17)

#### **921.24 STORM WATER FEE COLLECTION.**

(a) The fee provided in Section 921.23 shall be billed to the person or entity currently receiving the City's utility bill for

water, **and**, sewer. **and recycling services**. The owner of the parcel of property in question shall always be responsible for said bills.

(b) Such fee shall appear on the utility bill rendered by the City for water, **and**, sewer **and recycling services** as a separate item and shall be considered an integral part of such bill. Failure to remit the entire amount of the charges for all services shall constitute a delinquency, with termination of all services to take place in accordance with the provisions of the Codified Ordinances and the Service Director's Rules and Regulations. This shall include the right of city council to certify delinquent storm water use charges to the county auditor and have the delinquencies charged to the real estate tax bill as a lien on the real property that generated the delinquent charges. **However, upon proof satisfactory to the Director of Budget and Finance that service for the collection of recyclable material is not required at any billing unit, due to vacancy or other reasons, such fee shall be waived by the Director.**

(c) For those properties within the corporate limits of the City that do not utilize the City's water, **or**, sewer, **or recycling services**, the property owner, or their designee shall be billed separately for the storm water fee.

(Ord. 2017-17. Passed 3-15-17.)

#### **921.25 STORM WATER FEE DETERMINATION.**

There is hereby established the following uniform schedule of rates for the services and use of facilities of the Storm Water Management System by the owner, tenant, or occupant of the premises using the services and facilities of said system:

(a) The City Council, upon recommendation of the City Manager, shall, by ordinance establish reasonable rates for Storm Water Management Systems for each single family residence; each single family residence shall be billed at a flat fee established by City Council for an Equivalent Residential Unit. An Equivalent Residential Unit is hereby defined as the statistical average horizontal impervious area of all residential units in the City of Kent.

(b) For all residential and nonresidential properties, that is enterprise, business establishment, building, or other occupancy not covered by subsections (a) and (b) of this section, the rate shall be computed based on the total impervious area of the property divided by the average impervious area of an Equivalent Residential Unit times the rate established for an equivalent residential unit. The billing amount shall be updated by the Deputy Service Director/Superintendent of Engineering based on any additions to the impervious areas as approved through the building permit process.

(Ord. 2017-17. Passed 3-15-17)

#### **921.26 STORM WATER DRAINAGE FUND.**

The revenues received pursuant to this Chapter 921 shall be deposited with the Budget & Finance Director and shall be kept in a separate and distinct fund known as the Storm Water Drainage Fund (Fund 208). The Storm Water Drainage Fund shall be used for the payment of the cost of the management, maintenance, operation and repair of the storm water utility system. Any surplus in the Storm Water Drainage Fund may be used for the enlargement or replacement of the storm water utility system, for the construction thereof, and for the creation of a sinking fund for the payment of such indebtedness, but shall not be used for any other purpose.

(Ord. 2017-17. Passed 3-15-17.)

#### **921.27 STORM WATER DISTRICT REVIEW AND APPEALS BOARD.**

(a) The City of Kent Storm Water District Review and Appeals Board is hereby established. Said Board shall consist of five (5) members. The City Finance Director, the Deputy Service Director/Superintendent of Engineering and the Public Service Director shall be members. The other two (2) members shall consist of electors of the City appointed by Council. Appointed members may be removed by the City Manager with the approval of a vote of two-thirds (2/3) of the members of Council. The term of office for appointed members of said Board shall be two (2) years. Should a vacancy occur on the Board, the remaining portion of the unexpired term shall be filled by Council.

(b) The Board is authorized to hear appeals regarding disputes and complaints brought by owners and nonowners concerning application of this chapter regarding storm water fees charged, including the authority to make adjustments as appropriate to provide relief from a strict application of the provisions of this chapter due to unique circumstances which reduce the burden of operating, constricting, repairing and maintaining the storm water utility system and the structures and devices related thereto, while accomplishing the intent of this chapter, as follows:

(1) Calculation of the total number of building units assigned to a property that are claimed to be inaccurate due to alleged inaccuracies in data utilized by the billing staff.

(2) Adjustment to or credit against billing units assigned to property which wholly or partially drains directly outside the City limits.

(3) Adjustments to or credits against billing units assigned to properties containing storm water detention or retention facilities providing on-site management of storm water prior to discharge to the public storm water system.

(4) Adjustments arising from a break in billing units due to change in property ownership, account responsibility or similar matters.

(5) Any other adjustments or credits against billing services assigned to properties which diminish the quantity of storm water handled by the storm water utility system or reduce the cost to the City of constructing, operating and maintaining said system, such as a property owner's agreement to install oversize storm sewer pipes at its own cost, which provides storm water drainage for other properties, obligation assumed by an owner to maintain

and repair storm sewer lines which are a part of the City's storm water utility system, providing storm water retention of detention facilities designed and installed to detain or retain storm water originating from other properties.

(c) Any appeal must be filed in writing, must describe the specific error alleged, and contain the resolution of said dispute which the appealing party feels is correct. Said Board may request additional information from either the appealing party or the City. The decision of said Board shall be final.

(Ord. 2017-17. Passed 3-15-17.)

**921.28 COMPATIBILITY WITH OTHER REGULATIONS.**

This ordinance is not intended to modify or appeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

(Ord. 2017-17. Passed 3-15-17.)

**921.29 SEVERABILITY.**

The provisions of this ordinance are hereby declared severable. If any provision, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect other provisions or application of this ordinance.

(Ord. 2017-17. Passed 3-15-17.)

**921.30 REMEDIES NOT EXCLUSIVE.**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Director to seek cumulative remedies.

The Director may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

(Ord. 2017-17. Passed 3-15-17.)

**921.31 INJUNCTIVE RELIEF.**

It shall be unlawful for any **person owner/operator**, to violate any provision or fail to comply with any of the requirements of this Ordinance **pursuant to O.R.C. 3709.211**. If **an owner/operator person** has violated or continues to violate the provisions of this ordinance, **the Director authorized enforcement agency** may petition for a preliminary or permanent injunction restraining the **owner/operator person** from activities which would create further violations or compelling the **owner/operator person** to perform abatement or remediation of the violation.

(Ord. 2017-17. Passed 3-15-17)

**921.32 ADOPTION OF ORDINANCE.**

This ordinance shall be in full force and effect after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

(Ord. 2017-17. Passed 3-15-17.)

## CHAPTER 1193

### Resource Management Plans

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#### 1193.15 Installation of Water Quality Storm Water Control Measures

#### 1193.16 Violations

#### 1193.17 Appeals

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#### 1193.01 PURPOSE AND SCOPE.

- (a) The purpose of this regulation is to establish technically feasible and economically reasonable stormwater management standards to achieve a level of storm water quality and quantity control that will minimize damage to property and degradation of water resources and will promote and maintain the health, safety, and welfare of the citizens of Kent.
- (b) This regulation requires owners who develop or redevelop their property to:
1. Control storm water runoff from their property and ensure that all Stormwater Control Measures (SCMs) are properly designed, constructed, and maintained.
  2. Reduce water quality impact to receiving water resources that may be caused by new development or redevelopment activities.
  3. Control the volume, rate, and quality of storm water runoff originating from their property so that surface water and groundwater are protected, and flooding and erosion potential are not increased.
  4. Minimize the need to construct, repair, and replace subsurface storm drain systems.
  5. Preserve natural infiltration and groundwater recharge, and maintain subsurface flow that replenishes water resources, except in slippage-prone soils.
  6. Incorporate storm water quality and quantity controls into site planning and design at the earliest possible stage in the development process.
  7. Reduce the expense of remedial projects needed to address problems caused by inadequate storm water management.
  8. Maximize use of SCMs that serve multiple purposes, including, but not limited to, flood control, erosion control, fire protection, water quality protection, reaction, and habitat preservation.
  9. Design sites to minimize the number of stream crossings and the width of associated disturbance to minimize the City's future expenses related to the maintenance and repair of stream crossings.
  10. Maintain, promote, and re-establish conditions necessary for naturally occurring stream processes that assimilate pollutants, attenuate flood flows, and provide a healthy water resource.
- (c) This regulation shall apply to all parcels used or being developed, whether wholly or partially, for new or relocated projects involving subdivisions or large common plans of development; industrial, commercial, institutional, or residential projects; redevelopment activities, grading; and all other uses not specifically exempted below.
- (d) Public entities, including the state of Ohio, Portage County and the City of Kent shall comply with this regulation for linear projects within public right-of-way (e.g. roadway and sidewalk projects).
- (e) This regulation does not require a Comprehensive Stormwater Management plan for linear construction projects, such as pipeline or utility installation, that does not result in the installation of impervious surface as determined by the City Engineer or Ohio EPA. Such projects must be designed to minimize the number of stream crossings and the width of disturbance. Linear construction projects must comply with the requirements of Chapter 1199 Erosion Controls

#### 1193.012 GENERAL.

All Developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened

with surface waters as a result of such developments. More specifically:

- (a) No Development may be constructed or maintained so that such Development unreasonably impedes the natural flow of water from higher adjacent properties across such Development, thereby unreasonably causing substantial damage to such higher adjacent properties; and
- (b) No Development may be constructed or maintained so that surface waters from such Development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.
- (c) If there are any conflicts between provisions of Chapter 1193 and other sections of the Kent Codified Ordinances, then sections of Chapter 1193 shall control, or whichever is more restrictive-  
(Ord. 2017-17. Passed 3-15-17.)

### **1193.023 DEFINITIONS.**

These definitions shall incorporate any additions or revisions contained in the most current Ohio NPDES Statewide Construction ~~Storm Water~~ General Permit.

- (1) **Abbreviated Stormwater Pollution Prevention Plan (Abbreviated SWP3):** The written document that sets forth the plans and practices to be used to meet the requirements of this ordinance for sites disturbing 0.1 (one-tenth) to one (1) acre of land.
- (2) **Acre:** A measurement of area equaling 43,560 square feet.
- (3) **As-Built Survey:** A survey shown on a plan or drawing prepared by a registered Professional Surveyor indicating actual dimensions, elevations, and location of any structures, underground utilities, swales, detention facilities, and sewage treatment facilities after construction has been completed.
- (4) **Best Management Practices (BMPs).** Also Storm Water Control Measures (SCMs): The schedules of activities, prohibitions of practices, **general good housekeeping practices, pollution prevention and education practices, operation and maintenance procedures, treatment requirements** and other management practices **(both structural and non-structural)** to prevent or reduce the **discharge of pollutants to storm water. pollution of water resources and to control storm water volume and rate. This BMPs also includes treatment practices, operating procedures, and practices** to control **site** runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials **storage**.
- (25) **Clean Water Act** (also referred to as Act) Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117 and Pub. L. 100-4, 33 U.S.C. 1251 et. Seq. Referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972 and any subsequent amendments thereto.
- (36) **Commencement of Construction:** The initial Disturbance of soils associated with clearing, grubbing, grading, and placement of fill or excavating activities or other construction activities.
- (47) **Comprehensive Storm Water Management Plan:** The written document and plans meeting the requirements of this regulation that sets forth the plans, **and** practices, **and SCMs** to minimize storm water runoff from a development area, to safely convey or temporarily store and release post-development runoff at an allowable rate or minimize flooding and stream bank erosion, and to protect or improve storm water quality and stream channels.
- (58) **Concentrated Storm Water Runoff:** Any storm water runoff which flows through a drainage pipe, ditch, diversion or other discrete conveyance channel.
- (9) **Construction Entrance:** The permitted points of ingress and egress to development areas regulated under this ordinance.
- (10) **Construction General Permit:** The most recent General National Pollutant Discharge Elimination System (NPDES) permit for authorization of storm water discharges associated with construction activities issued by the Ohio EPA.
- (11) **Critical Area:** Any area the disturbance of which could cause soil erosion and sediment runoff and damage to private properties, water courses, storm sewers, or public lands due to topography, soil type, hydrology, or proximity to a water course. These areas include, but are not limited to, riparian areas, wetlands, and highly erodible soils.
- (612) **Development:** The carrying out of building, engineering, mining or other operations in, on, over or under land, or making of any material change in the use of any buildings or other land.
- (713) **Development Area:** A parcel of contiguous parcels owned by one person or persons, or operates as one development, unit and used or being developed for commercial, industrial, residential, institutional or other construction or alteration that changes runoff characteristics.
- (814) **Development Drainage Area:** A combination of each hydraulically unique watershed with individual outlet points on the development area.
- (915) **Development Coordinator Engineer:** A **licensed** professional **engineer** designated by the Community Development Director to be responsible for **facilitating performance of** the engineering **reviews** and

inspection services as may be assigned by the Community Development Director.

**(16) Dewatering Volume:** See the current Ohio Rainwater and Land Development Manual.

**(17) Director:** The director of the Community Development Department for the City of Kent, Ohio or his/her designee.

**(18) Discharge:** The addition of any pollutant to the Surface Waters of the State from a Point Source.

**(19) Disturbance:** Any clearing, grading, grubbing, excavating, filling, or other alteration of land surface where natural or man-made cover is destroyed in a manner that exposes the underlying soils.

**(20) Disturbed Area:** An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities such as grading, excavating, or filling.

**(21) Drainage:** (1) The area of land contributing surface water to a specific point (2) The removal of excess surface water or groundwater from land by surface or subsurface drains.

**(22) Drainage Watershed:** For purposes of the most current Ohio NPDES Statewide Construction Storm Water General Permit the total contributing drainage area to a BMP/SCM, i.e., the "watershed" directed to the practice. This would also include any off-site drainage.

**(23) Drainage Way:** A natural or man-made channel, ditch, or waterway that conveys surface water in a concentrated manner by gravity.

**(24) Erosion:** The process by which the land surface is worn away by action of wind, water, ice, gravity, or any combination of these forces.

**(25) Erosion and Sediment Control:** The control of soil, both mineral and organic, to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.

**(26) Extended Detention Facility:** A storm water control measure that replaces and/or enhances traditional detention facilities by releasing the runoff collected during the storm water quality event over at least 24 to 48 hours, retarding flow and allowing pollutants to settle within the facility.

**(27) Final Stabilization:** means that either:

- (A) All soil disturbing activities at the site are complete and a uniform perennial vegetative cover (e.g. evenly distributed, without large bare areas) with a density of at least 80 percent cover for the area has been established on all unpaved areas and areas not covered by permanent structures or equivalent stabilization measures (such as the use of landscape mulches, rip-rap, gabions, or geotextiles) have been employed. In addition, all temporary erosion and sediment control practices are removed and disposed of and all trapped sediment is permanently stabilized to prevent further erosion; or
- (B) For individual lots in residential construction by either:
  - a. The homebuilder completing Final Stabilization as specified above or
  - b. The homebuilder establishing Temporary Stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for and benefits of, Final Stabilization. (Homeowners typically have an incentive to put in the landscaping functionally equivalent to Final Stabilization as quick as possible to keep mud out of their homes and off sidewalks and driveways); or
- (C) For construction projects on land used for agricultural purposes (e.g. pipelines across crop or range land), Final Stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were previously used for agricultural activities, such as buffer strips immediately adjacent to Surface Waters of the State and which are not being returned to their pre-construction agricultural use, must meet the Final Stabilization criteria in (1) or (2) above.

**(28) Grading:** The process in which topography of the land is altered to a new slope. The excavating, filling, or stockpiling of earth material, or any combination thereof, including the land and its excavated or filled condition.

**(29) Grubbing:** Removing or grinding of roots, stumps, and other unwanted material below grade.

**(30) Impervious:** That which does not allow infiltration.

**(31) Impervious Area Cover:** Any surface that cannot effectively absorb or infiltrate water. That may include roads, streets, parking lots, rooftops, sidewalks and other areas not covered by vegetation.

**(32) Individual Lot NOI:** A Notice of Intent for an individual lot to be covered by the most current Ohio NPDES Statewide Construction Storm Water General Permit.

**(233) Infiltration Control Measure:** A storm water control measure that does not discharge to a water resource during the storm water quality event, requiring collected runoff to either infiltrate into the groundwater and/or be consumed by evapotranspiration, thereby retaining storm water pollutants in the facility.

**(34) Landscape Architect:** A professional Landscape Architect registered in the State of Ohio.

**(235) Larger Common Plan of Development or Sale:** A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

**(2436) Low Impact Development (LID):** A site design approach which seeks to integrate hydrologically functional

design with pollution prevention measures to compensate for land development impacts on hydrology and water quality. LID's goal is to mimic natural hydrology and process by using small-scale, decentralized practices that infiltrate, evaporate, detain, and transpire storm water. LID storm water control measures (SCM's) are uniformly and strategically located throughout the site.

- (2537) Maximum Extent Practical (MEP): The level of pollutant reduction that operators of small municipal separate storm sewer systems regulated under C.F.R. Parts 9, 122, 123 and 124, or most current Ohio NPDES Statewide Construction ~~Storm Water~~ General Permit also referred to as the NPDES Storm Water Phase II, must meet.
- (2638) MS4: Municipal separate storm sewer system **which means a A** conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) that are:
- (A) Owned or operated by ~~the federal government,~~ a state, **city, town,** municipality, township, **borough,** county, **parish,** district, **association** or other public body (created by or pursuant to state ~~or federal~~ law **having jurisdiction over sewage, industrial wastes,** including special district under state law such as a sewer district, ~~flood control district or drainage districts~~ or similar entity, **or an Indian tribe or an authorized Indian tribal organization or a designated** and approved management agency under Section 208 of the Clean Water Act that discharges **to water of the United States** ~~into water resources~~; and
  - (B) Designed or used for collecting or conveying solely Storm Water,
  - (C) Which is not a combined sewer, and
  - (D) Which is not a part of a publicly owned treatment works.
- (2739) National Pollutant Discharge Elimination System (NPDES). A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.
- (2840) NOI: Notice of Intent to be covered by the most current Ohio NPDES Statewide Construction ~~Storm Water~~ General Permit.
- (2941) Non-Structural Storm Water Control Measure (SCMs): Any technique that uses natural processes and features to prevent or reduce the discharge or pollutant to water resources and control storm water volume and rate.
- (3042) NOT: Notice of Termination to be covered by the most current Ohio NPDES Statewide Construction ~~Storm Water~~ General Permit.
- (3143) Operator(s): Any party associated with a construction project that meets either of the following two criteria:
- (A) The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
  - (B) The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with an SWP3 for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP or comply with other permit conditions).
  - (C) There can be more than one Operator(s) at a site and under these circumstances, the Operator(s) shall be co-permittees.
- (3244) Ordinary High Water Mark: That line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.
- (3345) Owner(s): ~~The Owner~~ **Owner of any "facility or activity" subject to regulation under the NPDES program.** **Any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or on the owner's behalf.**
- (46) Parcel: **A division of land separated or proposed to be separated from other divisions of land by description on a recorded subdivision plat, recorded survey, or by metes and bounds for purposes of sale, lease, or separate use, and which is of sufficient size to meet minimum zoning requirements.**
- (3447) Permanent Stabilization: The establishment of permanent vegetation, decorative landscape mulching, matting, sod, rip-rap and landscaping techniques to provide permanent erosion control on areas where construction operations are complete or where no further Disturbance is expected for at least one year.
- (3548) Percent imperviousness: The impervious area created and divided by the total area of the project site.
- (49) Phasing: **Clearing a parcel of land in distinct sections, with stabilization of each section before clearing the next.**
- (3650) Point Source: Any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, conduit, well, discrete fissure, container, rolling rock, concentrated animal feeding operation, landfill leachate collection system, vessel or the floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural Storm Water runoff.
- (51) Pollutant: **Anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paint, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid or solid wastes, yard wastes, refuse, rubbish garbage, litter or discharge or abandoned objects, floatable materials,**

pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.

- (3752) Post-Development: The condition that exists following the completion of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality or direction of storm water runoff.
- (3853) Pre-Construction Meeting: **A meeting between the City and all principal parties, prior to the start of any construction, at a site that requires a Stormwater Pollution Prevention Plan. ~~Meeting prior to construction between all parties associated with the construction of the project including government agencies, contractor and owners to review agency requirements and plans as submitted and approved.~~**
- (3954) Pre-Development: The condition that exists prior to the initiation of soil disturbing activities in terms of topography, vegetation, land use, and the rate, volume, quality or direction of storm water runoff.
- (55) Pre-Winter Stabilization Meeting: **A meeting between the City and all principal parties, prior to October 1, in order to plan winter erosion and sediment controls for a site that requires a Stormwater Pollution Prevention Plan.**
- (4056) Professional Engineer: A Professional Engineer registered in the State of Ohio with specific education and experience in water resources engineering, acting in conformance with the Code of Ethics of the Ohio State Board of Registration for Engineers and Surveyors.
- (4157) Qualified Inspection Personnel: A person knowledgeable in the principles and practice of erosion and sediment controls, who possesses the skills to assess all conditions at the construction site that could impact Storm Water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of Storm Water Discharges from the construction activity.
- (4258) Rainwater and Land Development Manual: A manual describing construction and post-construction Best Management Practices and associated specifications. A copy of the manual may be obtained by contacting the Ohio Department of Natural Resources, Division of Soil & Water Conservation.
- (4359) Riparian Area: The transition area between flowing water and terrestrial (land) ecosystems composed of trees, shrubs and surrounding vegetation which serves to stabilize erodible soil, improve both surface and ground water quality, increase stream shading and enhance wildlife habitat, and as outlined in Chapter 1201.
- (4460) Runoff: The portion of rainfall, **melted** snow ~~melt~~ or irrigation water that flows across the grounds surface and is eventually **conveyed returned** to water resources **or wetlands**.
- (4561) Runoff Coefficient: The fraction of total rainfall that will appear at the conveyance as runoff.
- (4662) Sediment: The soils or other surface materials that can be transported or deposited by the action of wind, water, ice or gravity, **or any combination of those forces**, as a product of erosion.
- (4763) Sediment Settling Pond: A sediment trap, sediment basin, or permanent basin that has been temporarily modified for sediment control, as described in the latest edition of Rainwater and Land Development Manual.
- (4864) Sedimentation: The deposition **or settling** of sediment. ~~in-water resources.~~
- (65) Sediment Storage Volume: **See the current edition of Rainwater and Land Development Manual**
- (66) Soil Disturbing Activity: **Clearing, grading, excavating, filling, grubbing, or stumps removal that occurs during clearings or timber activities or to the alteration of the earth's surface where natural or human-made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.**
- (67) Soil & Water Conservation District: **An entity organized under Chapter 940 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as Portage County SWCD**
- (4968) Special Flood Hazard Area (SFHA): The area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year.
- (69) Stabilization: **The use of BMPs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or any combination of those forces.**
- (5070) State Isolated Wetland Permit Requirements: The requirements set forth in Section 6111.02 through 6111.029 of the ORC.
- (5171) Storm Water: ~~Storm Water runoff, snow melt runoff and surface runoff and drainage.~~ **Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.**
- (5272) Storm Water Control Measure (SCM): Also Best Management Practice (BMP): Schedule of activities, prohibitions of practices, operation and maintenance procedures, treatment requirements, and other management practices (both structural and non-structural) to prevent or reduce the pollution of water resources and to control storm water volume and rate. This includes practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- (73) Storm Water Pollution Prevention Plan (SWPPP or SWP3) **A document which describes the Best Management Practices/Storm Water Control Measures and activities to be implements by a person or business to identify sources of pollution or containment at a site and the actions to eliminate or reduce**

**pollutant or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm water, Storm Water Conveyance Systems and/or Receiving Waters to the Maximum Extent Possible.**

- (5374) **Structural Storm Water Management Practice or Storm Water Control Measure (SCM):** Any constructed facility structure or device that prevents or reduces the discharge of pollutants to water resources and controls storm water volume and rate.
- (5475) **Surface Water of the State or Water Bodies:** Also Water Resources. All streams, lakes, reservoirs, ponds, marshes, wetlands, or other waterways which are situated wholly or partially within the boundaries of the state, except those private waters which do not combine or affect a junction with **natural-surface or-underground** waters. Water defined as sewage systems, treatment work or disposal systems in section 6111.01 of the ORC are not included.
- (5576) **SWPPP or SWP3:** Storm Water Pollution Prevention Plan.
- (5677) **Temporary Stabilization:** The establishment of temporary vegetation, mulching, geotextiles, sod, preservation of existing vegetation and other techniques capable of quickly establishing cover over disturbed areas to provide erosion control between construction operations.
- (78) **Topsoil: The upper layer of the soil this is usually darker in color and richer in organic matter and nutrients than subsoil.**
- (5779) **Total Maximum Daily Load:** The sum of the existing and/or projected point source, nonpoint source, and background loads for a pollutant to a specified watershed, water body, or water body segment. A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into water and still ensure attainment and maintenance of water quality standards.
- (80) **Unsuitable Soils: A portion of land that is identified as prone to slipping, sloughing, or landslides, or is identified by the U.S. Department of Agriculture Natural Resource Conservation Service methodology as having low soil strength.**
- (5881) **Water Quality Volume (WQv):** The volume of Storm Water runoff which must be captured and treated prior to discharge from the developed site after construction is complete. WQv is based on the expected runoff generated by the mean storm precipitation volume from post-construction site conditions at which rapidly diminishing returns in the number of runoff events captured begins to occur.
- (5982) **Water Resource:** See Surface Water of the State or Water Bodies.
- (6083) **Water Resource Crossing:** Any bridge, box, arch, culvert, truss or other type of structure intended to convey people, animals, vehicles, or arterial from one side of the watercourse to another. This does not include private, non-commercial footbridges or pole mounted aerial electric or telecommunications lines, nor does it include below grade utility lines.
- (6184) **Watershed:** The total drainage area contributing storm water runoff to a single point.
- (6285) **Wetland:** Those area that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils conditions, including swamps, marshes, bogs and similar areas (40 CFR 232, as amended.)

(Ord. 2017-17. Passed 3-15-17.)

#### **1193.04 DISCLAIMER OF LIABILITY.**

- (a) **Compliance with the provisions of this ordinance shall not relieve any person of responsibility for damage to any person otherwise imposed by law. The provisions of this ordinance are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or any particular parcel of property.**
- (b) **By approving a Comprehensive Storm Water Management Plan under this ordinance, the City does not accept responsibility for the design, installation, and operation and maintenance SCMs.**

#### **1193.05 CONFLICTS, SEVERABILITY, NUISANCES, AND RESPONSIBILITY.**

- (a) **If there are any conflicts between provisions of Chapter 1193 and other sections of the Kent Codified Ordinances, then sections of Chapter 1193 shall control, or whichever is more restrictive.**
- (b) **Where this regulation conflicts with other provisions of law or ordinance, or requirements in the Construction General Permit, the most restrictive provisions shall prevail.**
- (c) **If any clause, section, or provision of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.**
- (d) **This ordinance shall not be construed as authorizing any person to maintain a private or public nuisance on their property, and compliance with the provisions of this ordinance shall not be a defense in any action to abate such a nuisance.**
- (e) **Failure of the City of Kent to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City, its officers, or employees. Or agents being responsible for any condition or damage resulting therefrom.**

### **1193.036 DEVELOPMENT PERMIT REQUIRED.**

- (a) A Development Permit shall be obtained before construction or Development begins. Application for a Development Permit shall be made pursuant to Chapters 1105, 1181 and 1339. In addition, Development within a Special Flood Hazard Area as established in Section 1337 (Floodplain Damage Control) shall comply with Chapter 1337 and 1201.
- (b) Exemption from Filing a Development Permit. Any proposed action exempt from filing for a Development Permit as listed in Sections 907.04(b) and 1337.03(i) is also exempt from the standards of this chapter.
- (c) **Soil disturbing activities (including mechanized clearing) shall not begin, and zoning, building, or grading permits shall not be issued without**
  - 1. **Approved SWP3 or Abbreviated SWP3**
  - 2. **NOI submitted to the Ohio EPA, and NPDES permit covered issued**
  - 3. **Physical marking in the field of protected or critical areas, including wetlands, riparian areas**
  - 4. **Installation of construction entrances, perimeter sediment barriers, and other erosion controls that must be in place to address initial site conditions**

(Ord. 2017-17. Passed 3-15-17.)

### **1193.07 DEVELOPMENT OF COMPREHENSIVE STORM WATER MANAGEMENT PLANS**

- (a) **This regulation requires that a Comprehensive Storm Water Management Plan be developed and implemented for all soil disturbing activities disturbing one(1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one(1) or more acres of total land, and on which any regulated activity of Section 1193.01(c) is proposed. A comprehensive Storm Water Management Plan must be developed and implemented for all commercial and industrial site development disturbing more than two-tenths (0.2) of an acre. The Development Coordinator may require a Comprehensive Storm Water Management Plan for any soil disturbing activities.**
- (b) **The City shall administer this regulation, shall be responsible for the determination of compliance with this regulation, and shall issue notices and orders as may be necessary.**

### **1193.08 COMPREHENSIVE STORM WATER MANAGEMENT PLANS.**

In order to control Storm Water damage and sediment pollution of water resources, wetlands, Riparian Areas, other natural areas, and public and private lands, the developer shall be responsible for preparing **and submitting for approval a** Comprehensive Storm Water Management Plan including a Storm Water Pollution Prevention Plan (SWP3). A Comprehensive Storm Water Management Plan must be developed and implemented for all commercial and industrial site development. ~~The City of Kent may require a comprehensive storm water management plan on sites disturbing less than one (1) acre. A SWP3 shall be prepared in accordance with sound engineering and/or conservation practices by a professional experienced in design and implementation of standard erosion and sediment controls and storm water management practices addressing all phases of construction.~~ **The SWP3 shall be certified by a professional engineer, a registered surveyor, a certified professional erosion and sediment control specialist, or a registered landscape architect.** The SWP3 shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with construction activities. The SWP3 shall be a comprehensive, stand-alone document. Such plans must contain a description of controls appropriate for each construction operation covered by these regulations, and how the quantity and quality of storm water will be managed after construction is completed for every discharge from the site and/or into a water resource or small municipal separate storm sewer system (MS4). Operator(s) must implement such controls in a timely manner. The SWP3 shall describe and ensure the implementation of Best Management Practices (BMPs) or SCMs that reduce pollutants in storm water discharges during construction and pollutants associated with post-construction activities. The SWP3 and BMPs/SCMs used to shall satisfy the conditions of these regulations shall meet the standards and specifications in the current edition of the State of Ohio's Rainwater and Land Development manual and the most current Ohio NPDES Statewide Construction ~~Storm Water~~ General Permit. **In addition to all information required by the Construction General Permit, the SWP3 shall also include completed design tools found on Ohio EPA's website such as the Sediment Basin Compliance Spreadsheet.** The plans must make use of practices which preserve the existing natural condition of the Maximum Extent Practical (MEP).

- (a) Small Development Sites: Developments that have disturbed areas smaller than one (1) acre in total size may submit abbreviated Storm Water Management plans for Site Plan review, Development Plan review, or requested permit(s). The abbreviated plan must cover the following items, in addition to any other items from this ordinance that are required by the Director:
  - (1) A description of the nature and type of the construction activity (e.g. low density residential, shopping mall, highway, etc.)
  - (2) A cover page or title identifying the name and location of the site, **the phase, if applicable, of the overall development plan, list sublots numbers if project is a subdivision**, the name and contact information of all construction site Operator(s), the name and contact information of the person responsible for authorizing

and amending the SWP3, preparation date, and the estimated dates that construction will start and be complete.

- (3) **Storm Water Issues:** A statement as to how the increased Storm Water runoff and decreases Storm Water quality that will be caused by the Development will be handled, and a statement of what Best Management Practices (BMPs)/Storm Water Control Measures (SCMs) the Development will include in order to address them. When a Development is proposed to demolish an older existing structure, the developer may request, in writing that the Director exempt such Developments from the Storm Water regulations of this chapter, if it can be demonstrated that controls are infeasible at the project location and create an undue burden without commensurate benefits to the receiving stream. Undue burden shall be calculated by the Development **Coordinator Engineer**.
  - (4) Site specific topographic plans drawn to scale showing the nature, location or dimensions and elevations of the area in question.
  - (5) The location of existing or proposed structures, fill, storage of materials, and drainage.
  - (6) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in Special Flood Hazard Areas where base flood elevation data are utilized;
  - (7) Type, size, location, grade and elevations (including their proposed invert at the building wall) for all site drainage including, but not limited to curbs and gutters, curb inlets and curb cuts, drainage grates, catch basins, trenches, manholes, pipes, drainage ditches, roof drain connections to the storm sewer together with Storm Water run-off calculations, pipe size calculations, pre- and post-Development runoff factors, and Storm Water retention or detention (where required) calculations and provisions.
  - (8) Approximate direction and gradient of ground slope including any embankments or retaining walls and the delineation of existing drainage patterns, waterways, and Water Bodies (including intermittent and ephemeral streams, rivers and their related river or stream bank, ponds, drainage ditches, lakes, swamps) located within 200 feet of the site including:
    - A. Boundaries and elevation of floodways and floodplains as delineated in the Flood Insurance Rate Map of the Flood Insurance Study by the Federal Emergency Management Agency, or any other existing watercourses or Water Bodies that appear on 1:24,000 U.S.G.S. maps other sources of flood information in accordance with Section 1337.01(f).
    - B. Location of wetlands (a wetland delineation conducted by a certified wetlands biologist or approval by the Army Corps of Engineers);
    - C. All riparian and wetland setback areas pursuant to Chapter 1201 (Riparian and Wetland Buffers).
  - (9) All existing and planned, temporary and permanent, hydro-seeding, soil erosion and sediment control conservation practices for the site. Residential lots shall include BMPs/SCMs designs which meet the standards and specifications of the State of Ohio's Rainwater and Land Development manual but not limited to:
    - A. Construction entrance, and;
    - B. Temporary grass seeding with 2 tons per acre of straw mulch, and;
    - C. Storm drain inlet protection around every storm yard inlet on the site, and;
    - D. Silt fence, filter sock or other protection for any stream located on or close to the site and lacking an adequate vegetative buffer, and
    - E. Construction fence to protect any conservation easements from encroachment.
    - F. Concrete truck washout
    - G. Street Sweeping
    - H. Final Stabilization
  - (10) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 1337.04(e) (Nonresidential Structures) where base flood elevation data are utilized.
  - (11) Soil disturbing activities shall not begin and zoning permits shall not be issued without
    - A. Approved SWP3 or Abbreviated SWP3
    - B. Installation of erosion and sediment controls
  - (12) SWP3 for individual sublots in a subdivision will not be approved unless the larger common plan of development or sale containing the sublots is in compliance with this regulation.
  - (13) A long term Inspection and Maintenance Plan and an Inspection and Maintenance Agreement per Section 1199.037
- (b) **Large Development Sites:** All Developments or Larger Common Plan of Development or Sale with disturbed areas equal to or larger than one (1) acre in size shall submit a Comprehensive Storm Water Management Plan outlining the following controls to be established to prevent sediment pollution of the water resources, wetlands, riparian buffers, and public and private properties:
- (1) All elements required under 1193.04(a) for abbreviated Storm Water Management Plans;

- (2) A general project description including the nature, type, total area expected to be disturbed, estimate of impervious area and percent impervious area created, prior land uses at site, limits of soil-disturbing activity on the site spoil and borrow areas, and purpose of earth-disturbing activity and the Storm Water Management strategy proposed to meet this ordinance, including: implementation schedule describing the sequence of major construction operations (i.e. clearing, grubbing, excavating, grading, utilities, and infrastructure installation) plus the implementation of erosion, sediment and Storm Water management practices or facilities to be employed during each operation of the sequence, location and design calculations for all permanent Storm Water conveyance, detention and retention structures, and other Storm Water control structures, and any other Storm Water management-related items may be required by the Director.
- (3) A vicinity sketch locating the Development and all pertinent surrounding features within 1000 feet, including surface water locations, including springs, wetlands, streams, lakes, water wells, riparian buffers, conservation easements, and other sensitive natural resources including items (D.-F.) under 1193.04(b)(46) of this Chapter. Including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the permittee intends to fill or relocate for which the permittee is seeking approval from the Army Corps of Engineers and/or Ohio EPA.
- (4) Topographic maps showing the area to be drained with calculations prepared by a registered professional engineer in determining the proposed Storm Water collection system, including:
  - A. Existing and proposed watershed boundary lines, direction of flow and watershed acreage.
  - B. The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water and the extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive Discharges from disturbed areas of the project. The point of discharge to the MS4 and the location where the MS4 ultimately discharges to a stream or surface water of the state shall be indicated. If applicable, identify the point of discharge to a municipal separate storm sewer system and the location where that municipal separate storm sewer system ultimately discharges to a stream, lake, or wetland. The location and name of the immediate receiving stream or surface water(s) and the aerial extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from undisturbed areas of the project.
- (5) List TMDLs applicable for the site and demonstrate that appropriate BMPs/SCMs have been selected to address these TMDLs.
- (6) For each BMP/SCM, identify the drainage area, percent impervious cover within the drainage area, runoff coefficient (both pre- and post-construction) for water quality volume, peak discharge, and time of concentration for each subwatershed per Appendix 1 of Ohio's storm water manuals, Rainwater and Land Development. Pervious and impervious areas should be treated as separate subwatersheds unless allowed at the discretion of the Development **Coordinator Engineer**. Identify the BMP/SCM surface area, discharge and dewatering time, outlet type and dimensions. Each BMP/SCM shall be designated with an individual identification number.
  - A. Location and size**
    - A.B.** The location of areas receiving runoff from the Development.
    - B.C.** The limits of clearing operations and earth-disturbing activity and any new contour lines resulting from earth movement (shown as solid lines) with no larger than two-foot contour intervals (existing should be shown as dotted lines) including associated off-site borrow or spoil area that are not addressed by a separate NOI and associated SWP3.
    - C.D.** Existing and planned locations of buildings and areas with hard or impervious surfaces, as well as utilities that may affect soil erosion and sediment control.
    - D.E.** The types of soils within, or affected by, the Development area, and the location of all highly erodible or unstable soils as determined by the most current edition of the soil survey of Portage County, by the NRCS-USDA or an onsite, detailed Soils Engineering Report if required by the Director. Also include quality of any known pollutant discharge from the site such as that may result from previous contamination caused by prior land uses.
    - E.F.** Sediment and storm management basins drawn to scale with basic dimensions, the calculations for size, contributing drainage area, sediment settling volume, and the expected disturbed area that will be directed to the sediment pond during construction.
    - F.G.** The plan should include a summary of the following: the required sediment storage and dewatering volumes, the provided sediment storage and dewatering volumes, the weir length or skimmer size provided, as applicable.
    - H. A completed Ohio EPA WQv Calculator spreadsheet and/or Runoff Reduction Spreadsheet or other equivalent compliance tools provided by Ohio EPA.**
    - G.I.** Any other soil erosion and sediment control related BMPs/SCMs and items that are required by the Director.

**(7) Required Calculations: The applicant shall submit calculations for projecting stormwater runoff flows, volumes, and timing into and through all SCMs for flood control, channel protection, water quality, and conditions of the habitat, stability, and incision of each water resource and its floodplain. These submittals shall be completed for both pre- and post-development land use conditions and shall include the underlying assumptions and hydrologic and hydraulic methods and parameters used for these calculations. For each SCM, identify the drainage area and size in acres, percent impervious cover within the drainage area, volumetric runoff coefficient, peak discharge, and the time of concentration for each watershed. Identify the SCM surface area, discharge, and dewatering time, outlet type, and dimensions.**

~~(7)~~**(8)** Investigation conducted to verify that the condition and capacity of any existing storm sewer to be utilized as a part of the Development or as a Discharge point for Storm Water from the Development is adequate and that its use will not adversely affect other properties shall be supplemented with surveys, field reports and calculations signed and sealed by a professional engineer registered in the State of Ohio.

~~(8)~~**(9)** Description of the extent to which any watercourse will be altered or relocated as a result of proposed Development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished. A watercourse is also considered to be altered if any change occurs within the banks or within the floodway as designated in Section 1337.03(j). Where watercourse will be altered or relocated, copies of notices sent to adjacent communities and the Ohio Department of Natural Resources, Division of Water, and evidence of submission of such notification to the Federal Emergency Management Agency shall be included in the plan.

~~(9)~~**(10)** All necessary permits from this Federal, State or local government agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

~~(10)~~**(11)** The location, size, detailed drawings, maintenance requirements and design calculations of each BMP/SCM as well as the scheduling, phasing, and coordination of construction operations and long-term maintenance requirements of erosion and sediment control BMPs/SCMs during the construction and post-construction phases of each Development, including vegetative plantings and mulch, including:

- A. The printed name and contact point of the person or entity responsible for long-term continued maintenance of all vegetative and/or mechanical BMPs/SCMs used.
- B. The person or entity financially responsible for maintaining the permanent inspection and maintenance of permanent Storm Water conveyance and storage structures and other conservation practices.
- C. The method of ensuring that funding will be available to conduct the long-term maintenance and inspections of all permanent Storm Water, soil erosion and sediment control and water quality practices.
- D. A description shall be provided of the BMPs/SCMs that will be installed to control construction pollutants in Storm Water Discharges occurring after construction operations have been completed (post construction). Such BMPs/SCMs may include, among others, infiltration of runoff, flow reduction by use of open vegetated swales, diversions, permanent grass plantings, tree and shrub plantings, stream bank protection practices, grade stabilization structures, etc.
- E. The type and amount of plant seed, live plants, fertilizer, agricultural ground limestone and mulch to be used. (Soil testing for fertility and lime requirements is preferred. Only perennial grass seed will be used.)
- F. A description of the water quality standards and projected treatment levels, if any, that will be addressed by the water quality BMPs/SCMs being installed.

~~(11)~~**(12)** Location and description of any Storm Water Discharges associated with dedicated asphalt and dedicated concrete plants covered by this permit and the Best Management Practices/Storm Water Control Measures to address pollutants in these Storm Water Discharges.

~~(12)~~**(13)** A copy of the permit requirements of the most current Ohio NPDES Statewide Construction ~~Storm Water~~ General Permit.

~~(13)~~**(14)** For subdivided Developments where the SWP3 does not call for a centralized sediment control measure capable of controlling multiple individual lots, a detailed drawing of a typical individual lot showing standard individual lot erosion and sediment control practices. This does not remove the responsibility to designate specific erosion and sediment control practices in the SWP3 for areas such as steep slopes, stream banks, drainage ways, and riparian zones.

~~(14)~~**(15)** The SWP3 shall identify all subcontractors engaged in activities that would impact Storm Water runoff. The SWP3 shall contain signatures from all the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the SWP3.

~~(15)~~**(16)** The SWP3 shall be retained on site during working hours.

~~(16)~~**(17)** The SWP3 shall be amended whenever there is a change in design, construction or operation or maintenance, which has a significant effect on the potential for discharge of pollutants to surface waters of the state or if the SWP3 proves to be ineffective in achieving the general objectives of controlling pollutants in storm

water discharges associated with construction activity.

- ~~(17)~~(18) A log documenting grading and stabilization activities as well as amendments to the SWP3, which occur after construction activities commence.
- ~~(18)~~(19) Methods to minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. No detergents may be used to wash vehicles. Wash waters shall be treated in a sediment basin or alternative control that provides equivalent treatment prior to discharge.
- ~~(19)~~(20) The SWP3 shall contain a description of the controls appropriate for each construction operation covered by the permit. The SWP3 shall clearly describe for each major construction activities identified:
  - A. Appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented.
  - B. Which contractor is responsible for implementation.

(Ord. 2017-17. Passed 3-15-17.)

#### 1193.09 PERFORMANCE STANDARDS

- (a) **General: The storm water system, including SCMs for storage, treatment, and control, and conveyance facilities, shall be designed to prevent flooding during the 100-year, 24-hr storm event; to maintain predevelopment runoff patterns, flows, and volumes; to meet the requirements of the Construction General Permit; and to meet the following criteria:**
  - (1) **Integrated SCMs that address the degradation of water resources. The SCMs shall function as an integrated system that controls flooding and minimizes the degradation of the water resources receiving storm water discharges from the site. Acceptable SCMs shall:**
    - (A) **Not disturb riparian areas, unless the disturbances are intended to support a watercourse restoration project and comply with Chapter 1201 Riparian and Wetland Buffers.**
    - (B) **Maintain predevelopment hydrology and groundwater recharge on as much of the site as practicable. Where feasible, bioretention, permeable pavement with infiltration, underground storage with infiltration, infiltration trenches and infiltration basins, and/or rainwater harvesting must be the water quality SCMs used. Separate SCMs may be used for peal discharge control and water quality treatment.**
    - (C) **Only install new impervious surfaces and compact soils where necessary to support the future land use.**
    - (D) **Compensate for increased runoff volumes caused by new impervious surfaces and soil compaction by reducing storm water peak flows to less than or equal to predevelopment levels.**
    - (E) **Be designed according to the methodology included in the most current edition of the Rainwater Land and Development manual or other design manual acceptable for use by the City and Ohio EPA.**
  - (2) **Practices designed for final use: SCMs shall be designed to achieve storm water management objectives of this regulation, to be compatible with the proposed post-construction use of the site, and to protect public health, safety, and welfare, and to function safely with routine maintenance.**
  - (3) **Storm water management for all lots: Areas developed for a subdivision shall provide storm water management and water quality controls for the development of all subdivided lots. This shall include provision for lot grading and drainage that prevent structure flooding during the 100-year, 24-hour storm; and maintain, to the extent practical, the pre-development runoff patterns, volumes, and peaks from each lot.**
  - (4) **Storm water facilities in water resources: SCMs and related activities shall not be constructed in water resources unless the applicant shows proof of compliance with all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies as required in Section 1193.11 of this regulation, and the activity is in compliance with Chapter 1199 Erosion Controls, Chapter 1201 Riparian and Wetland Buffers, all as determined by the Development Coordinator.**
  - (5) **Storm water ponds and surface conveyance channels: All storm water pond and surface conveyance designs must provide a minimum of two (2) foot freeboard above the projected peak stage within the facility during the 100-year, 24- hour storm. When designing storm water ponds and conveyance channels. The applicant shall consider public safety as a design factor, and alternative designs must be implemented where site limitations would preclude a safe design.**
  - (6) **Exemption: The site where soil-disturbing activities are conducted shall be exempt from the requirements of Section 1193.09 if it can be shown to the satisfaction of the Development Coordinator that the site is part of a larger common plan of development where the storm water management requirements for the site are provided by SCMs, or if the storm water management requirements for the site are provided buy SCMs defined in a regional or local storm water management plan and approved by the Development Coordinator.**

- (7) **Maintenance:** All SCMs shall be maintained in accordance with the Inspection and Maintenance Plan and Agreements approved by the Development Coordinator.
- (8) **Ownership:** Unless otherwise required by the City, SCMs serving multiple lots in a subdivision shall be on a separate lot held and maintained by an entity of common ownership. SCMs serving single lots shall be placed on these lots, protected within an easement, and maintained by the owner.
- (9) **Preservation of Existing Natural Drainage:** Practices that preserve the existing natural drainage shall be used to the maximum extent practicable. Such practices may include minimizing site grading and compaction; protecting and/or restoring water resources, riparian areas, and existing vegetation and vegetative buffer strips; phasing of construction operations to minimize the amount of disturbed land at any one time, designation of tree preservation areas or other protective clearing and grubbing practices; and maintaining unconcentrated storm water runoff to and through these areas.
- (10) **Post-Construction Soil Restoration:** Except for areas that will be covered by impervious surface or have been incorporated into an SCM, the soil moisture-holding capacity of areas that have been cleared and graded must be restored to that of the original, undisturbed soil to the maximum extent practicable. Areas that have been compacted or had topsoil or duff removed should be amended using soil profile restoration design criteria in the Rainwater and Land Development manual.
- (b) **Storm Water Conveyance Design Criteria:** All SCMs shall be designed to convey storm water to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:
  - (1) **Surface water protection:** The Development Coordinator may allow modification to streams, rivers, lakes, wetlands, or other surface waters only if the applicant shows proof of compliance with all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies as required in Section 1193.11 of this regulation, and the activity in compliance with Section 1199 and Section 1201, all as determined by the Development Coordinator. At a minimum, stream relocation designs must show how the project will minimize changes to the vertical stability, floodplain form, channel form, and habitat of upstream and downstream channels on and off the property.
  - (2) **Off-site stormwater discharges:** Off-site storm water runoff that discharges to or across the applicant's development site shall be conveyed through the storm water conveyance system planned for the development site at its existing peak flow rates during each design storm. Off-site flows shall be diverted around storm water quality control facilities or the storm water quality control facility shall be sized to treat off-site flow. Comprehensive Stormwater Management Plans will not be approved until it is demonstrated to the satisfaction of the Development Coordinator that off-site runoff will be adequately conveyed through the development site in a manner that does not exacerbate upstream or downstream flooding and erosion.
  - (3) **Sheet flow:** The site shall be graded in a manner that contains sheet flow over as large an area as possible.
  - (4) **Follow storm water design standards set by the City Engineer.**
- (c) **Storm Water Quality Control:** The site shall be designed to direct runoff to one or more SCMs that meet or exceed the criteria in the Construction General Permit.

#### **1193.10 FOREST MANAGEMENT PLANS.**

- (a) Selective harvesting of timber may be allowed pursuant to Section 1201.01 (Riparian and Wetland Buffers).
  - (b) Such plans shall be prepared by a Certified Arborist and accepted by the Director.
  - (c) The Forest Management Plan must specify:
    - (1) The Development site will be adequately stocked after the approved selective harvest;
    - (2) The trees located less than 25 feet from the Ordinary High Water Mark will not be impacted by the proposed harvesting;
    - (3) The location of any skid and haul roads required for transporting harvested trees from riparian and wetland setbacks;
    - (4) The method to be used to transport harvested trees from riparian and wetland setbacks;
    - (5) The erosion control BMPs/SCMs that will be employed during and after the proposed harvest. These erosion control practices shall be in conformance with the Ohio Department of Natural Resources, Division of Forestry's BMPs/SCMs for Erosion Control on Logging Jobs in Ohio; and
    - (6) The US Army Corps of Engineers and the Ohio EPA Wetland and Stream protection permit numbers.
- (Ord. 2017-17. Passed 3-15-17.)

#### **1193.011 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.**

Approvals issued in accordance with this regulation do not relieve the applicant of responsibility for obtaining all

other necessary permits and/or approvals from other federal, state and/or county agencies. If requirements vary, the most restrictive shall prevail. These permits may include, but are not limited to, those listed below. Applicants are required to show proof of compliance with these regulations before the City of Kent will issue **a building or zoning permits**.

- (a) Ohio Environmental Protection Agency (Ohio EPA) National Pollutant Discharge Elimination System (NPDES) Permits authorizing storm water discharges associated with construction activity or the most current version thereof: Proof of compliances with these requirements shall be the applicant's Notice of Intent (NOI) number from Ohio EPA, a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.
  - (b) Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professionals has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the US Army Corps of Engineers at the time of application of this regulation.
  - (c) Ohio EPA Isolated Wetland **or Ephemeral Stream** Permit: Proof of compliance shall be a copy of the Ohio EPA's Isolated Wetland Permit **or Ephemeral Stream Permit** application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands **or Ephemeral Stream** Permit is not applicable. Isolated wetlands shall be delineated by protocols accepted by the US Army Corps of Engineers at the time of this regulation.
  - (d) Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the US Army Corps of Engineers Individual Permit application, public notice, or project approval, if an Individual Permit is required for the development project. If an Individual Permit is not required, the site owner shall submit proof of compliance with the US Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:
    - (1) A letter from the site owner certifying that a qualified professional has surveyed the site and determined that section 404 of the Clean Water Act is not applicable.
    - (2) A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the US Army Corps of Engineers at the time of the application of this regulation.
  - (e) Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Soil and Water Resource permit application tracking number, a copy of the project approval letter form the ODNR Division of Soil and Water Resources, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable.
- (Ord. 2017-17. Passed 3-15-17.)

### **1193.12 EASEMENTS**

**Access to SCMs, as required by the Development Coordinator for inspections and maintenance, shall be secured by easements. The following conditions shall apply to all easements:**

- (a) **Easements shall be included in the Inspection and Maintenance Agreement submitted with the Comprehensive Storm Water Management Plan.**
- (b) **Easements shall be approved by the City before approval of a final plat and shall be recorded with the Portage County Auditor on all property deeds.**
- (c) **Unless otherwise required by the Development Coordinator, access easements between a public right-of-way and all SCMs shall be no less than 20 feet. The easement shall also incorporate the entire SCM plus an additional 20-foot-wide band around the perimeter of the SCM.**
- (d) **The easement shall be graded and/or stabilized as necessary to allow maintenance equipment to access and manipulate around and within each facility, as defined in the Inspection and Maintenance Agreement for the site.**
- (e) **Easements to SCMs shall be restricted against the construction therein of buildings, fences, and other structures that may obstruct the free flow of storm water and the passage of inspectors and maintenance equipment; and against changing the final grad from that described by the final grading approved by the City. Any re-grading and/or obstruction placed within the maintenance easement may be removed by the City at the property owner's expense.**

### **1193.13 MAINTENANCE AND FINAL INSPECTION APPROVAL**

**To receive final inspection and acceptance of any project, or portion thereof, the following must be completed by the applicant and provided to the Development Coordinator:**

- (a) **Final stabilization must be achieved, and all permanent SCMs must be installed and made functional, as determined by the Development Coordinator and per the approved Comprehensive Storm Water Management Plan.**

- (b) **As-built Certification, including As-Built Survey and Inspection, must be sealed, signed, and dated by a professional Engineer and a Professional Surveyor with a statement certifying that the SCMs, as designed and installed, meet the requirements of the Comprehensive Storm Water Management Plan approved by the Development Coordinator. In evaluating the certification, the Development Coordinator may require the submission of a new set of SCM calculations if he/she determines that the design was altered significantly from the approved Comprehensive Storm Water Management Plan. The As-Built Survey must provide the location, dimensions, and bearings of such SCMs and include the entity responsible for the long-term maintenance as detailed in the Inspection and Maintenance Agreement.**
- (c) **A copy of the complete and recorded Inspection and Maintenance Plan and Inspection and Maintenance Agreement specified in Section 1199.11 must be provided to the Development Coordinator.**

#### **1193.14 ON-GOING INSPECTIONS**

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

#### **1193.15 INSTALLATION OF WATER QUALITY STORM WATER CONTROL MEASURES**

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

#### **1193.16 VIOLATIONS**

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

#### **1193.17 APPEALS**

**Any person aggrieved by any order, requirement, determination, or any other action or inaction by the City in relation to this regulation may appeal to the Board of Zoning Appeals. Written notice of appeal shall be sent to the City.**

#### **1193.18 PENALTY**

**Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with an provision of this regulation shall be subject to a civil offense in accordance with Section 501.13 of the Codified Ordinances, including the right to notice, the right to answer a charge, the right to appeal, the amount of the fine, and the City's right to have the fine increase. Issuing a Notice of Civil Offense does not limit the City of Kent from pursuing any other additional remedies not prohibited by ordinance.**

## CHAPTER 1199

### Erosion Controls

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1199.03 Disclaimer of Liability

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1199.05 Development of Storm Water Pollution Prevention Plans

1199.06 Storm Water Pollution Prevention Plan (SWP3)

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#### 1199.01 PURPOSE AND SCOPE.

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

#### 1199.02 DEFINITIONS.

- (1) Abbreviated Stormwater Pollution Prevention Plan (Abbreviated SWP3): The written document that sets forth the plans and practices to be used to meet the requirements of this ordinance for sites disturbing 0.1 (one-tenth) to one (1) acre of land.
- (2) Acre: A measurement of area equaling 43,560 square feet.
- (3) As-Built Survey: A survey shown on a plan or drawing prepared by a registered Professional Surveyor indicating actual dimensions, elevations, and location of any structures, underground utilities, swales, detention facilities, and sewage treatment facilities after construction has been completed.
- (4) Best Management Practices (BMPs). Also Storm Water Control Measures (SCMs): The schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to storm water. BMPs also includes treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials.
- (5) Clean Water Act (also referred to as Act) Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117 and Pub. L. 100-4, 33 U.S.C. 1251 et. Seq. Referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972 and any subsequent amendments thereto.
- (6) Commencement of Construction: The initial Disturbance of soils associated with clearing, grubbing, grading, and placement of fill or excavating activities or other construction activities.
- (7) Comprehensive Storm Water Management Plan: The written document and plans meeting the requirements of this regulation that sets forth the plans, practices, and SCMs to minimize storm water runoff from a development area, to safely convey or temporarily store and release post-development runoff at an allowable rate or minimize flooding and stream bank erosion, and to protect or improve

storm water quality and stream channels.

- (8) **Concentrated Storm Water Runoff:** Any storm water runoff which flows through a drainage pipe, ditch, diversion or other discrete conveyance channel.
- (9) **Construction Entrance:** The permitted points of ingress and egress to development areas regulated under this ordinance.
- (10) **Construction General Permit:** The most recent General National Pollutant Discharge Elimination System (NPDES) permit for authorization of storm water discharges associated with construction activities issued by the Ohio EPA.
- (11) **Critical Area:** Any area the disturbance of which could cause soil erosion and sediment runoff and damage to private properties, water courses, storm sewers, or public lands due to topography, soil type, hydrology, or proximity to a water course. These areas include, but are not limited to, riparian areas, wetlands, and highly erodible soils.
- (12) **Development:** The carrying out of building, engineering, mining or other operations in, on, over or under land, or making of any material change in the use of any buildings or other land.
- (13) **Development Area:** A parcel of contiguous parcels owned by one person or persons, or operates as one development, unit and used or being developed for commercial, industrial, residential, agricultural, institutional or other construction or alteration that changes runoff characteristics.
- (14) **Development Coordinator:** A professional designated by the Community Development Director to be responsible for facilitating the engineering reviews and inspection services as may be assigned by the Community Development Director.
- (15) **Dewatering Volume:** See current Ohio Rainwater and Land Development Manual.
- (16) **Director:** The director of the Community Development Department for the City of Kent, Ohio or his/her designee.
- (17) **Discharge:** The addition of any pollutant to the Surface Waters of the State from a Point Source.
- (18) **Disturbance:** Any clearing, grading, grubbing, excavating, filling, or other alteration of land surface where natural or man-made cover is destroyed in a manner that exposes the underlying soils.
- (19) **Disturbed Area:** An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities such as grading, excavating, or filling.
- (20) **Drainage:** (1) The area of land contributing surface water to a specific point (2) The removal of excess surface water or groundwater from land by surface or subsurface drains.
- (21) **Drainage Watershed:** For purposes of the most current Ohio NPDES Statewide Construction General Permit the total contributing drainage area to a BMP/SCM, i.e., the “watershed” directed to the practice. This would also include any off-site drainage.
- (22) **Drainage Way:** A natural or man-made channel, ditch, or waterway that conveys surface water in a concentrated manner by gravity.
- (23) **Erosion:** The process by which the land surface is worn away by action of wind, water, ice, gravity, or any combination of these forces.
- (24) **Erosion and Sediment Control:** The control of soil, both mineral and organic, to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.
- (25) **Extended Detention Facility:** A storm water control measure that replaces and/or enhances traditional detention facilities by releasing the runoff collected during the storm water quality event over at least 24 to 48 hours, retarding flow and allowing pollutants to settle within the facility.
- (26) **Final Stabilization:** Either:
  - A. All soil disturbing activities at the site are complete and a uniform perennial vegetative cover (e.g. evenly distributed, without large bare areas) with a density of at least 80 percent cover for the area has been established on all unpaved areas and areas not covered by permanent structures or equivalent stabilization measures (such as the use of landscape mulches, rip-rap, gabions, or geotextiles) have been employed. In addition, all temporary erosion and sediment control practices are removed and disposed of and all trapped sediment is permanently stabilized to prevent further erosion; or
  - B. For individual lots in residential construction by either:
    - a. The homebuilder completing Final Stabilization as specified above or
    - b. The homebuilder establishing Temporary Stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for and benefits of, Final Stabilization. (Homeowners typically have an incentive to put in the landscaping functionally equivalent to Final Stabilization as quick as possible to keep mud out of their homes and off sidewalks and driveways); or
    - c. For construction projects on land used for agricultural purposes (e.g. pipelines across crop or range land), Final Stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were previously used for agricultural

activities, such as buffer strips immediately adjacent to Surface Waters of the State and which are not being returned to their pre-construction agricultural use, must meet the Final Stabilization criteria in (1) or (2) above.

- (27) **Grading:** The excavating, filling, or stockpiling of earth material, or any combination thereof, including the land and its excavated or filled condition.
- (28) **Grubbing:** Removing or grinding of roots, stumps and other unwanted material below grade.
- (29) **Impervious:** That which does not allow infiltration.
- (30) **Impervious Cover:** Any surface that cannot effectively absorb or infiltrate water. That may include roads, streets, parking lots, rooftops, sidewalks and other areas not covered by vegetation.
- (31) **Landscape Architect:** A professional Landscape Architect registered in the State of Ohio.
- (32) **Maximum Extent Practical (MEP):** The level of pollutant reduction that operators of small municipal separate storm sewer systems regulated under C.F.R. Parts 9, 122, 123 and 124, or most current Ohio NPDES Statewide Construction General Permit also referred to as the NPDES Storm Water Phase II, must meet.
- (33) **National Pollutant Discharge Elimination System (NPDES).** A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.
- (34) **Parcel:** A division of land separated or proposed to be separated from other divisions of land by description on a recorded subdivision plat, recorded survey, or by metes and bounds for purposes of sale, lease, or separate use and which is of sufficient size to meet minimum zoning requirements.
- (35) **Permanent Stabilization:** The establishment of permanent vegetation, decorative landscape mulching, matting, sod, rip-rap and landscaping techniques to provide permanent erosion control on areas where construction operations are complete or where no further Disturbance is expected for at least one year.
- (36) **Percent imperviousness:** The impervious area created and divided by the total area of the project site.
- (37) **Phasing:** Clearing a parcel of land in distinct sections, with stabilization of each section before clearing the next.
- (38) **Pollutant:** Anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paint, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid or solid wastes, yard wastes, refuse, rubbish garbage, litter or discharge or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.
- (39) **Post-Development:** The condition that exists following the completion of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality or direction of storm water runoff.
- (40) **Pre-Construction Meeting:** A meeting between the City and all principal parties, prior to the start of any construction, at a site that requires a Stormwater Pollution Prevention Plan.
- (41) **Pre-Development:** The condition that exists prior to the initiation of soil disturbing activities in terms of topography, vegetation, land use, and the rate, volume, quality or direction of storm water runoff.
- (42) **Pre-Winter Stabilization Meeting:** A meeting between the City and all principal parties, prior to October 1, in order to plan winter erosion and sediment controls for a site that requires a Stormwater Pollution Prevention Plan.
- (43) **Professional Engineer:** A Professional Engineer registered in the State of Ohio with specific education and experience in water resources engineering, acting in conformance with the Code of Ethics of the Ohio State Board of Registration for Engineers and Surveyors.
- (44) **Qualified Inspection Personnel:** A person knowledgeable in the principles and practice of erosion and sediment controls, who possesses the skills to assess all conditions at the construction site that could impact Storm Water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of Storm Water Discharges from the construction activity.
- (45) **Rainwater and Land Development Manual:** A manual describing construction and post-construction Best Management Practices and associated specifications. A copy of the manual may be obtained by contacting the Ohio Department of Natural Resources, Division of Soil & Water Conservation.
- (46) **Riparian Area:** The transition area between flowing water and terrestrial (land) ecosystems composed of trees, shrubs and surrounding vegetation which serves to stabilize erodible soil, improve both surface and ground water quality, increase stream shading and enhance wildlife habitat, and as outlined in Chapter 1201.
- (47) **Runoff:** The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually conveyed to water resources or wetlands.
- (48) **Sediment:** The soils or other surface materials that can be transported or deposited by the action of wind, water, ice or gravity, or any combination of those forces, as a product of erosion.

- (49) **Sediment Settling Pond**: A sediment trap, sediment basin, or permanent basin that has been temporarily modified for sediment control, as described in the latest edition of Rainwater and Land Development Manual.
- (50) **Sedimentation**: The deposition or settling of sediment.
- (51) **Sediment Storage Volume**: See current edition of Rainwater and Land Development Manual
- (52) **Soil Disturbing Activity**: Clearing, grading, excavating filling, grubbing or stumps removal that occurs during clearings or timber activities or to the alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.
- (53) **Soil & Water Conservation District**: An entity organized under Chapter 940 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as Portage County SWCD
- (54) **Stabilization**: The use of BMPs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or any combination of those forces.
- (55) **Storm Water**: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.
- (56) **Storm Water Control Measure (SCM)**: Also Best Management Practice (BMP): Schedule of activities, prohibitions of practices, operation and maintenance procedures, treatment requirements, and other management practices (both structural and non-structural) to prevent or reduce the pollution of water resources and to control storm water volume and rate. This includes practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- (57) **Storm Water Pollution Prevention Plan (SWPPP or SWP3)**: A document which describes the Best Management Practices/Storm Water Control Measures and activities to be implemented by a person or business to identify sources of pollution or containment at a site and the actions to eliminate or reduce pollutant or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm water, Storm Water Conveyance Systems and/or Receiving Waters to the Maximum Extent Possible.
- (58) **Surface Water of the State or Water Bodies**: Also Water Resources. All streams, lakes, reservoirs, ponds, marshes, wetlands, or other waterways which are situated wholly or partially within the boundaries of the state, except those private waters which do not combine or affect a junction with surface waters. Water defined as sewage systems, treatment work or disposal systems in section 6111.01 of the ORC are not included.
- (59) **Temporary Stabilization**: The establishment of temporary vegetation, mulching, geotextiles, sod, preservation of existing vegetation and other techniques capable of quickly establishing cover over disturbed areas to provide erosion control between construction operations.
- (60) **Topsoil**: The upper layer of the soil that is usually darker in color and richer in organic matter and nutrients than subsoil.
- (61) **Unsuitable Soils**: A portion of land that is identified as prone to slipping, sloughing, or landslides, or is identified by the U.S. Department of Agriculture Natural Resource Conservation Service methodology as having low soil strength.
- (62) **Water Quality Volume (WQv)**: The volume of Storm Water runoff which must be captured and treated prior to discharge from the developed site after construction is complete. WQv is based on the expected runoff generated by the mean storm precipitation volume from post-construction site conditions at which rapidly diminishing returns in the number of runoff events captured begins to occur.
- (63) **Water Resource**: See Surface Water of the State or Water Bodies
- (64) **Water Resource Crossing**: Any bridge, box, arch, culvert, truss or other type of structure intended to convey people, animals, vehicles, or arterial from one side of the watercourse to another. This does not include private, non-commercial footbridges or pole mounted aerial electric or telecommunications lines, nor does it include below grade utility lines
- (65) **Watershed**: The total drainage area contributing storm water runoff to a single point.
- (66) **Wetland**: Those areas, that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas (40 CFR 232, as amended).

#### 1199.03 DISCLAIMER OF LIABILITY.

Compliance with the provisions of this ordinance shall not relieve any person of responsibility for damage to any person otherwise imposed by law. The provisions of this ordinance are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or any particular parcel of property.

#### 1199.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

- (a) If there are any conflicts between provisions of Chapter 1199 and other sections of the Kent Codified Ordinances, then sections of Chapter 1199 shall control, or whichever is more restrictive.
- (b) Where this regulation conflicts with other provisions of law or ordinance, or requirements in the Construction General Permit, the most restrictive provisions shall prevail.
- (c) If any clause, section, or provision of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.
- (d) This ordinance shall not be construed as authorizing any person to maintain a private or public nuisance on their property, and compliance with the provisions of this ordinance shall not be a defense in any action to abate such a nuisance.
- (e) Failure of the City of Kent to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

#### 1199.05 DEVELOPMENT OF STORM WATER POLLUTION PREVENTION PLANS.

- (a) This ordinance requires that a Storm Water Pollution Prevention Plan (SWP3) be developed and implemented for all soil disturbing activities disturbing one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one (1) or more acres of total land. The Development may require a SWP3 for sites disturbing less than one (1) acre.
- (b) The following activities shall submit an Abbreviated SWP3:
  - (1) New single-family residential construction that disturbs 0.1 (one tenth) up to one (1) acre of land.
  - (2) Additions or accessory buildings for single-family residential construction that disturb 0.1 (one tenth) up to one (1) acre of land.
  - (3) All non-residential construction that disturbs 0.1 (one tenth) up to one (1) acre of land.
  - (4) General clearing activities not related to construction that disturb 0.1 (one tenth) up to one (1) acre of land.
  - (5) Activities disturbing 0.1 (one tenth) or less of an acre are not required to submit a SWP3, unless required by the Development Coordinator. These activities must comply with all provisions of this ordinance.
- (c) Soil disturbing activities (including mechanized clearing) shall not begin and zoning, building, or grading permits shall not be issued without
  - A. Approved SWP3 or Abbreviated SWP3
  - B. NOI submitted to the Ohio EPA, and NPDES permit covered issued
  - C. Physical marking in the field of protected or critical areas, including wetlands, riparian areas
  - D. Installation of construction entrances, perimeter sediment barriers, and other erosion controls that must be in place to address initial site conditions
- (d) SWP3 for individual sublots in a subdivision will not be approved unless the larger common plan of development or sale containing the subplot complies with this ordinance.
- (e) The developer, engineer, contractor, and other principal parties shall meet with the Development Coordinator for a Pre-Construction Meeting no less than seven (7) days prior to soil-disturbing activity at the site to ensure that erosion and sediment control devices are properly installed, limits of disturbance and buffer areas are properly delineated and construction personnel are aware of such devices and areas. Pre-Construction Meetings for Abbreviated SWP3 may be waived at the discretion of the Development Coordinator.
- (f) Approvals issued in accordance with this regulation shall remain valid for one (1) year from the date of approval.

#### 1199.06 STORM WATER POLLUTION PREVENTION PLAN (SWP3)

The applicant shall submit a SWP3 that meets the requirements of the Construction General Permit and the following additional requirements. The SWP3 shall be certified by a professional engineer, a registered surveyor, a certified professional erosion and sediment control specialist, or a registered landscape architect. The SWP3 shall include control measures to ensure that discharges from the construction site and construction support activities comply with non-numeric effluent limitations contained in the Construction General Permit.

In addition to all information required by the Construction General Permit, the SWP3 shall also include completed design tools found on Ohio EPA's website such as the Sediment Basin Compliance Spreadsheet.

Before utilizing any off-site support areas, such as borrow or spoil areas, concrete or asphalt batch plants, equipment staging yards, or material storage areas, a SWP3 for these areas must be submitted and

approved by the Development Coordinator. The applicant shall ensure appropriate permits have been obtained to operate the off-site support area. Failure to do so can lead to enforcement action under Section 1199.15 of this code.

The Development Coordinator may require the SWP3 to include a Soils Engineering Report based upon his/her determination that the conditions of the soils are unknown or unclear to the extent additional information is required to protect against erosion or other hazards. This report shall be based on adequate and necessary test borings and shall contain information listed below. Recommendations included in this report and approved by the Development Coordinator shall be incorporated in the grading plans and/or specifications for site development.

- (a) Data regarding the nature, distribution, strength, and erodibility of existing soils.
- (b) If applicable, data regarding the nature, distribution, strength, and erodibility of the soil to be placed on the site.
- (c) Conclusions and recommendations for grading procedures.
- (d) Conclusions and recommended designs for interim soil stabilization devices and measures, and for permanent soil stabilization after construction is completed.
- (e) Design criteria for corrective measures when necessary.
- (f) Opinions and recommendations covering the stability of the site.
- (g) Delineations of surface waters of the state located on the site. Affirmation by the U.S. Army Corps of Engineers may be required.

#### **1199.047 SEDIMENTATION AND EROSION CONTROL REQUIRED.**

- (a) Effective erosion and sediment controls shall be designed, installed and maintained to minimize the discharge of pollutants offsite. At a minimum, such controls shall be designed to maintained to:
  - (1) The smallest practical area of land shall be exposed at any one time during Development, construction, extraction, **excavation, grading** or other use.
  - (2) When land is exposed during Development, use, extraction, etc., the exposure shall be kept to the shortest practical period of time.
  - (3) Temporary vegetation and/or mulching shall be used to protect critical areas exposed during Development, use, etc.
  - (4) Sediment basins (debris basins, debiting basins, or silt traps) shall be installed and maintained to remove all sediment from run-off and/or operating waters from land undergoing Development, use, etc.
  - (5) Provisions shall be made to effectively accommodate the increased run-off caused by soil and surface conditions during and after Development, use, etc.
  - (6) The Development plan, **agricultural activity**, or site plan shall be fitted to the topography and soils so as to create the least erosion potential.
  - (7) Wherever feasible, natural vegetation shall be retained and protected.
  - (8) All banks resulting from reclamation of all excavations shall be sloped not greater than one (1) foot vertical to five (5) feet horizontal and said bank shall have a minimum of four (4) inches topsoil mixed with four (4) inches of grade, then seeded and sufficiently mulched to eliminate any erosion.
  - (9) Control storm water volume and velocity within the site to minimize soil erosion.
  - (10) Control storm water discharges, including both peak flow rates and total storm water volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion.
  - (11) Minimize the disturbance of steep slopes.
  - (12) Minimize sediment discharges from the site. The design, installation and maintenance of erosion controls shall address factors such as amount, frequency, intensity and duration of precipitation, the nature of resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site.
  - (13) Wherever feasible, provide and maintain a 50-foot undisturbed natural buffer around surface waters of the state, direct storm water to vegetated areas to increase sediment removal and maximize storm water infiltration.
  - (14) Minimize soil compaction and unless unfeasible, preserve soil.
  - (15) Minimize the discharge of pollutants from the equipment and vehicle washing, wheel water, and other wash waters. Wash waters shall be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge.
  - (16) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to storm water.
  - (17) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- (b) The following type of construction projects are exempt from sediment and erosion control measures:
  - (1) If the rainfall erosivity factor, R, is less than 5 for the project

- (2) The construction planned is "routine maintenance" to re-establish the original line, grade or hydraulic capacity of Storm Water infrastructure (i.e. ditch cleaning, detention basin, dredging, etc.) where the disturbed area is less than five (5) acres.
- (3) Silviculture Disturbances
- ~~(4) Agricultural Disturbances~~
- ~~(5) Construction related to oil and gas well exploration.~~
- (c) The following type of maintenance projects are exempt from full sediment and erosion control measure requirements but shall stabilize the disturbed area (s) within 21 days of construction completion:
  - (1) Replacement of utility services (water service, sanitary or storm lateral, gas service, etc) to an existing building where the disturbed area is limited to a standard trench width necessary to replace the underground utility services.
  - (2) Replacement of sidewalk, driveway aprons where the disturbed area is less than an acre.
  - (3) Demolition of small structures such as single family homes, garages, shed, etc. that have disturbed less than a one acre.
- (d) For developments which require the use of centralized sediment and erosion controls (i.e. controls that address storm water runoff from one or more lots) for which the current permittee intends to terminate responsibilities under their permit for a lot after sale of the lot to a new owner and such termination will either prevent or impair the implementation of the controls and therefore jeopardize compliance with the terms and conditions of this permit, the permittee will be required to maintain responsibility of the implementation of those controls. For developments where this is not the case, it is the permittee's responsibility to temporarily stabilize all lots sold to individual lot owners. In cases where the permit responsibilities for individual lot(s) will be terminated after sale of the lot, the permittee shall inform the individual lot owner of the obligations under the permit.  
(ord. 2017-17. Passed 3-15-17.)

#### **1199.028 DESIGN STANDARDS.**

In order to control sediment pollution of water resources, the Owner(s) or person(s) responsible for **the** any Development area **shall** should use conservation planning and low impact Development practices pursuant to Chapter 1203: Low Impact Development. To maintain the level of conservation established in the following standards, where feasible, as determined by the Community Development Department:

- (a) The standards and specifications contained in the State of Ohio's Rainwater and Land Development manual. As technology and understanding of habitat and land function develop, the Director may determine that additional Best Management Practices (BMPs)/Storm Water Control Measures (SCMs) are appropriate. These regulations do not preclude the use of innovation or experimental Storm Water management technologies.
- (b) Clearing and Grubbing: Clearing and grubbing will be done in two (2) or more phases. The first phase will include only those locations necessary to install the perimeter soil erosion, sediment and Storm Water control BMPs/SCMs. After the perimeter controls are in place and functioning, the remaining phase (s) of clearing and grubbing may continue.
- (c) Timing of Sediment Trapping Practices: Sediment control practices shall be functional throughout all phases of up slope earth-disturbing activity. Settling facilities, perimeter controls and other practices intended to trap sediment shall be implemented as the first step of grading, and within seven ( 7) days from the start of grubbing. They shall continue to function until the up slope Development area is permanently restabilized. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns.
- (d) Stabilization of Denuded Areas: Disturbed areas must be stabilized as specified in the tables below, or according to the most current Ohio EPA NPDES Storm Water Permit Rules, whichever is more restrictive.

#### **Permanent Stabilization**

##### Area Requiring Permanent Stabilization

##### Time Frame

Any areas that will lie undisturbed for one (1) year or more  
 Within seven (7) days of the most recent disturbance  
 Any areas within fifty (50) feet of a stream and at final grade  
 Within two (2) days of reaching final grade  
 Any other areas at final grade  
 Within seven (7) days of reaching final grade within that area

#### **Temporary Stabilization**

##### Area Requiring Temporary Stabilization

##### Time Frame

Any disturbed areas within fifty (50) feet of a stream and not at final grade  
 Within two (2) days of the most recent disturbance if the area will remain idle for seven (7) days or more  
 Disturbed areas that will be undisturbed for more than 14 days but less than one (1) year and not within fifty (50) feet of a stream

Within seven (7) days of the most recent disturbance within the area

Residential subdivisions for disturbance which has occurred on building lots

Within 7 days of the most recent disturbance if housing unit construction on the lot is not scheduled to begin within 14 days of the disturbance.

In any case, temporary or permanent stabilization will be properly installed, pursuant to the most recent edition of the Rainwater and Land Development manual, before the second building permit is issued.

Nonresidential subdivisions and commercial developments

Within 7 days of the most recent disturbance if further construction activity will not occur within 21 days of the disturbance.

Where vegetation stabilization techniques may cause structural instability or are otherwise prohibited, alternate stabilization techniques must be employed.

Disturbed areas that will be idle over winter

Prior to onset of winter weather

(e) Sediment Settling Ponds: Required for any one of the following conditions: concentrated storm water runoff (e.g. storm sewer or ditches), runoff from denuded areas ten (10) acres or more, and all areas flowing at rates that exceed the design capacity of sediment barriers and/or other sediment barriers and/or inlet protect, shall pass through a sediment settling facility. The facility's storage capacity shall be no less than sixty-seven (67) cubic yards per acre of total drainage area.

(1) Permanent Storm Water management ponds that are designed to trap sediment during construction shall be designed to provide slow release of sediment-laden water. The ideal drawdown time is from three (3) to four (4) days (72 to 96 hours) with a minimum 48 hour drain time for sediment basins serving a drainage area over 5 acres.

(2) The design of Settling Ponds shall have a minimum length of flow of 2:1.

(3) If feasible, sediment settling ponds shall be dewatered at the pond surface using a skimmer or equivalent device. The settling pond volume consists of both a dewatering zone and a sediment storage zone

A. The volume of the dewatering zone shall be a minimum of 1800 cubic feet (ft<sup>3</sup>) per acre of drainage (67 yd<sup>3</sup>/acre) with a minimum 48-hour drain time for sediment basins servicing a drainage area over 5 acres.

B. The volume of the sediment storage zone shall be calculated by either (1) the volume of sediment storage shall be 1000 ft<sup>3</sup> per disturbed area within the watershed of the boundary or (2) the volume of the sediment storage zone shall be the volume necessary to store sediment as calculated with RUSLE or a similar generally accepted erosion prediction model.

(f) Sediment Barriers, Silt Fence, Filter Sock, Diversions or another mechanism deemed appropriate by the Community Development Department: Sheet flow runoff from denuded areas shall be intercepted to protect adjacent properties and water sources from sediment transported via sheet flow. The total runoff flow treated by a sediment barrier shall not exceed the design capacity for that sediment barrier.

(1) Silt fence shall be filled on a level contour downslope of the disturbed area. Placing silt fence in parallel does not extend the permissible drainage area to the silt fence

Silt Dence Maximum Drainage Area Based on Slope

**Maximum drainage area (in acres) to 100 linear feet of silt fence**

**Range of slope for particular drainage area (in percent)**

0.5 < 2%

0.25 > 2% but < 20%

0.125 > 20% but < 50%

(g) Working Near, Or Crossing Streams and Wetlands:

(1) Construction vehicles shall avoid water resources, wetlands, Riparian Areas, and their setbacks. **If it is infeasible to provide and maintain an undisturbed natural buffer around water resources, wetland, riparian areas, and their setbacks, the Stormwater Pollution Prevention Plan (SWP3) shall comply with the following requirements:**

(A) **All stream crossings shall be designed as specified in the most recent addition of the Rainwater and Land Development manual.**

(B) **Temporary stream crossings shall be constructed if water resources, wetlands, riparian areas, and their setbacks will be crossed with construction vehicles during construction.**

(C) **Construction of bridges, culverts, or sediment control structures shall not place soil debris or other particulate material into or close to the water resources, wetlands, riparian areas, and their setbacks in such a manner that it may slough, slip, or erode.**

(D) **Protected areas or critical areas, including wetlands and riparian areas, shall be physically marked in the field prior to earth-disturbing activities.**

~~**If construction vehicles must cross these areas repeatedly during construction, an approved temporary crossing shall be constructed. Streams, including bed and banks, shall be restabilized immediately after in-channel work is completed, interrupted, or stopped.**~~

~~(2) No soil, rock, debris, or any other material shall be dumped or placed into a water source or into such proximity that it may slough, slip, or erode into a water resource unless such dumping or placing is authorized by the approving authority and, when applicable, the US Army Corps of Engineers and Ohio EPA, for such purposes as, but not limited to, constructing bridges, culverts, or erosion control structures.~~

(h) Construction Access Routes:

(1) Measures shall be taken to prevent soil transport onto public roads, or surfaces where runoff is not checked by sediment controls. Gravel construction entrance(s) shall be implemented as required by the Director and the Ohio EPA

(2) Where soil is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day, or more frequently, in order to ensure public safety. Soil shall be removed from paved surfaces by shoveling or sweeping. Street washing shall be allowed only after shoveling or sweeping has removed most of the sediment.

(i) Unstable Soils: Unstable soils prone to slipping or land sliding shall not be graded, excavated, filled or have loads imposed upon them unless the work is performed in accordance with a qualified professional engineer's recommendation to correct, eliminate, or adequately address problems.

(j) Cut and Fill Slopes: Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion and slippage. Consideration shall be given to the length and steepness of the slope, soil type, up-slope drainage area, groundwater conditions and slope stabilization.

(k) Stabilization of Outfalls and Channels: Outfalls and constructed or modified channels shall be designed and constructed to withstand the expected velocity of flow from a post-development, minimum ten-year (or greater) frequency storm without eroding.

(l) Establishment of Permanent Vegetation: A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until ground cover, in the opinion of the Director, covers 80% or more of the soil surface with a uniform density, provides adequate cover, and is mature enough to satisfactorily control soil erosion and survive adverse weather conditions.

(m) Disposition of Temporary Practices: All temporary erosion and sediment and control practices shall be disposed of immediately after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise required by the Director. Trapped sediment shall be permanently stabilized to prevent further erosion.

(n) Underground Utility Construction: The construction of underground utility lines, pipes, etc. shall be subject to the following criteria:

(1) Trenches shall remain open for no more than five days.

(2) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations are prohibited unless managed by appropriate controls approved by the Development **Coordinator Engineer**, which will not adversely affect resource waters or adjacent offsite properties. There shall be no turbid discharges to waters of the state resulting from dewatering activities.

(o) Permanent Stabilization of Conveyance Channels: Owner(s) shall undertake special measures to stabilize channels and outfalls and prevent erosive flows. Measures may include seeding, dormant seeding, mulching, erosion control matting, sodding, riprap, natural channel design with bioengineering techniques, or rack check dam.

(p) Inlet Protection: Other erosion and sediment control practices shall minimize sediment laden water entering active storm rain systems, unless the storm drains to a Sediment Settling Pond. All inlets receiving runoff from drainage area of one or more acres will require a Sediment Settling Pond.

(Ord. 2017-17. Passed 3-15-17.)

### **1199.09 PERFORMANCE STANDARDS**

**The SWP3 must contain a description of the controls appropriate for each stage of the construction operation and the applicant must implement such controls. BMP selection and design must meet criteria established within the current Construction General Permit. BMPs must be designed, constructed, and installed to meet the specifications in the Rainwater and Land Development manual or another design manual acceptable to the City. The approved SWP3, the sediment and erosion controls, and the non-sediment pollution controls contained therein shall be implemented and maintained according to the requirements in the Construction General Permit. Site operators must conduct site inspections as described in the Construction General Permit.**

**Certified inspection reports shall be submitted to the Development Coordinator within seven (7) working days from the inspection and retained at the development site.**

**The following standards will also apply:**

**(a) BMPs must be implemented to ensure sediment is not tracked off-site and that dust is controlled. These BMPs must include, but are not limited to, the following:**

**(1) Construction entrances shall be built and shall serve as the only permitted points of ingress and**

egress to the development area. These entrances shall be built of a stabilization pad of aggregate stone or recycled concrete or cement sized greater than 2" in diameter placed over a geotextile. Culverts shall be provided where construction entrances cross drainage ditches, and water bars shall be provided to divert sediment-laden runoff away from connection roadways.

- (2) Streets and catch basins adjacent to construction entrances shall be kept free of sediment tracked off-site. Streets directly adjacent to construction entrances and receiving traffic from the development area shall be cleaned daily to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall also be cleaned weekly and protected from sediment-laden runoff, if feasible without posing a public safety hazard.
- (3) Based on site conditions, the Development Coordinator may require additional best management practices to control off-site tracking and dust. These additional BMPs may include:
  - A. Fencing shall be installed around the perimeter of the development area to ensure that all vehicle traffic adheres to designated construction entrances.
  - B. Applicants shall take all necessary measures to comply with applicable regulations regarding fugitive dust emissions, including obtaining permits for such emissions. The Development Coordinator may require dust controls, including the use of water trucks to wet disturbed areas, and the regulation of the speed of vehicles on the site.
- (b) Construction vehicles shall avoid water resources. If it is feasible to provide and maintain an undisturbed natural buffer around water resources, the SWP3 shall comply with all the following additional requirements:
  - (1) All stream crossings shall be designed as specified in the most recent edition of the Rainwater and Land Development manual.
  - (2) Temporary stream crossings shall be constructed if water resources or wetlands will be crossed by a construction vehicle during construction.
  - (3) Construction of bridges, culverts, or sediment control structures shall not place soil, debris, or other particulate material into or close to the water resources or wetlands in such a manner that it may slough, slip, or erode.
  - (4) Protected areas or critical areas, including wetlands and riparian areas, shall be physically marked in the field prior to earth-disturbing activities.
- (c) For sites that will not be completed by October 1, a Pre-Winter Stabilization Meeting shall be held by the landowner and the developer, engineer, and contractor of the project and the City prior to October 1, in order to plan and approve winter erosion and sediment controls as defined in the most current online edition of the Rainwater and Land Development manual.

#### 1199.10 ABBREVIATED STORM WATER POLLUTION PREVENTION PLAN (SWP3)

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

Table 1: Stabilization

Area Requiring Stabilization	Time Frame to Apply Erosion Controls
<ul style="list-style-type: none"> <li>• Any area within 50 feet of a surface water of the state and not at final grade</li> <li>• For all construction activities, any disturbed Area, including soil stockpiles, that will be dormant for more than 14 days but less than one year, and not within 50 feet of a stream.</li> </ul>	<p>Within 2 days of the most recent disturbance if that area will remain idle for more than 14 days</p> <p>Within 7 days of the most recent disturbance within area.</p>

- Disturbed areas that will be idle over winter
  - Areas at final grade
- Prior to November 1  
 Within 7 days of reaching final grade or within  
 2 days of reaching final grade for areas within  
 50 feet of a surface water of the state

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

- (5) **Inlet Protection:** Erosion and sediment control practices, such as boxed inlet protection, shall be installed on storm water catch basins located on the subject property and, if there is no threat to public safety, on curb inlets closest to the construction entrance, to minimize sediment-laden water entering active storm drain systems, including rear yard inlets.
- (6) **Silt Fence and Other Perimeter Controls:** Silt fence and other perimeter controls approved by the City shall be used to protect adjacent properties and water resources from sediment discharged via sheet (diffused) flow. Silt fences shall be placed along level contours, and the permissible drainage area is limited to those indicated in the Construction General Permit.
- (7) **Internal Inspection and Maintenance:** All control on the development area shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24-hour period. Maintenance shall occur as detailed below:
  - A. **When BMPs require repair or maintenance:** If the internal inspection reveals that a BMP is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of inspection.
  - B. **When BMPs fail to provide their intended function:** If the internal inspection reveals that a BMP fails to perform its intended function and that another, more appropriate control practice is required, the Abbreviated SWP3 must be amended and the new control practice must be installed within ten (10) days of inspection.
- (8) **Final Stabilization:** Final stabilization is achieved when the site has reached over 70% and when the Development Coordinator approves the site condition.

### **1199.0311 MAINTENANCE**

- (a) All temporary and permanent erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements. They shall be maintained and repaired as needed to ensure continued performance of their intended function. The person or entity responsible for the continued physical and financial maintenance of permanent erosion control practices shall be identified to the satisfaction of the Director
- (b) If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee must replace or modify the control for the site conditions.
- (c) **Inspection and Maintenance Plan:** This plan will meet the requirements of the Construction General Permit and will be developed and reviewed by the Development Coordinator. The post construction operations and maintenance plan must be a stand alone document which contains the following:
  - (1) A designated entity for Storm Water inspection and maintenance responsibilities.
  - (2) The routine and non-routine maintenance tasks to be undertaken.
  - (3) A schedule for inspection and maintenance.
  - (4) Any necessary legally binding maintenance easements and agreements.
  - (5) A map showing all access and maintenance easements.

**Once the Inspection and Maintenance Plan is approved, a recorded copy of the Plan must be provided to the property owner or association that will be responsible for long-term operation and maintenance of the BMP and submitted to the Development Coordinator as part of the final inspection approval.**
- (d) **Inspection and Maintenance Agreement:** The Inspection and Maintenance Agreement required for BMPs/SCMs under this regulation as a stand-alone document between the City of Kent and the applicant. A copy of this agreement should be attached to the property deed. The agreement shall contain the following information and provisions:
  - (1) Identification of the landowner(s), organization, or municipal responsibility for long term inspection and maintenance, including repairs, of the BMPs/SCMs.
  - (2) The landowner(s), organization, or municipality shall maintain BMPs/SCMs in accordance with this regulation.
  - (3) The City of Kent has the authority to enter upon the property to conduct inspections as necessary, with prior notification of the property owner, to verify that the BMPs/SCMs are being maintained and operated in accordance with this regulation.
  - (4) The City of Kent shall maintain public records of the results of site inspections, shall inform landowner(s), organization, or municipality responsible for maintained of the inspection results, and shall specifically indicate in writing any corrective actions required to bring the BMPs/SCMs into proper working condition.

- (5) If the City notifies the landowner(s), organization, or municipality responsible for maintenance of the maintenance problems that require correction, the specific corrective actions shall be taken within reasonable time as determined by the City of Kent.
- (6) The City of Kent is authorized to enter upon the property and perform corrective actions identified in the inspection report if the landowner(s), organization, or municipality responsible for the maintenance does not make the required corrections in the specified time period. The City of Kent shall be reimbursed by the landowner(s), organizations, or municipality responsible for the maintenance for all expenses incurred within 10 days of receipt of invoice from the City of Kent, or more with written approval from the City of Kent Service Director.
- (7) The method of long-term maintenance and inspection of all BMPs/SCMs.
- (8) A release of the City of Kent from all damages, accidents, casualties, occurrences, or claims that might arise or be asserted against the City of Kent from the construction, presence, existence or maintenance of the BMPs/SCMs.
- (e) Inspection and Maintenance Plan. This plan will be developed by the applicant and reviewed by the City of Kent. Once the Inspection and Maintenance Plan is approved, a recorded copy of the Plan must be submitted to the City of Kent as part of the final inspection approval. The plan will include at a minimum:
- (1) The location of each BMP/SCM and identification of the drainage area served by each BMP/SCM.
  - (2) Photographs of each BMP/SCM, including all inlets, and outlets upon completion of construction.
  - (3) Schedule of inspection
  - (4) A schedule for regular maintenance for each aspect of the storm management system and description of routine and non-routine maintenance tasks to ensure continued performance of the system as detailed in the approved Comprehensive Storm Water Management Plan. A maintenance inspection checklist written so the average person can understand it shall be incorporated. The maintenance plan will include a detailed drawing of each BMP/SCM and outlet structures, with the parts of the outlet structure labeled. This schedule may include additional standards as required by the City of Kent Engineer, to ensure continued performance of BMPs/SCMs permitted to be located, or within 50 feet of, water resources.
  - (5) The location and documentation of all access and maintenance easements on the property.
- Alteration or termination of these stipulations is prohibited without written consent from the City.

#### **1199.0412 INSPECTIONS**

- (a) The Owner(s) of the Development area shall have the site inspected for soil erosion, sediment control and other environmental concerns every seven (7) calendar days, within twenty-four (24) hours of a 0.5 inch or greater rainfall event until the site is certified as being stable by the Development **Coordinator Engineer**.
- (b) The Owner(s), or his designated representative, shall keep a written log of each inspection and any subsequent improvements to the soil erosion, sediment control or other environmental controls. At a minimum the inspection report shall include:
  - (1) Date of the inspections
  - (2) Name, titles, and qualifications of personnel making the inspection of the inspector,
  - (3) Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred.
  - (4) Weather information and a description of any discharges at the time of the inspection
  - (5) Location (s) of discharges of sediment and other pollutants from the site
  - (6) Location(s) of BMPs/SCMs that need to be maintained
  - (7) Location (s) where additional BMPs/SCMs are needed that didn't exist at the time of the inspection: and
  - (8) Corrective action required including any changes to the SWP3 necessary and implementation dates.
- (c) If the inspection reveals that a control practice is in need of repair or maintenance, with the exception of a settling pond, it shall be repaired within 3 days of the inspection. Sediment settling ponds shall be repaired or maintained within 10 days of the inspection
- (d) If the inspection reveals that a control practice fails to perform its intended function and that another more appropriate control practice is required, the SWP3 shall be amended and the new control practice shall be installed within 10 days of the inspection.
- (e) If the inspection reveals that a control practice has not been implemented, the control practice shall be implemented within 10 days of the inspection. If the inspection reveals the planned control practice is not needed, the record shall contain a statement of explanation as to why the control practice is not needed.
- (f) The information listed above shall be maintained for 3 years following the submittal of a notice of termination.
- (g) If the construction site is subject to Ohio EPA's National Pollutant Discharge Elimination System (NPDES) permits, a copy of all the required inspection sheets will be submitted to the Development **Coordinator Engineer** or his designee monthly if the Development is for a residential subdivision or a commercial or industrial site. Single family residential sites and other similar sites as identified by the Development **Coordinator Engineer** or his designee need only submit inspection reports at the completion of the building permit phases.
- (h) Inspections are not required for exempted items listed in Section 1199.01(b) and 1199.01(c)
- (i) Before any earth is disturbed erosion and sediment control measures shall be installed. The Community

Development Department shall complete an initial inspection to insure compliance.

- (j) Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of or the potential for pollutants entering the drainage system.
- (k) Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking (Ord. 2017-17. Passed 3-15-17.)

### **1199.0513 CONTROL OF MATERIALS AND DEBRIS**

No solid (other than sediment) or liquid waste, including building materials, shall be discharged in storm water runoff. Under no circumstances shall wastewater from the washout of concrete trucks, stucco, paint, form release oils, curing compounds, and other construction materials be discharge directly into a drainage channel, storm sewer or surface waters of the state. Also, no pollutants from vehicle fuel, oils, or other vehicle fluids can be discharged to surface waters of the state. The SWP3 must include methods to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, and sanitary waste to precipitation, storm water runoff, and snow melt. The SWP3 shall include measures to prevent and respond to chemical spills and leaks. Site management practices shall be implemented to prevent toxic materials, hazardous materials, or other debris from entering the Community's and state's water resources or wetlands. These practices shall include, but are not limited to, the following:

- (a) A covered dumpster shall be made available for the proper disposal of construction site waste materials, garbage, plaster, drywall, grout, gypsum and etc. A second covered dumpster will be provided for the proper disposal of toxic and hazardous wastes.
- (b) The washing of excess concrete material into a street, catch basin, or other public facility or natural resource shall not be permitted. A designated area for concrete washouts shall be made available and used for all concrete washouts.
- (c) All fuel tanks and drums shall be stored in a marked storage area. A dike shall be constructed around this storage area with a minimum capacity equal to 110% of the volume of the largest container in the storage area. All additional requirements of the local fire authority must be followed. If the fuel tanks have a self-contained "dike", the plug will be kept in the "dike" tank at all times. A mobile fueling spill prevention and response plan must be prepared and followed by all site personnel.
- (d) Any toxic or hazardous waste and contaminated soils shall be disposed of properly.
- (e) Runoff from contaminated sites shall not be allowed to leave the site
- (f) Proper permits shall be obtained for Development projects on solid waste landfill sites.

Where construction activities are to occur on sites with contamination from previous activities, operators shall be aware that concentrations of materials that meet other criteria (is not considered hazardous waste, meeting Voluntary Action Program (VAP) standards, etc.) may still result in storm water discharges in excess of Ohio Water Quality Standards.

(Ord. 2017-17. Passed 3-15-17.)

### **1199.0614 POST-CONSTRUCTION STORM WATER MANAGEMENT REQUIREMENTS**

Storm Water released from any part of a small Development site of 1 acre or greater but less than 5 acres shall implement post construction Best Management Practices (BMPs)/Storm Water Control Measures (SCMs). Structural post construction BMP/SCM methods and design parameters shall be commensurate with the impacts in the watershed and follow the current version of the State of Ohio's Rainwater and Land Development manual. A description of the measures that will be installed during the construction process to control pollutants in Storm Water Discharge that will occur after construction operations has been completed must be included in the (SWP3) for review & approval. The SWP3 shall include an explanation of the technical basis used to select practices to control pollution where flow exceeds pre-development levels.

Storm Water released from any part of a large Development site of 5 or more acres or which will disturb less than 5 acres, but is part of a larger common plan of Development or scale that will disturb 5 or more acres of land, shall include pot-construction BMP(s) /SCM(s) that will be able to detain storm water for protection of the stream channels, stream erosion control, and improved water quality , and shall meet the most restrictive of the following criteria as well as the current requirements of the Ohio EPA:

- (a) The rationale for BMP/SCM selection must address the anticipated impacts on channel and floodplain morphology, hydrology, water quality and riparian form (habitat). The BMP(s)/SCM(s) chosen must be compatible with site and soil conditions.
- (b) Post construction BMPs/SCMs must achieve the following goals:
  - (1) Water Quality Volume (WQv): For all large Developments on previously undeveloped property, structural (designed) post-construction Storm Water treatment practices shall be incorporated into the permanent drainage system for the site. These practices must be sized to treat the Water Quality Volume (WQv). The WQv shall be the maximized water quality capture volume for the site, as defined in "Urban Runoff Quality Management," WEF Manual of Practice No. 23 and ASCE Manual an Report on Engineering Practice No. 87 (WEF and ASCE, 1988).
  - (2) The WQv shall be determined, through a site hydrologic study approved by the Development **Coordinator**

**Engineer.**, that uses continuous hydrologic simulation and local long-term hourly precipitation records, or by using the following equation:

$WQv = C * P * A / 12$ , where

WQv=Water Quality Volume in acre-feet

C=Runoff Coefficient appropriate for storm less than 1 inch (see the most current Ohio EPA NPDES Storm Water Permit Table 1)

P=0.75 inch precipitation depth

A=area draining into the BMP in acres

Where the land use will be mixed, the Runoff Coefficient should be calculated using a weighted average. For Example, if 60% of the contributing area to the Storm Treatment structure is Low Density Residential, 30% is High Density Residential and 10% is Open Space, the Runoff Coefficient is calculated as follows  $(0.6)(0.3) + (0.3)(0.5) + (0.1)(0.2) = .35$ .

The following alternate equation may be used

$WQv = (0.858i^3 - 0.78i^2 + 0.774i + 0.04) * PA / 12$ , where

WQv = Water Quality Volume in acre-feet

I=watershed impervious ratio, namely, percent total impervious area divided by 100;

P=mean storm presentation volume in inches=regression constant from least-squares analysis (see the current Ohio EPA NPDES Permit)

A=area draining into the facility in acres

- (3) An additional volume equal to 20 percent of the Water Quality Volume shall be incorporated into the facility for sediment storage and/or reduced infiltration capacity. Facilities shall be designed according to the methodology included in the WEF and ASCE manual of practice, State of Ohio's Rainwater and Land Development manual, or in another design manual acceptable for use by the Director and Ohio EPA.
- (4) The BMP's listed in the most current Ohio EPA NPDES Storm Water Permit below shall be considered standard BMP's approved for general use. BMP's listed in the most current Ohio EPA NPDES Storm Water Permit shall be incorporated in this list. BMP's shall be designed such that the drain time is long enough to provide treatment, but short enough to provide storage available for successive rainfall events as described in the most current Ohio EPA NPDES Storm Water Permit below and avoid the creation of nuisance conditions, The outlet structure must not discharge more than the first half of the WQv or extended detention volume (EDv) in less than one-third of the drain time. The EDv is the volume of Storm Water runoff that must be detained by a structural post-construction BMP. The EDv is equal to 75 percent of the WQv for wet extended detention basin, but is equal to WQv for all other BMP's listed in the most current Ohio EPA NPDES Storm Water Permit.
- (5) Facilities shall be cleaned and maintained such that full Water Quality Volume is available and that the facility functions as designed.
- (6) All construction activities shall maintain or improve ecological function of watercourses by protecting or improving the stream and riparian form. Ecological functions include pollution assimilation, flood attenuation, maintenance of sediment regime, base flow, moderation of temperature and habitat to the maximum extent practical (MEP);
- (7) For all construction activities immediately adjacent to Surface Waters of the state, a minimum Riparian and Wetland setback, pursuant to Chapter 1201: Riparian and Wetland Buffers, shall be maintained in its natural state as a permanent buffer. Where impacts within this setback area are unavoidable due to the nature of the construction activity (e.g., stream crossings for roads or utilities), the project shall be designed so the number of stream crossings and the width of the Disturbance within the setback area are minimized.
- (8) For all redevelopment projects: Post-construction practices shall assure a net reduction of 20% of the impervious area of the site, or provide for treatment of 20% of the WQv
- (9) Transportation improvement projects of existing facilities predominantly within the existing right-of-way may provide post construction water quality measures in accordance with the Ohio Department of Transportation's Location & Design Manual. The above is permissible if significant right-of-way impacts are required to meet the provision of the case as determined by the Director.
- (10) Transportation Projects: The construction of new roads and roadway improvement projects by public entities may implement post construction BMP's in compliance with the current version of the Ohio Department of Transportation's Location & Design Manual, Volume Two Drainage Design.
- (11) Offsite Mitigation of Post-Construction: Offsite mitigation of post-construction BMP requirements where the standard methods listed in the most current Ohio EPA NPDES Storm Water Permit Table 2 are not feasible, must be approved by the Ohio EPA.  
(Ord. 2017-17. Passed 3-15-17.)

## **1199.0715 ENFORCEMENT, VIOLATIONS AND PENALTIES**

### **(a) Enforcement**

- (1) All development areas may be subject to external inspections by the Development Coordinator to ensure compliance with the approved SWP3 or Abbreviated SWP3.**

(2) After each external inspection, the Development Coordinator shall prepare and distribute a status report to the applicant.

(3) If an external inspection determines that operations are being conducted in violation of the approved SWP3 or Abbreviated SWP3, the Development Coordinator may take action as outlined below.

(4) The Development Coordinator will monitor soil-disturbing activities from non-farm residential, commercial, industrial, or other non-farm purposes of land of less than one contiguous acre to ensure compliance with this ordinance.

(5) The Development Coordinator shall notify the U.S. Army Corps of Engineers when a violation on a developed project is covered by an Individual or Nationwide Permit that is identified. The Development Coordinator shall notify the Ohio Environmental Protection Agency when a violation on a development project covered by a 401 Water Quality Certifications and/or Isolated Wetland is identified.

(6) The City shall not issue building permits for projects regulated under this code without approved SWP3s.

**(a)** Notice of Violation:

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

(2) Upon notice, the Director and/or designee may suspend active soil disturbing activity for a period of ninety (90) days, and may require immediate erosion and sediment control measures whenever he or she determines that such activity is not meeting the intent of this regulation. Such notice shall be in writing, shall be given to the applicant, and shall state the condition under which work may be resumed. In instances, however, where the Director and/or designee finds that immediate action is necessary

(3) When the City of Kent determines that a land Development activity is not being carried out in accordance with the requirements of this local law, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

(1A) The name and address of the landowner, developer or applicant.

(2B) The address when available or a description of the building, structure or land upon which the violation is occurring.

(3C) A statement specifying the nature of the violation.

(4D) A description of the remedial measures necessary to bring land Development activity into compliance with this local law and a time schedule for the completion of such remedial action.

(5E) A statement of penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.

(6F) A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

**(b)** Stop Work Orders: The City of Kent may issue a stop work order for violations of this law. Persons receiving a stop work order shall be required to halt all land Development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the City of Kent confirms that the land Development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this local law.

**(c)** Permit Revocation: The City of Kent may suspend or revoke the permit after written notification to the permittee based on any of the following reasons:

(1) Any violation(s) of the terms or conditions of the approved erosion and sediment control plan or permit.

(2) Noncompliance with violation notice(s) or stop work order(s) issued.

(3) Changes in site characteristics upon which plan approval and permit issuance were based.

(4) Any violation(s) of this or any other City of Kent law, regulations, ordinance (s) or any rules and regulations adopted under it.

(5) The work is, or threatens to become, a hazard to property or public safety; is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainage way, wetlands, fish or wildlife habitat, or a Storm Water facility; or is otherwise adversely affecting public health, safety or welfare.

**(d)** Violations: Any land Development activity that is commenced or is conducted contrary to this local law, may be restrained by injunction or otherwise abated in a manner provided by law.

**(1) Failure to maintain and repair erosion and sediment controls per the approved plan may result in the following escalation. The penalty is determined by the total number of violations per site even if the violations are for different BMPs.**

**A. First Violation: The Development Coordinator will issue a Notice of Deficiency to the owner or operator. All controls are to be repaired or maintained per the SWP3 plan within three (3) days of the notification. If the controls have not been corrected after this time, the Development Coordinator may issue a Stop Work Order for all activities unless corrections have been made.**

- B. Second Violation:** The Development Coordinator may issue a formal Notice of Violation, which includes a \$500 administrative fee against the SWP3 Bond or site plan deposit. All controls are to be repaired or maintained per the approved SWP3 plan within three (3) days of the Notice of Violation. If the controls have not been corrected after this time, the Development Coordinator may issue a Stop Work Order for all activities until corrections have been addressed.
- C. Third and subsequent violations:** The Development Coordinator may issue a Stop Work Order for all construction activities and charge a \$1,000 administrative fee against the SWP3 bond or site plan deposit. The Stop Work Order will be lifted once all controls are in compliance with the approved SWP3 plan.

- (ef) Penalties: ~~In addition to or as an alternative to any penalty provided herein or by law, a~~ Any person who violates the provisions of this local law shall be subject to a civil offense in accordance with Section 501.13 of the Codified Ordinances, including the right to notice, the right to answer a charge, the right to appeal, the amount of the fine, and the City's right to have the fine increase. Issuing a Notice of Civil Offense does not limit the City of Kent from pursuing any other additional remedies not prohibited by ordinance. ~~guilty of a violation punishable by the following schedule. For the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed an unclassified misdemeanor and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.~~
- ~~(1) First offense — a fine not exceeding three hundred and fifty dollars (\$350.00) or imprisonment for a period not to exceed six months, or both for conviction.~~
- ~~(2) Second offense — when both of which were committed within a period of five years, punishable by a fine not less than three hundred and fifty dollars (\$350.00) nor more than seven hundred dollars (\$700.00) or imprisonment for a period not to exceed six months, or both.~~
- ~~(3) Third or subsequent offense — all of which are committed within a period of five years, punishable by a fine not less than seven hundred dollars (\$700.00) nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both.~~
- (fg) Withholding of Certificate of Occupancy: If any building or land Development activity is installed or conducted in violation of this local law, the Director may prevent the occupancy of said building or land.
- (gh) Restoration of lands: Any violator may be required to restore land to its undisturbed condition. In the necessary corrective action, the cost of which shall become a lien upon the property until paid
- (Ord. 2017-17. Passed 3-15-17.)

#### 1199.16 APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the Director. The notice of appeal must be received within five (5) days from the date of the Notice of Violation. Hearing on the appeal before the Director or his/her designee shall take place within fifteen (15) days from the date of receipt of the notice of appeal. The decision of the Director or their designee shall be final. In the event that the cause of the Notice of Violation has been corrected, the time periods may be extended as determined to be appropriate by the Director.

#### 1199.17 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

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

- (a) Ohio Environmental Protection Agency (Ohio EPA) National Pollutant Discharge Elimination System (NPDES) Permits authorizing storm water discharges associated with construction activity or the most current version thereof: Proof of compliances with these requirements shall be the applicant's Notice of Intent (NOI) number from Ohio EPA, a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable. Please note that when a separate SWP3 shall be prepared for a separate phase or stage of development, a separate NOI or NPDES Facility Permit number must be provided.
- (b) Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professionals has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable because there are no wetlands on site. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the US Army Corps of Engineers at the time of application of this regulation.
- (c) Ohio EPA Isolated Wetland or Ephemeral Permit: Proof of compliance shall be a copy of the Ohio

EPA's Isolated Wetland Permit or Ephemeral Stream application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands or Ephemeral Stream Permit is not applicable because there are no wetlands or ephemeral streams onsite. Isolated wetlands shall be delineated by protocols accepted by the US Army Corps of Engineers at the time of this regulation.

- (d) Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the US Army Corps of Engineers Individual Permit application, public notice, or project approval, if an Individual Permit is required for the development project. If an Individual Permit is not required, the site owner shall submit proof of compliance with the US Army Corps of Engineers' Nationwide Permit Program. This shall include one of the following:
  - (1) A letter from the site owner certifying that a qualified professional has evaluated the site and determined that section 404 of the Clean Water Act is not applicable because there are no wetlands on-site.
  - (2) A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the US Army Corps of Engineers at the time of the application of this regulation.
- (e) Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Soil and Water Resource permit application tracking number, a copy of the project approval letter from the ODNR Division of Soil and Water Resources, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable.

**~~1199.08 CONFLICTS.~~**

**~~If there are any conflicts between provisions of Chapter 1199 and other sections of the Kent Codified Ordinances, then sections of Chapter 1199 shall control, or whichever is more restrictive.~~**

(Ord. 2017-17. Passed 3-15-17.)

## CHAPTER 1203

### Low Impact Development

#### 1203.01 Purpose

#### 1203.02 Waiving of requirements

#### 1203.03 Low impact development standards

#### 1203.04 Green Infrastructure

#### 1203.01 PURPOSE

- (a) Low Impact Development is an ecologically friendly approach to site Development and Storm Water management that aims to mitigate Development impacts to land, water, and air. The approach emphasizes the integration of site design and planning techniques that conserve natural systems and hydrologic functions on a site. Impact Development site design and strategies may provide the means by which Storm Water management objectives may be achieved. The goals of low impact Development include:
- (1) Incorporating natural topographic features (wetlands, stream corridors, mature forests) and constraints in site design;
  - (2) Maintaining site hydrologic functions and mitigate impacts to such functions;
  - (3) Providing alternative layout and sizing of traditional site;
  - (4) Maintaining the total number of buildable lots within a Development (lot yield);
  - (5) Customizing infrastructure (lots, streets, curbs, gutters, sidewalks) to each site;
  - (6) Decentralizing and micro-managing Storm Water at its source; **and**
  - (7) Providing of aesthetically pleasing Storm Water management controls; **and**
  - (8) Encourage green infrastructure.**
- (b) Maintaining natural function and mitigating impact to the hydrologic cycle of a site allows for greater protection of the water resources of the site. This benefits the health, safety, and welfare of local stakeholders by controlling Storm Water at its source and minimizing the non-Point Source pollution that results in water resource degradation.
- (c) If there are any conflicts between provisions of Chapter 1203 and other sections of the Kent Codified Ordinances, then sections of Chapter 1203 shall control.  
(Ord. 2013-29. Passed 3-20.13)

#### 1203.02 WAIVING OF SITE REQUIREMENTS

- (a) To encourage the use of low impact Development techniques, the Planning Commission is empowered to waive or otherwise modify other requirements. Such modifications of these requirements shall only be to the extent necessary to provide for and encourage the use of low impact Development techniques as described in this chapter and may be done only upon recommendation of the Director.
- (b) Any waiver in site requirements for low impact Development standards shall in no way be construed as a waiver of all requirements of the aforementioned articles. Therefore, whenever the Planning Commission allows deviation from the presumptive requirements set forth in the Zoning and Subdivision Codes Chapters, it shall enter on the face of the Development Permit the low impact Development site design standards, and/or techniques that it accepts in lieu of meeting the standard set forth in the aforementioned Articles, and the reasons for allowing or requiring the deviation. (Ord. 2013-29. Passed 3-2-13.)

#### 1203.03 LOW IMPACT DEVELOPMENT STANDARDS

- (a) The use of low impact Development standards may provide developers with flexibility in site design and numerous environmental and economic benefits. The following site design elements should be considered in low impact Development.
- (1) Reduce Limits of Clearing and Grading. The limits of clearing and grading refer to the site area to which Developments is directed. This Development area includes all impervious areas (roads, sidewalks, and rooftops) and pervious areas (graded lawn areas and open drainage systems).
- A. To minimize hydrologic impacts on existing site land cover the area of Development should be located:
1. In less sensitive areas or areas with lower value in terms of hydrologic function (e.g., developing barren clay soils will have less hydrologic impact than Development of forested sandy soils).
  2. Outside of sensitive area buffers such as streams, floodways, floodplains, wetlands, and steep slopes.
  3. Outside the areas with soils which have high infiltration rates to reduce net hydrologic site impacts.
- B. Additionally minimal Disturbance techniques may be employed to further reduce the limits of clearing and grading by restricting ground Disturbance by identifying the smallest possible area and clearly delineating it on site. These techniques include:
1. Reduce paving and compaction of highly permeable soils;
  2. Minimizing the size of construction easements and material storage areas during the construction phase of a Development;
  3. Avoid removal of existing trees where possible, and specifically those trees over 18 inches in diameter;
  4. Minimizing imperviousness by reducing the total area of paved surfaces;
  5. Disconnecting as much impervious area as possible to increase opportunities for infiltration and reduce water runoff flow;
  6. Maintaining existing topography and associated drainage divides to encourage natural dispersed flow paths.
- (2) Drainage as a Design Element To reduce impacts created by land Development, site planning should

incorporate drainage by carefully conducting hydrologic evaluations and reviewing special site layout options. These procedures should be incorporated into the site planning process early on to understand and take advantage of site conditions. Hydrologic evaluation procedures can be used to minimize runoff potential and to maintain the predevelopment time of concentration. Open drainage systems should be designed within natural landforms and land uses to become major design elements of site plan or Development plan. The Storm Water management drainage system can suggest pathway alignment, optimum locations for open space, and potential building Development sites. The drainage system helps to integrate urban form, giving the Development an integral, more aesthetically pleasing relationship to the natural features of the site. Not only does the integrated site plan complement the land, but it can also save on Development costs by minimizing earthwork and construction of expensive drainage structures.

(3) Minimize Impervious Area The entire traffic distribution network, (roadways, sidewalks, and parking areas), are the greatest source of impervious area. Changes in impervious area alter runoff, recharge values, and site hydrology. Managing imperviousness contributed by road and parking area pavement is an important component of the site planning and design process. An appropriate strategy may avoid problems from runoff and water table depletion, by reducing such surfaces that prevent natural filtration. Methods that can be used to achieve a reduction in the total runoff volume from impervious surfaces are presented below.

A. Alternative roadway layouts;

B. Narrow Road Sections. Reducing width road sections can be used to reduce total site imperviousness as well as clearing and grading impacts. By using the rural residential road section in place of the primary residential section, the width of paving may be reduced. The rural section also eliminates the use of concrete curb and gutter which reduces construction costs substantially and facilitates the use of vegetated roadside swales.

C. Reduced Application of Sidewalks to One Side of Primary Roads. Total site imperviousness can also be reduced by limiting sidewalks to one side of primary roads.

D. Reduced On-Street Parking. Reducing on-street parking requirements to one side, or even elimination of on-site parking altogether, has the potential to reduce road surfaces and therefore overall site imperviousness. Two-sided parking requirements may be unnecessary to provide adequate parking facilities for each lot.

E. Rooftops. Rooftops contribute to site imperviousness, and the number of lots per acre (or lot coverage) generally determines the site's rooftop impervious area. House type, shape, and size can affect rooftop imperviousness. Vertical construction (two-story) is favored over horizontal layouts (ranch-style) to reduce the square footage of rooftops.

F. Vegetative Roof Systems. Most grass, herbs, wildflowers, and native plant species may be used to create a lightweight and aesthetically pleasing permeable vegetative surface on an impervious roof area.

G. Driveways. Driveways are another element of the site plan that can be planned to reduce the total site imperviousness. Some techniques that can be used include:

1. Using shared driveways whenever possible, but especially in sensitive areas.

2. Limiting driveway width to nine (9) feet (for both single and shared driveways).

3. Minimizing building setbacks to reduce driveway length.

4. Using driveway and parking area materials which reduce runoff and increase travel times such as pervious pavers or gravel.

H. Permeable Pavement Surfaces. A variety of materials ranging from traditional asphalt, and concrete, gravel or pavers may be used to construct these surfaces. These roadways or parking areas must allow water to flow through, replenishing the soil areas directly beneath. The subbase underneath these permeable pavements must be engineered to accommodate temporary water storage and filtration.

(4) Minimize Directly Connected Impervious Areas. Additional environmental benefits can be achieved and hydrologic impacts reduced by disconnecting unavoidable impervious areas. Strategies for accomplishing this include:

A. Disconnecting roof drains and directly flows to vegetated detention areas.

B. Directing flows from impervious (paved) areas to stabilize vegetated areas.

C. Breaking up flow directions from large paved surfaces.

D. Encouraging sheet flow through vegetated areas.

E. Carefully locating impervious areas so that they drain to natural systems, vegetated buffers, natural resource areas, or infiltratable areas.

(5) Modify Drainage Flow Paths. The time of concentration, in conjunction with hydrologic site conditions, determines the peak Discharge rate for a storm event. Site and infrastructure components such as travel distance (flow path); slope of the ground and/or water surface; surface roughness; and channel shape, pattern and material components can affect the time of concentration. Techniques that can affect and control the time of concentration can be incorporated into site design by managing flow and conveyance systems within the Development site:

A. Maximize overland sheet flow;

B. Increase and length flow paths;

C. Lengthen and flatten site and lot slopes;

D. Maximize use of open swale systems;

E. Increase and augment site and lot vegetation.

(b) In order to reduce volume of Storm Water runoff and decentralize flows, a basic strategy incorporating the following low impact Development practices and techniques should be integrated in the overall site design.

(1) Open Swales. These may serve as alternatives to curb and gutter systems. Grass or other vegetation should be used to reduce the velocity and allow filtration, while channeling high volume flows safely away.

A. Plantings, check dams, and other similar features may be incorporated to further reduce velocity and

increase filtration;

B. Walkways shall be separated from roadways by such swales or relocated to another area;

C. Plant species used shall be selected for their tolerance to salt.

(2) Rain Gardens. These areas provide storage for excess Storm Water to collect and filter into the soil. Typical components of these gardens include grass buffers, sand beds, a ponding area for excess runoff storage, organic layers, and planting soil and vegetation.

A. They shall be located on site away from any structure and/or roadways;

B. Downspouts should be directed towards such rain gardens;

C. Permanent ponds may be incorporated into the design of the garden;

D. Temporary storage areas without ponds may be used;

E. Such areas shall be landscaped with native plants and grasses;

F. Plantings shall be selected according to their ability to tolerate pollutants;

G. Annual maintenance guarantees must be provided for these areas in the site plan or Development plan.

(3) Filter Strips. These areas are designed to collect flow from large impervious surfaces (parking lots, et cetera). They may direct water into vegetated detention areas or special sand filters that capture pollutants and gradually discharge the water.

(4) Cistern/Rain Barrels.

A. Cisterns are designed to store Storm Water for irrigation during dry periods, rather than channelizing it away.

Cistern collection systems may be designed to be installed beneath permeable pavement areas allowing for maximum storage capacity.

B. Rain Barrels are smaller and designed to collect individual residential Storm Water from roof drainage.

(Ord. 2013-29. Passed 3-20-13).

#### **1203.04 Green Infrastructure.**

**(a) The City encourages the use of green infrastructure techniques because of their connection to sustainable Development practices and environmental quality. The proper use of green infrastructure can dramatically improve Storm Water runoff quality and decrease runoff volume.**

**(b) Criteria for Green Infrastructure Waivers. The City Engineer may grant a green infrastructure waiver for the use of green infrastructure techniques, provided:**

**(1) The techniques will utilize the landscape or nature's ability to reduce, slow, filter, and/or absorb Storm Water runoff from streets, parking lots, and buildings in a method that equals or extends the existing infrastructure requirements of the City;**

**(2) The techniques are consistent with best management practices; and**

**(3) The technique has been designed by a professional engineer and is accompanied by documentation stating that the proposed technique does not pose a threat to public safety.**

CITY OF KENT  
DEPARTMENT OF PUBLIC SERVICE  
DIVISION OF ENGINEERING

MEMO

TO: Dave Ruller  
Kathy Coleman

FROM: Jim Bowling *JB*

DATE: April 14, 2026

RE: SR 59 Alternative Transportation Improvements – Amendment to Interagency Design Agreement

We are requesting City Council time to present the attached amendment to our Interagency Design Agreement for the SR 59 Alternative Transportation Improvements Project. In October 2023 the City, Franklin Township and PARTA entered the attached agreement to complete the design of Alternative Transportation Improvements on SR 59 from Horning Road to SR 261. The proposed improvements for SR 59 are shown in the figures below:



Figure 1 – Existing Corridor Lane Widths and Pedestrian/Bike Facilities

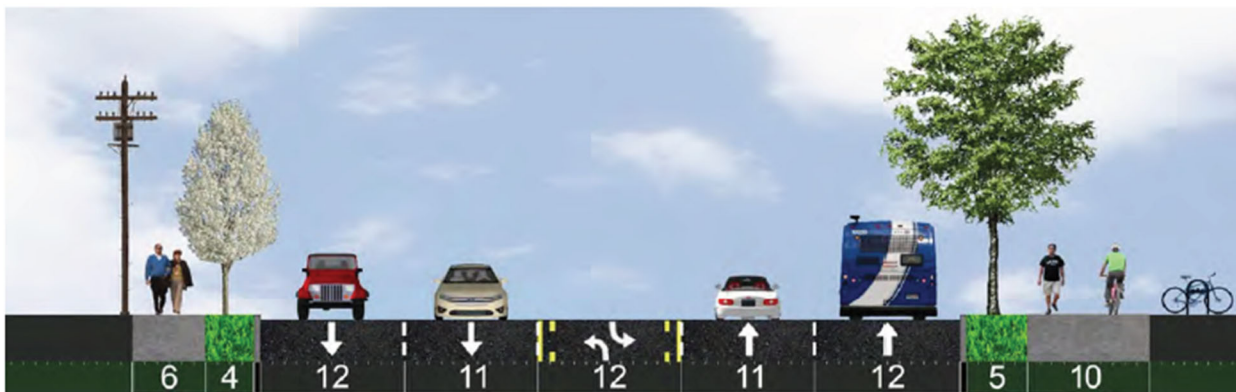


Figure 2 – Proposed Corridor Lane Widths and Pedestrian/Bike Facilities



Figure 3 – Proposed mid-block crossing with pedestrian islands

The design of the project was started with the assistance of a \$666,000 grant from the Ohio Department of Transportation (ODOT) Highway Safety Improvement Program (HSIP). As the design of the project has progressed, the project scope has expanded, in part at the request of ODOT that owns the portion of the project outside of the City. Therefore, we recommend amending the design agreement to include the following:

- Add ODOT as a project partner
- Add reconstruction of three traffic signals to the project
- ODOT will be responsible for acquiring the right-of-way required for the signal reconstruction work
- ODOT will pursue and apply for Federal and State funding sources to assist in the ultimate completion of the project.
- No additional funds are required for the design from the City, Franklin Township or PARTA

In addition, while the design has been progressing we have been able to secure \$6.228 million in construction funding specifically with the aid of ODOT. The project is currently programmed in the capital plan for construction to start in 2027.

Thank you for considering this request.

C: Melanie Baker  
Jon Giaquinto  
Rhonda Hall  
Brian Huff  
Cathy Wilson

**SR 59 ALTERNATIVE TRANSPORTATION IMPROVEMENTS**

**AGREEMENT – DESIGN PHASE**

**OHIO DEPARTMENT OF TRANSPORTATION  
PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY  
FRANKLIN TOWNSHIP  
AND  
CITY OF KENT**

**AMENDMENT NO. 1**

**ALL PARTIES BEING IN THE STATE OF OHIO**

This Amendment No. 1 to the SR 59 ALTERNATIVE TRANSPORTATION IMPROVEMENTS Agreement executed this \_\_\_\_ day of \_\_\_\_\_ 2026, is made and entered into between the Ohio Department of Transportation (“ODOT”), Portage Area Regional Transportation Authority (“PARTA”), Franklin Township (“Township”) and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (the “City”).

**WITNESSETH:**

**WHEREAS**, on October 5, 2023, PARTA, the Township and the City entered into an agreement to progress the SR 59 ALTERNATIVE TRANSPORTATION IMPROVEMENTS project, hereinafter referred to as the “Project”, through the design phase, and;

**WHEREAS**, the Project has obtained Federal Highway Safety Improvement Program (HSIP) and ODOT Preservation Funds for the project, and;

**WHEREAS**, ODOT maintains the portion of SR 59 within the Township, and;

**WHEREAS**, ODOT desires to add traffic signal reconstruction to the project scope, and;

**WHEREAS**, permanent right of way will be required for traffic signal reconstruction and sidewalk installation;

**NOW, THEREFORE**, in consideration of the mutual covenants, promises, conditions and terms to be kept and performed, it is agreed between the parties to enter this Amendment No. 1 as follows:

- Add the following to Section 2 on page 3:

“K. The project scope includes the design of the reconstruction of three existing traffic signals. The traffic signals are located at SR 59/Sixth Avenue, SR 59/Rhodes Road/Ashton Lane, and SR 59/SR 261. These traffic signals are owned and maintained by ODOT.”

- Add the following after Section 2 on page 3:

**“Section 3. Right of Way Acquisition for the Project**

- A. ODOT shall undertake the right of way acquisition for the Project in a workmanlike manner.
- B. Permanent right of way will be required from two properties along the north side of the intersection of SR 59/Rhodes Road/Ashton Lane. These are required for traffic signal reconstruction and sidewalk installation.
- C. ODOT will prepare the necessary plans and legal descriptions for the permanent right of way.
- D. ODOT will prepare the necessary documents and perform the negotiations to acquire the permanent right of way from each property owner.
- E. Right of way acquisition will be funded at 100% by ODOT.
- F. ODOT will record the final, signed permanent right of way with the Portage County Recorders office.

**Section 4. Construction Funding Pursuits**

- A. ODOT, PARTA, the Township, and the City agree to pursue and apply for Federal & State funding sources to assist in the ultimate completion of the project.”

IN WITNESS WHEREOF, the parties hereto have offered their hands and seals.

CITY OF KENT

WITNESS:

\_\_\_\_\_

Approved and Accepted by:

\_\_\_\_\_  
Dave Ruller  
City Manager

\_\_\_\_\_  
Date

Approved as to form:

\_\_\_\_\_  
Hope Jones, Law Director  
City of Kent

Date: \_\_\_\_\_

**Certificate of Director of Budget and Finance**

It is hereby certified that the amount \_\_\_\_\_ dollars (\$ 0 ) required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the Capital Funds free from any obligation or certificates now outstanding.

\_\_\_\_\_  
Rhonda Hall, Director of Budget and Finance

\_\_\_\_\_  
Date

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY

WITNESS:

\_\_\_\_\_

Approve and Accepted by:

\_\_\_\_\_

Claudia Amrhein  
General Manager  
Portage Area Regional Transportation  
Authority

\_\_\_\_\_

Date

Approved as to form:

\_\_\_\_\_

Legal Counsel  
Portage Area Regional Transportation Authority

Date: \_\_\_\_\_

FRANKLIN TOWNSHIP

WITNESS:

\_\_\_\_\_

Approved and Accepted by:

\_\_\_\_\_  
Lisè S. Russel  
Fiscal Officer

\_\_\_\_\_  
Date

Approved as to form:

\_\_\_\_\_  
Legal Council  
Franklin Township

Date: \_\_\_\_\_

**Certificate of Fiscal Officer**

It is hereby certified that the amount \_\_\_\_\_ dollars (\$ 0 ) required to meet this commitment has been lawfully appropriated or authorized or directed for such purpose and is in the Township Treasury or in the process of collection to the credit of the SR 59 Enhancement Fund #4301 free from any obligation or certificates now outstanding.

\_\_\_\_\_  
Lisè S. Russell, Fiscal Officer

\_\_\_\_\_  
Date

OHIO DEPARTMENT OF TRANSPORTATION

WITNESS:

\_\_\_\_\_

Approved and Accepted by:

\_\_\_\_\_

Lauren Phillis  
Planning Engineer

\_\_\_\_\_  
Date

**SR 59 ALTERNATIVE TRANSPORTATION IMPROVEMENTS**

**AGREEMENT – DESIGN PHASE**

**PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY  
FRANKLIN TOWNSHIP  
AND  
CITY OF KENT**

**ALL PARTIES BEING IN THE COUNTY OF PORTAGE,  
STATE OF OHIO**

This Agreement, dated October 5, 2023, is an agreement made and entered into between the Portage Area Regional Transportation Authority (“PARTA”), Franklin Township (“Township”) and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (the “City”).

**WITNESSETH:**

**WHEREAS**, PARTA, the Township and the City desire to continue their joint efforts for the improvement of State Route 59 (“SR 59”) generally located from Horning Road to State Route 261; known as the SR 59 Alternative Transportation Improvements Project (the “Project”), and;

**WHEREAS**, PARTA, the Township and the City have previously shared resources to complete a planning and funding phase to obtain Federal Highway Safety Improvement Program (HSIP) funds, and;

**WHEREAS**, the City has applied for and received Federal funding through the HSIP to finance a majority of the design for this Project, and;

**WHEREAS**, All parties agree to pursue and apply for federal and state funding sources to assist in the ultimate completion of the project; and

**WHEREAS**, the Ohio Department of Transportation (ODOT) has agreed that the City serve as the responsible lead agency to administer the Project, and;

**WHEREAS**, the City will enter into a Local Public Agency (LPA) Local-Let Federal agreement with ODOT to administer the Project, and;

**WHEREAS**, all parties agree to pay for the local share of the construction of the Project, with an amount to be determined after completion of the design phase, and to be included in a separate agreement;

**NOW, THEREFORE**, in consideration of the promises and covenants contained in this Agreement, the parties hereto agree as follows:

### **Section 1. Incorporation of Recitals**

The preceding recitals are hereby incorporated by reference into this Agreement.

### **Section 2. Design of the Project**

- A. PARTA, the Township and the City shall undertake the design of the Project in a workmanlike manner.
- B. All parties agree that the Project shall include the improvements as generally defined in the Connecting Communities PARTA SR 59 Alternative Transportation Improvements study dated December 2021.
- C. All parties shall collaboratively select a design consultant to provide professional surveying and engineering services for the preliminary and final design of the proposed Project.
- D. The City will provide management services and act as the lead agency of the Project, at no cost to the Township and PARTA.
- E. The City will hire the design consultant selected by the parties.
- F. The City hereby agrees that all contracts for the design of the Project shall be entered into in compliance with the applicable provisions of State and Local laws including Federal requirement for the procurement of professional services.
- G. The Township and PARTA, as major stakeholders of the Project, shall be active in the project development, review of the detailed design plans and attendance/participation at regular project meetings.
- H. The cost of the professional engineering services not covered by any grant (“local share”) shall be paid for by the parties based on the following shares and limits:
  - PARTA’s share is 1/2 (50%) up to \$37,000
  - City’s share is 1/3 (33.33%) up to \$24,667
  - Township’s share is 1/6 (16.67%) up to \$12,333

- I. The City will pay for the professional design services and PARTA and the Township will reimburse the City for their share upon receipt of invoices from the City.
- J. The parties to this Agreement covenant that all design with respect to the Project is made in reliance on this Agreement.

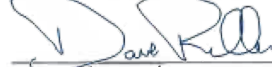
IN WITNESS WHEREOF, the parties hereto have offered their hands and seals.

CITY OF KENT

WITNESS:

Cathy Wilson

Approved and Accepted by:



Dave Ruller  
City Manager

10/4/2023

Date

Approved as to form:



Hope Jones, Law Director  
City of Kent

Date: 10-03-2023

**Certificate of Director of Budget and Finance**

It is hereby certified that the amount TWENTY FOUR THOUSAND SIX HUNDRED SIXTY SEVEN dollars (\$24,667) required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the Capital Funds free from any obligation or certificates now outstanding.



Rhonda Hall, Director of Budget and Finance

October 5, 2023

Date

PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY

WITNESS:

Marcia Fletcher

Approve and Accepted by:

Claudia B. Amrhein, GM

Claudia Amrhein  
General Manager  
Portage Area Regional Transportation  
Authority

09.21.2023

Date

Approved as to form:

Justin P. Markey

Legal Counsel  
Portage Area Regional Transportation Authority

Date: 09/21/2023

FRANKLIN TOWNSHIP

WITNESS:

Jenny August

Approved and Accepted by:  
Lise S. Russell

Lise S. Russell  
Fiscal Officer

10/3/23  
Date

Approved as to form:

\_\_\_\_\_  
Legal Council  
Franklin Township

Date: \_\_\_\_\_

**Certificate of Fiscal Officer**

It is hereby certified that the amount Twelve Thousand Three Hundred Thirty-Three dollars (\$12,333) required to meet this commitment has been lawfully appropriated or authorized or directed for such purpose and is in the Township Treasury or in the process of collection to the credit of the SR 59 Enhancement Fund #4301 free from any obligation or certificates now outstanding.

Lise S. Russell  
Lise S. Russell, Fiscal Officer

10/3/23  
Date



**OPERATIONS**



**ECONOMIC  
VITALITY**



**DESIGN**



**MARKETING &  
EVENTS**



## Main Street Kent: Innovative, Inclusive & Fun

At Main Street Kent, we want to make sure downtown Kent is for everyone, and that all feel welcome here. We work with community partners, businesses, volunteers and the City of Kent to make Kent a fun, vibrant and thriving community using the four-point approach to revitalization.

# Marketing & Events

Main Street Kent’s marketing efforts are primarily concentrated in social media, digital marketing, a podcast and our website. We promote Kent businesses, live music, events, activities, workshops, art exhibits/galleries, museums, the DORA, public art, walking tours, the Kent Card, outdoor recreation, the many facets of our diverse and inclusive downtown — and more!

**Website** - The Main Street Kent website offers a comprehensive list of businesses, robust calendar of activities and events, and ways for people to get involved and contribute to MSK as volunteers and supporters. Average number of unique visitors per month = **28,776**

**Facebook** followers @ facebook.com/mainstreetkent: **27,652**

**Instagram** followers @ instagram.com/mainstreetkent: **10,382**

**Weekly Newsletter** subscribers: **3,100**

**TV and Radio** - In 2026, we’re running TV spots on PBS Western Reserve and radio spots on The Summit FM, gaining more exposure for our businesses and our city! Spots feature events, outdoor activity, and the many amenities of Kent.

**MSK Volunteer of the Week** - Each week, volunteers are featured on our social media, highlighting their contributions to our work. Dedicated event volunteers, committee members and board members help to make us successful and we’re grateful for the opportunity to work with them as they share their time and talents with us.

**Friend of the Week** - MSK supporters are highlighted on our social media, showcasing their dedication and participation in what we do! From bars, restaurants and service providers to retailers and non-profit organizations, we’re proud to share the support that makes our work possible. A complete list can be viewed at: <https://mainstreetkent.org/support/>

**Kent In Good Company Podcast** - Now in our fifth season with over 70 episodes, our host Katy Thomas continues featuring Kent businesses in this podcast. Every other Wednesday, a new episode is launched on three platforms. From long-standing staples to brand new businesses, Katy takes a dive into each person’s origin story. Sponsored by Hall-Green Agency. <https://mainstreetkent.org/discover/in-good-company/>



**Snow Day** - January is a challenging month for our businesses and the community, so we hosted the third annual Snow Day — an event complete with live music, fire pits and s'mores, an ice carving exhibition and more! Businesses provided a variety of offerings including themed crafts and games, menu specials, workshops and music. Wind chills were dangerously cold that day, so live music was



moved indoors and other changes were made on the fly, so people were comfortable coming out to enjoy the event. Sponsored by the City of Kent, Kent State Center for Student Involvement, Portage Community Bank, Acme Fresh Market, Destination Kent CVB, Acorn Alley, Meijer, College Town Kent, Wright Heating, Each+ Every, Williams, Kratcoski, Griffin and Can, Daisy Makes, Daisy Pops, Klaben Auto, Hometown Bank, Kent State Hotel & Conference Center, The River Merchant, and Talk On Speech & Occupational Therapy.

**Coffee Walk** - In an effort to increase winter time foot traffic and bring some caffeinated joy to the community, MSK hosted the second annual Coffee Walk on Sat., Jan. 10. Ticket holders received a CamelBak Coffee Walk tumbler at event check-in, then coffee-themed treats and items at participating businesses. From chocolate-covered espresso beans to a coffee plant, attendees had a wonderful day exploring our downtown. Business owners reported increased sales and foot traffic. Guests came from Cuyahoga Falls, Aurora, Youngstown, Stow, S. Euclid and other communities. Sponsored by Brimfield Insurance Group.



**Chocolate Walk** -At the Feb. 7 Chocolate Walk, 300 guests headed out with their shopping totes to over thirty participating businesses to collect chocolate treats. VIP ticket holders got to enjoy a



special beer and chocolate tasting with Bell Tower Brewing and Rosenberg’s Candies at the end of the day. This fundraiser was sponsored by Squirrel City Jewelers and Keleigh Veraldo-Zucchero, Real Estate Advisor. All guests were entered in a raffle and one lucky ticket holder won a pair of diamond stud earrings!

**Kent’s Women in Business** - During Women’s History Month, we shared dozens of pictures and quotes from women who own and/or operate Kent businesses on our social media. A committee also planned these initiatives throughout the month: *Morning Mix*, hosted by Plexus, the LGBTQ+ and Allies Chamber of Commerce, at Tree City Coffee; *Her Next Level: New Heights, No Ceilings*, hosted by Stephanie Orwick, The Performance Collective, at Beware of the Leopard; *Tap Talks, Special Edition: 100 Years in Business with Michelle Sahr* at North Water Brewing; and MSK hosted a *Sip & Shop* event highlighting our female owned and operated shops, cafes, restaurants and breweries where businesses had special offers and giveaways and MSK gave out gift cards and zipper pouches.

Learn about 50+ Kent businesswomen at: <https://mainstreetkent.org/female-owned-operated/>



## Design

The MSK Design Committee is focused on the aesthetics of downtown Kent. This group of volunteers implements public art projects and works to keep Kent beautiful in many ways, including flower bed plantings and hanging flower baskets, seasonal clean up days, graffiti removal and more.



**Adopt a Spot** - Sponsors and gardeners are ready to help make downtown Kent beautiful this spring! Flower beds and planters will be filled with vibrant annuals, and there will be 50 flower baskets (10 more this year!) hanging from the light posts at the end of May. Our main sponsor Smithers-Oasis is joined by many local business and community member sponsors to keep the flower basket program flourishing. Sponsors are listed at <https://mainstreetkent.org/about/>



**The KENT Sign Redesign** - It’s time for the annual “refresh” of the artwork displayed inside the letter of the Kent Sign, so we put a call out to the public for new design submissions and received 60+ entries! After much consideration, the committee chose the work of Ian Marshall and his new design will be unveiled on May 21 at a *Signs of Summer Celebration* with MSK and Wright Heating & Cooling.

**March for Art** - MSK and Kent City Schools partnered on this new community-wide program to celebrate student creativity. Featuring nearly 800 works of art throughout downtown Kent, 20 businesses hosted art created by K-12 grade students on their walls for the month. There was a celebration at Kent City Hall for students and their families to pick up maps and 'March for Art Artist' buttons to wear before heading out to explore the artwork around town, and to meet Danny Likar, the artist who created the new piece hanging in the lobby at City Hall. This program was hugely popular and our hope is to expand it next year!



## Economic Vitality

The Economic Vitality Committee creates programming to drive foot traffic to our businesses through “around town” promotions, develops opportunities for businesses to collaborate for the betterment of the downtown district as a whole, and creates tools and training opportunities to assist small business owners in the interest of cultivating an economically vibrant Kent.



**Downtown Business Meet Ups** - On Jan. 12 and Feb. 16, MSK partnered with KACC to host Monday morning meet ups at Erie Street Kitchen (The Power of AI workshop) and Board and Bevy, giving business owners a chance to meet, share stories and ideas, collaborate, and learn from each other. We offer speaker/workshop style meet ups and more casual ones with no agenda, depending on the month and need. Brand new and veteran business owners fill the room each time and new partnerships have forged.



**Foodie February** - This promotion was designed to help our eateries during the slowest time of year. Participants could pick up a BINGO card at any of 25 participating businesses, then get it stamped whenever they made a purchase (any amount) during the month. Cards were then entered in a drawing where \$750 in Kent Cards were given as prizes; 20 people won \$25 each and one person won \$250. Prizes were sponsored by Emerson Consumer Care.

**BOOMS Tracker** - Main Street Kent is now using an Economic Vitality tool offered by Main Street America. The Building Opportunities on Main Street (BOOMS) Tracker is an innovative digital tool designed to help local leaders revitalize vacant and underused spaces in Main Street districts. The BOOMS Tracker allows us to collect, organize, and present data about our community's built environment — making it easier to identify potential for growth and redevelopment.

## Operations

The MSK Operations Committee is focused on fundraising, board development and succession planning, volunteer recruitment and retention, and the overall health of the organization.

**MSK Board of Directors** - During first quarter, we welcomed Alicia Hall and Joe Robinson to the board and we're excited to have them on our team! We also welcomed Bridget Tipton to our executive team after she chaired the Design committee for the past two years.



**President** - Ed Butch, CITI Program

**Vice President** - Bridget Tipton, Bell Tower Brewing and Studio Inlay

**Secretary** - Joy Pahls, Portage Community Bank

**Treasurer** - Colin Boyle, Hometown Bank

**Economic Vitality Committee Chair** - Eric Helmstedter, City of Kent

**Design Committee Chair** - Oliver Wuensch, Kent Parks & Recreation

**Marketing/Design Staff** - Lesley Sickle

**Executive Director** - Heather Malarcik

**Board Members** - Mike Beder, Cleveland Bagel, Kent Sportswear, Lake House Kitchen, The Loft, Venice Cafe, Water Street Tavern; Dominique Bollenbacher, City of Kent; Ron Petrosky, retired IT; Joe Robinson, Kent State University; Jessica Ryan, Smithers-Oasis

**Board of Governors** - Mike Lewis, Hometown Bank

**Volunteers** - Our volunteers work on MSK committees, events and projects, and serve on our board of directors. During Q1 2026, we benefited from 651 volunteer hours. The average value of a volunteer hour of work is \$34.79, so that's over \$22K in time and expertise contributed to our program and city already this year!

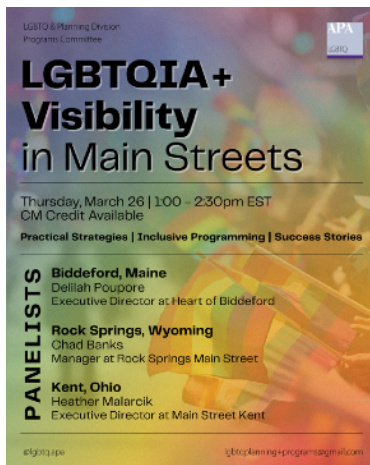
**Volunteer Meet Up** - Thanks to MSK volunteer liaison and board member Joy Pahls, we hosted our first volunteer meet up of the year at Last Exit Books on Jan. 12. Many longtime volunteers and several brand new folks gathered for coffee and conversation, getting to know each other and how they can get involved with our work.



**National Accreditation** - After a complete assessment with Heritage Ohio on Jan. 29, Main Street Kent received annual accreditation from Main Street America. This reflects our adherence to the Main Street America program's rigorous standards, which include:

- ~ Building grassroots revitalization initiatives,
- ~ Cultivating strong public-private partnerships,
- ~ Expanding economic opportunities for small businesses and entrepreneurs, and
- ~ Actively preserving historic places, spaces, and cultural assets.

**LGBTQIA+ Visibility in Main Streets** - On March 26, Heather Malarcik participated in a panel discussion with 300+ virtual attendees from all over the country, sharing our experience with creating inclusive programming and other aspects of cultivating a community where all feel welcome.



Thank you for your support of MSK.



**City of Kent  
Income Tax Division**

**February 28, 2026  
Income Tax Receipts Comparison - ( Excluding 0.25% Police Facility Receipts )**

**Monthly Cash Basis Receipts**

Total receipts for the month of February, 2026	\$	1,447,138
Total receipts for the month of February, 2025	\$	1,468,227
Total receipts for the month of February, 2024	\$	1,599,888

**Year-to-date Receipts and Percent of Total Annual Receipts Collected**

		<u>Year-to-date Actual</u>	<u>Percent of Annual</u>
Total receipts January 1 through February 28, 2026	\$	2,873,428	15.28%
Total receipts January 1 through February 28, 2025	\$	3,111,211	17.95%
Total receipts January 1 through February 28, 2024	\$	2,960,988	19.95%


**Year-to-date Receipts Through February 28, 2026 - Budget vs. Actual**

<u>Year</u>	<u>Annual Budgeted Receipts</u>	<u>Revised Budgeted Receipts</u>	<u>Year-to-date Actual Receipts</u>	<u>Percent Collected</u>	<u>Percent Remaining</u>
2025	\$ 18,800,000	\$ 18,800,000	\$ 2,873,428	15.28%	84.72%

**Comparisons of Total Annual Receipts for Previous Ten Years**

<u>Year</u>	<u>Total Cash Basis Receipts*</u>	<u>Change From Prior Year</u>	
2016	14,192,888	-2.65%	* - Changed from accrual basis of accounting to a cash basis of accounting for RITA Income Tax in December, 2020. All years have been restated to be on a cash basis for RITA receipts to make this report comparable from year to year.
2017	14,525,574	2.34%	
2018	14,297,948	-1.57%	
2019	14,855,372	3.90%	
2020	14,592,066	-1.77%	
2021	14,929,900	2.32%	
2022	16,645,865	11.49%	
2023	17,533,848	5.33%	
2024	18,304,594	4.40%	
2025	18,369,400	0.35%	

Submitted by



, Director of Budget and Finance

**2026 CITY OF KENT, OHIO**  
**Comparison of Income Tax Receipts**  
**(Excluding 0.25% Police Facility Receipts)**  
**as of Month Ended February 28, 2026**

**Monthly Cash Basis Receipts**

<b>Month</b>	<b>Monthly Cash Basis Receipts</b>			<b>Comparisons</b>	
	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>Amount</b>	<b>Percent Change</b>
January	\$ 1,361,101	\$ 1,642,984	\$ 1,426,291	\$ (216,693)	-13.19%
February	1,599,888	1,468,227	1,447,138	(21,090)	-1.44%
March	1,248,335	1,283,832	-		
April	1,456,278	1,618,125	-		
May	2,374,830	2,175,824	-		
June	1,453,801	1,628,066	-		
July	1,472,405	1,523,424	-		
August	1,520,823	1,279,747	-		
September	1,289,344	1,328,516	-		
October	1,718,384	1,628,183	-		
November	1,429,899	1,400,545	-		
December	1,379,506	1,391,926	-		
<b>Totals</b>	<b>\$ 18,304,594</b>	<b>\$ 18,369,400</b>	<b>\$ 2,873,428</b>	<b>\$ (237,783)</b>	

**Year-to-Date Receipts**

<b>Month</b>	<b>Year-to-Date Receipts</b>			<b>Comparisons</b>	
	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>Amount</b>	<b>Percent Change</b>
January	\$ 1,361,101	\$ 1,642,984	\$ 1,426,291	\$ (216,693)	-13.19%
February	2,960,988	3,111,211	2,873,428	(237,783)	-7.64%
March	4,209,324	4,395,043			
April	5,665,602	6,013,169			
May	8,040,432	8,188,993			
June	9,494,232	9,817,058			
July	10,966,638	11,340,482			
August	12,487,461	12,620,229			
September	13,776,804	13,948,745			
October	15,495,188	15,576,929			
November	16,925,087	16,977,474			
December	18,304,594	18,369,400			
<b>Totals</b>	<b>\$ 18,304,594</b>	<b>\$ 18,369,400</b>			

**2026 CITY OF KENT, OHIO**  
**Comparison of Income Tax Receipts from Kent State University**  
**(Excluding 0.25% Police Facility Receipts)**  
**as of Month Ended February 28, 2026**

<b>Monthly Receipts</b>				<b>Comparisons</b>	
<b>Month</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>Amount</b>	<b>Percent Change</b>
January	\$ 478,415	\$ 435,880	\$ 432,190	\$ (3,690)	-0.85%
February	395,210	400,555	394,583	(5,972)	-1.49%
March	436,511	428,183			
April	438,141	426,400			
May	432,214	422,239			
June	463,100	438,331			
July	426,920	403,283			
August	397,759	377,419			
September	456,054	398,668			
October	438,187	417,392			
November	445,734	458,737			
December	480,509	455,340			
Totals	<u>\$ 5,288,754</u>	<u>\$ 5,062,426</u>	<u>\$ 826,773</u>	<u>\$ (9,663)</u>	
	28.89%	27.56%	28.77%		

<b>Year-to-Date Receipts</b>				<b>Comparisons</b>	
<b>Month</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>Amount</b>	<b>Percent Change</b>
January	\$ 478,415	\$ 435,880	\$ 432,190	\$ (3,690)	-0.85%
February	873,625	836,435	826,773	(9,663)	-1.16%
March	1,310,136	1,264,618			
April	1,748,277	1,691,017			
May	2,180,491	2,113,257			
June	2,643,591	2,551,588			
July	3,070,510	2,954,871			
August	3,468,269	3,332,289			
September	3,924,323	3,730,957			
October	4,362,510	4,148,349			
November	4,808,245	4,607,086			
December	5,288,754	5,062,426			
Totals	<u>\$ 5,288,754</u>	<u>\$ 5,062,426</u>			

**2026 CITY OF KENT, OHIO**  
**Comparison of Income Tax Receipts from Kent State University**  
**(Excluding 0.25% Police Facility Receipts)**

**Comparisons of Total Annual Receipts for Previous Ten Years**  
**Restated**

<b>Year</b>	<b>Total Cash Basis Receipts</b>	<b>Percent Change</b>
2016	5,042,140	2.68%
2017	5,137,920	1.90%
2018	5,167,455	0.57%
2019	5,150,394	-0.33%
2020	5,159,334	0.17%
2021	4,813,413	-6.70%
2022	4,861,839	1.01%
2023	5,014,467	3.14%
2024	5,288,754	5.47%
2025	5,062,426	-4.28%

**2026 CITY OF KENT, OHIO**  
**Comparison of Income Tax Receipts**  
**Police Facility Dedicated Income Tax Receipts - 1/9 of Total ( 0.25% )**  
**as of Month Ended February 28, 2026**

<b>Monthly Receipts</b>				<b>Comparisons</b>	
<b>Month</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>Amount</b>	<b>Percent Change</b>
January	\$ 170,138	\$ 205,373	\$ 178,286	\$ (27,087)	-13.19%
February	199,986	183,528	180,892	(2,636)	-1.44%
March	156,042	160,479	-		
April	182,035	202,266	-		
May	296,854	271,978	-		
June	181,725	203,508	-		
July	184,051	190,428	-		
August	190,103	159,968	-		
September	161,168	166,065	-		
October	214,798	203,523	-		
November	178,737	175,068	-		
December	172,438	173,991	-		
<b>Totals</b>	<b>\$ 2,288,074</b>	<b>\$ 2,296,175</b>	<b>\$ 359,179</b>	<b>\$ (29,723)</b>	

<b>Year-to-Date Receipts</b>				<b>Comparisons</b>	
<b>Month</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>Amount</b>	<b>Percent Change</b>
January	\$ 170,138	\$ 205,373	\$ 178,286	\$ (27,087)	-13.19%
February	370,124	388,901	359,179	(29,723)	-7.64%
March	526,165	549,380			
April	708,200	751,646			
May	1,005,054	1,023,624			
June	1,186,779	1,227,132			
July	1,370,830	1,417,560			
August	1,560,933	1,577,529			
September	1,722,101	1,743,593			
October	1,936,899	1,947,116			
November	2,115,636	2,122,184			
December	2,288,074	2,296,175			
<b>Totals</b>	<b>\$ 2,288,074</b>	<b>\$ 2,296,175</b>			

**2026 CITY OF KENT, OHIO**  
**Comparison of Total Income Tax Receipts - Including Police Facility Receipts**  
**as of Month Ended February 28, 2026**

<b>Monthly Receipts</b>				<b>Comparisons</b>	
<b>Month</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>Amount</b>	<b>Percent Change</b>
January	\$ 1,531,238	\$ 1,848,357	\$ 1,604,577	\$ (243,780)	-13.19%
February	1,799,874	1,651,756	1,628,030	(23,726)	-1.44%
March	1,404,377	1,444,311	-		
April	1,638,313	1,820,391	-		
May	2,671,684	2,447,802	-		
June	1,635,526	1,831,574	-		
July	1,656,456	1,713,852	-		
August	1,710,926	1,439,715	-		
September	1,450,512	1,494,581	-		
October	1,933,182	1,831,706	-		
November	1,608,636	1,575,613	-		
December	1,551,945	1,565,917	-		
<b>Totals</b>	<b>\$ 20,592,668</b>	<b>\$ 20,665,575</b>	<b>\$ 3,232,607</b>	<b>\$ (267,506)</b>	

<b>Year-to-Date Receipts</b>				<b>Comparisons</b>	
<b>Month</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>Amount</b>	<b>Percent Change</b>
January	\$ 1,531,238	\$ 1,848,357	\$ 1,604,577	\$ (243,780)	-13.19%
February	3,331,112	3,500,113	3,232,607	(267,506)	-7.64%
March	4,735,489	4,944,424			
April	6,373,802	6,764,815			
May	9,045,486	9,212,617			
June	10,681,011	11,044,191			
July	12,337,468	12,758,043			
August	14,048,393	14,197,758			
September	15,498,905	15,692,339			
October	17,432,087	17,524,045			
November	19,040,723	19,099,658			
December	20,592,668	20,665,575			
<b>Totals</b>	<b>\$ 20,592,668</b>	<b>\$ 20,665,575</b>			

**City of Kent  
Income Tax Division**

**March 31, 2026  
Income Tax Receipts Comparison - ( Excluding 0.25% Police Facility Receipts )**

**Monthly Cash Basis Receipts**

Total receipts for the month of March, 2026	\$	1,307,400
Total receipts for the month of March, 2025	\$	1,283,832
Total receipts for the month of March, 2024	\$	1,248,335

**Year-to-date Receipts and Percent of Total Annual Receipts Collected**

		<u>Year-to-date Actual</u>	<u>Percent of Annual</u>
Total receipts January 1 through March 31, 2026	\$	4,180,850	22.24%
Total receipts January 1 through March 31, 2025	\$	4,395,043	25.36%
Total receipts January 1 through March 31, 2024	\$	4,209,324	28.36%

**Year-to-date Receipts Through March 31, 2026 - Budget vs. Actual**

<u>Year</u>	<u>Annual Budgeted Receipts</u>	<u>Revised Budgeted Receipts</u>	<u>Year-to-date Actual Receipts</u>	<u>Percent Collected</u>	<u>Percent Remaining</u>
2025	\$ 18,800,000	\$ 18,800,000	\$ 4,180,850	22.24%	77.76%

**Comparisons of Total Annual Receipts for Previous Ten Years**

<u>Year</u>	<u>Total Cash Basis Receipts*</u>	<u>Change From Prior Year</u>	
2016	14,192,888	-2.65%	* - Changed from accrual basis of accounting to a cash basis of accounting for RITA Income Tax in December, 2020. All years have been restated to be on a cash basis for RITA receipts to make this report comparable from year to year.
2017	14,525,574	2.34%	
2018	14,297,948	-1.57%	
2019	14,855,372	3.90%	
2020	14,592,066	-1.77%	
2021	14,929,900	2.32%	
2022	16,645,865	11.49%	
2023	17,533,848	5.33%	
2024	18,304,594	4.40%	
2025	18,369,400	0.35%	

Submitted by , Director of Budget and Finance

**2026 CITY OF KENT, OHIO**  
**Comparison of Income Tax Receipts**  
**(Excluding 0.25% Police Facility Receipts)**  
**as of Month Ended March 31, 2026**

<b>Monthly Cash Basis Receipts</b>				<b>Comparisons</b>	
<b>Month</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>Amount</b>	<b>Percent Change</b>
January	\$ 1,361,101	\$ 1,642,984	\$ 1,426,291	\$ (216,693)	-13.19%
February	1,599,888	1,468,227	1,447,159	(21,068)	-1.43%
March	1,248,335	1,283,832	1,307,400	23,568	1.84%
April	1,456,278	1,618,125	-		
May	2,374,830	2,175,824	-		
June	1,453,801	1,628,066	-		
July	1,472,405	1,523,424	-		
August	1,520,823	1,279,747	-		
September	1,289,344	1,328,516	-		
October	1,718,384	1,628,183	-		
November	1,429,899	1,400,545	-		
December	1,379,506	1,391,926	-		
<b>Totals</b>	<b>\$ 18,304,594</b>	<b>\$ 18,369,400</b>	<b>\$ 4,180,850</b>	<b>\$ (214,194)</b>	

<b>Year-to-Date Receipts</b>				<b>Comparisons</b>	
<b>Month</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>Amount</b>	<b>Percent Change</b>
January	\$ 1,361,101	\$ 1,642,984	\$ 1,426,291	\$ (216,693)	-13.19%
February	2,960,988	3,111,211	2,873,450	(237,762)	-7.64%
March	4,209,324	4,395,043	4,180,850	(214,194)	-4.87%
April	5,665,602	6,013,169			
May	8,040,432	8,188,993			
June	9,494,232	9,817,058			
July	10,966,638	11,340,482			
August	12,487,461	12,620,229			
September	13,776,804	13,948,745			
October	15,495,188	15,576,929			
November	16,925,087	16,977,474			
December	18,304,594	18,369,400			
<b>Totals</b>	<b>\$ 18,304,594</b>	<b>\$ 18,369,400</b>			

**2026 CITY OF KENT, OHIO**  
**Comparison of Income Tax Receipts from Kent State University**  
**(Excluding 0.25% Police Facility Receipts)**  
**as of Month Ended March 31, 2026**

<b>Monthly Receipts</b>				<b>Comparisons</b>	
<b>Month</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>Amount</b>	<b>Percent Change</b>
January	\$ 478,415	\$ 435,880	\$ 432,190	\$ (3,690)	-0.85%
February	395,210	400,555	394,583	(5,972)	-1.49%
March	436,511	428,183	417,854	(10,329)	-2.41%
April	438,141	426,400			
May	432,214	422,239			
June	463,100	438,331			
July	426,920	403,283			
August	397,759	377,419			
September	456,054	398,668			
October	438,187	417,392			
November	445,734	458,737			
December	480,509	455,340			
<b>Totals</b>	<b>\$ 5,288,754</b>	<b>\$ 5,062,426</b>	<b>\$ 1,244,626</b>	<b>\$ (19,992)</b>	
	28.89%	27.56%	29.77%		

<b>Year-to-Date Receipts</b>				<b>Comparisons</b>	
<b>Month</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>Amount</b>	<b>Percent Change</b>
January	\$ 478,415	\$ 435,880	\$ 432,190	\$ (3,690)	-0.85%
February	873,625	836,435	826,773	(9,663)	-1.16%
March	1,310,136	1,264,618	1,244,626	(19,992)	-1.58%
April	1,748,277	1,691,017			
May	2,180,491	2,113,257			
June	2,643,591	2,551,588			
July	3,070,510	2,954,871			
August	3,468,269	3,332,289			
September	3,924,323	3,730,957			
October	4,362,510	4,148,349			
November	4,808,245	4,607,086			
December	5,288,754	5,062,426			
<b>Totals</b>	<b>\$ 5,288,754</b>	<b>\$ 5,062,426</b>			

**2026 CITY OF KENT, OHIO**  
**Comparison of Income Tax Receipts from Kent State University**  
**(Excluding 0.25% Police Facility Receipts)**

**Comparisons of Total Annual Receipts for Previous Ten Years**  
**Restated**

<b>Year</b>	<b>Total Cash Basis Receipts</b>	<b>Percent Change</b>
2016	5,042,140	2.68%
2017	5,137,920	1.90%
2018	5,167,455	0.57%
2019	5,150,394	-0.33%
2020	5,159,334	0.17%
2021	4,813,413	-6.70%
2022	4,861,839	1.01%
2023	5,014,467	3.14%
2024	5,288,754	5.47%
2025	5,062,426	-4.28%

**2026 CITY OF KENT, OHIO**  
**Comparison of Income Tax Receipts**  
**Police Facility Dedicated Income Tax Receipts - 1/9 of Total ( 0.25% )**  
**as of Month Ended March 31, 2026**

**Monthly Receipts**

<b>Month</b>	<b>Monthly Receipts</b>			<b>Comparisons</b>	
	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>Amount</b>	<b>Percent Change</b>
January	\$ 170,138	\$ 205,373	\$ 178,286	\$ (27,087)	-13.19%
February	199,986	183,528	180,895	(2,634)	-1.43%
March	156,042	160,479	163,425	2,946	1.84%
April	182,035	202,266	-		
May	296,854	271,978	-		
June	181,725	203,508	-		
July	184,051	190,428	-		
August	190,103	159,968	-		
September	161,168	166,065	-		
October	214,798	203,523	-		
November	178,737	175,068	-		
December	172,438	173,991	-		
<b>Totals</b>	<b>\$ 2,288,074</b>	<b>\$ 2,296,175</b>	<b>\$ 522,606</b>	<b>\$ (26,774)</b>	

**Year-to-Date Receipts**

<b>Month</b>	<b>Year-to-Date Receipts</b>			<b>Comparisons</b>	
	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>Amount</b>	<b>Percent Change</b>
January	\$ 170,138	\$ 205,373	\$ 178,286	\$ (27,087)	-13.19%
February	370,124	388,901	359,181	(29,720)	-7.64%
March	526,165	549,380	522,606	(26,774)	-4.87%
April	708,200	751,646			
May	1,005,054	1,023,624			
June	1,186,779	1,227,132			
July	1,370,830	1,417,560			
August	1,560,933	1,577,529			
September	1,722,101	1,743,593			
October	1,936,899	1,947,116			
November	2,115,636	2,122,184			
December	2,288,074	2,296,175			
<b>Totals</b>	<b>\$ 2,288,074</b>	<b>\$ 2,296,175</b>			

**2026 CITY OF KENT, OHIO**  
**Comparison of Total Income Tax Receipts - Including Police Facility Receipts**  
**as of Month Ended March 31, 2026**

<b>Monthly Receipts</b>			<b>Comparisons</b>		
<b>Month</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>Amount</b>	<b>Percent Change</b>
January	\$ 1,531,238	\$ 1,848,357	\$ 1,604,577	\$ (243,780)	-13.19%
February	1,799,874	1,651,756	1,628,054	(23,702)	-1.43%
March	1,404,377	1,444,311	1,470,825	26,514	1.84%
April	1,638,313	1,820,391	-		
May	2,671,684	2,447,802	-		
June	1,635,526	1,831,574	-		
July	1,656,456	1,713,852	-		
August	1,710,926	1,439,715	-		
September	1,450,512	1,494,581	-		
October	1,933,182	1,831,706	-		
November	1,608,636	1,575,613	-		
December	1,551,945	1,565,917	-		
<b>Totals</b>	<b>\$ 20,592,668</b>	<b>\$ 20,665,575</b>	<b>\$ 4,703,456</b>	<b>\$ (240,968)</b>	

<b>Year-to-Date Receipts</b>			<b>Comparisons</b>		
<b>Month</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>Amount</b>	<b>Percent Change</b>
January	\$ 1,531,238	\$ 1,848,357	\$ 1,604,577	\$ (243,780)	-13.19%
February	3,331,112	3,500,113	3,232,631	(267,482)	-7.64%
March	4,735,489	4,944,424	4,703,456	(240,968)	-4.87%
April	6,373,802	6,764,815			
May	9,045,486	9,212,617			
June	10,681,011	11,044,191			
July	12,337,468	12,758,043			
August	14,048,393	14,197,758			
September	15,498,905	15,692,339			
October	17,432,087	17,524,045			
November	19,040,723	19,099,658			
December	20,592,668	20,665,575			
<b>Totals</b>	<b>\$ 20,592,668</b>	<b>\$ 20,665,575</b>			

**KENT POLICE DEPARTMENT  
MARCH 2026**

	MARCH 2025	MARCH 2026	TOTAL 2025	TOTAL 2026
CALLS FOR SERVICE	1573	1936	3009	5033
KENT FIRE CALLS	548	621	1027	1701
BRIMFIELD FIRE CALLS	180	181	344	510
ARRESTS, TOTAL	147	164	246	375
JUVENILE ARRESTS	27	16	34	38
O.V.I. ARRESTS	12	10	22	26
TRAFFIC CITATIONS	112	238	221	517
PARKING TICKETS	905	800	1487	1610
<b>ACCIDENT REPORTS</b>	<b>43</b>	<b>49</b>	<b>81</b>	<b>169</b>
Property Damage	20	31	39	108
Injury	8	6	16	16
Private Property	9	9	14	29
Hit-Skip	5	2	8	13
OVI Related	1	0	1	2
Pedestrians	0	1	3	1
Fatals	0	0	0	0
<b>U.C.R. STATISTICS</b>				
Homicide	0	0	0	0
Rape	0	0	0	0
Robbery	1	1	2	1
Assault Total	22	18	39	62
Serious	1		4	2
Simple	21		14	37
Burglary	2	3	2	9
Larceny	15	20	30	53
Auto Theft	2	1	4	1
Arson	0	0	0	0
Human Trafficking:Servitude	0	0	0	0
Human Trafficking:Sex Acts	0	0	0	0
<b>TOTAL</b>	<b>42</b>	<b>43</b>	<b>77</b>	<b>126</b>
<b>CRIME CLEARANCES</b>				
Homicide	0	0	0	0
Rape	0	0	0	0
Robbery	1	0	2	0
Assault Total	19	32	35	72
Serious	2		5	3
Simple	17		27	32
Burglary	2	2	2	6
Larceny	4	14	6	22
Auto Theft	0	1	0	1
Arson	0	0	0	0
Human Trafficking:Servitude	0	0	0	0
Human Trafficking:Sex Acts	0	0	0	0
<b>TOTAL</b>	<b>26</b>	<b>49</b>	<b>45</b>	<b>101</b>

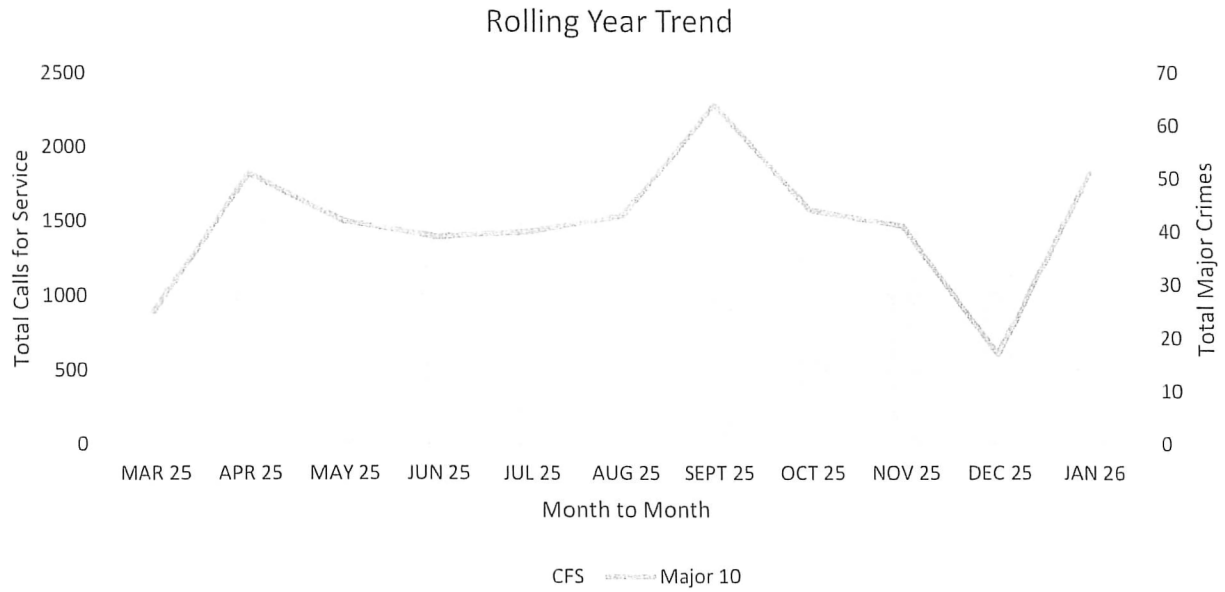
**TRAFFIC TICKETS**

Mar-26

<b>TRAFFIC OFFENSE</b>	<b>TICKETS</b>
Certain Acts Prohibited	2
Child Restraint system required	1
Comply with Lawful Order of Police Officer	1
Display of License Plates	2
Display Plates	2
Drivers and Passengers Required to Wear Seat Belts	4
Driver's License or Commercial Driver's License Required	5
Driving in Marked Lanes or Continuous Lines of Traffic	6
Driving onto Roadway from Place Other Than Roadway:Duty to Yield	4
Driving Under Suspension	25
Driving Upon Right Side of Roadway	1
Driving while using - holding elect. wireless comm device	1
Driving with Temporary Instruction Permit; Curfew	3
Duties Upon Approaching - Public Safety Vehicles w/flashing lights	1
Expired or Unlawful License Plates	5
Failure to Comply with Order of Signal of P.O. - lawful order or direction	1
Failure to Control	1
Hazardous or No Passing Zones	1
Hit Skip - Roadway	2
Lanes of Travel	1
Lighted Lights Required	1
Maximum Speed Limits; Assured Clear Distance Ahead	82
Motor Cycle	1
Muffler; Muffler Cutout; Excessive Smoke, Gas or Noise	3
Must Display OL	1
No Operator's License	1
No Rear Illumination	1
Obedience to Traffic Control Devices	5
One Way Streets & Rotary Traffic Islands	1
Open Container	2
Operation of MV without restraining device	1
Operation of Vehicle at Stop Signs	10
Operation of Vehicle at Yield Signs	3
OVI	10
Prohibition Against False Statements	1
Reckless Operation	1
Right of Way at Intersections	2
Right of Way in Crosswalk	1
Right of Way when Turning Left	2
Rules For Marked Lanes	2
Signals Before Changing Course, Turning or Stopping	1
Slow Speed	1
Starting and Backing Vehicles	3
Stopping after Accident Upon Property other than Street	1
Traffic Control Signals & Lights	3
Turning at Intersections	1
Use of Illegal License Plates; Transfer or Registration	1
Using Cell While Driving	24
Wrongful Entrustment	2

# Calls for Service and Major Crimes

The FBI requests data for Uniform Crime Statistics over 10 Major Crimes: Homicide, Rape, Robbery, Assault, Burglary, Larceny, Auto Theft, Arson, Human Trafficking: Servitude and Human Trafficking: Sex Acts.



**Saved**

The summary has been successfully saved.

# Monthly Summary Detail

## *NEW* - Monthly Summary of Domestic Violence Incident Statistics

### I. Participant Statistics

#### A. Relationships

Relation	Alleged Victim/Complainant			Alleged Offender			Unclear Participant		
	Fatal Injury	Non-Fatal Injury	No Injury	Fatal Injury	Non-Fatal Injury	No Injury	Fatal Injury	Non-Fatal Injury	No Injury
1. Wife	0	1	1	0	0	0	0	0	0
2. Husband	0	0	0	0	0	2	0	0	0
3. Parent	0	1	0	0	0	0	0	0	0
4. Non-spousal relationship with child in common	0	2	0	0	0	2	0	0	0
5. Child or Children	0	0	0	0	0	1	0	0	0
6. Other family or household member	0	0	0	0	0	0	0	0	0
7. Former Spouse	0	0	0	0	0	0	0	0	0
8. Live-in Partner	0	2	0	0	0	2	0	0	0
9. Other	0	0	0	0	0	0	0	0	0

Individual Totals	0	6	1	0	0	7	0	0	0
TOTAL		7			7			0	

**B. Race/Ethnicity**

	Alleged Victim/Complainant	Alleged Offender	Unclear Participant
Asian	0	0	0
African American	2	2	0
Caucasian	5	5	0
Native American	0	0	0
Hispanic	0	0	0
Other	0	0	0
TOTAL	7	7	0

**C. Age**

	Alleged Victim/Complainant	Alleged Offender	Unclear Participant
0-17	0	0	0
18-40	4	5	0
41-59	3	2	0
60-84	0	0	0
85-Older	0	0	0
TOTAL	7	7	0

**D. Sex**

	Alleged Victim/Complainant	Alleged Offender	Unclear Participant
Male	1	7	0
Female	6	0	0
TOTAL	7	7	0

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**II. Total Number of Domestic Violence/Dispute Calls: 7**

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**III. Results of Calls:**

	Calls With DVI Charge	Calls With No DVI Charge	Other Charge	No Charge
	7	0	0	0

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**IV.**

**Agency:** Kent Police Department      **ORI:** OH0670300

**Agency Phone:** (330) 673-3221


**Agency Email:** michael.lewis@kentohio.gov

**Officer Phone:** (330) 673-7732      **Officer Email:** elizabeth.sadowski@kentohio.gov

**Officer:** esadowski06650      **Officer Name:** Sadowski, Elizabeth

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**V.**

**Date Agency Completed:** (Submitted date)       **County:** Portage

**Month of Report:** March      **Year of Report:** 2026

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Bureau of Criminal Identification & Investigation  
P.O. Box 365  
London, Ohio 43140  
[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov) (<http://www.ohioattorneygeneral.gov/>)



Sustainability Commission

**INSIDE**

**Chronicling Implementation of the Climate Action Plan (CAP)**  
Round-up of highlights on various sector implementation work

**Around the City**

City of Kent Sustainability Commission – Go Dark: International Dark Skies Week

Kent Environmental Council – It’s Time for a Plastics Revolution

City of Kent – 2026 Spring Cleanup and additional options for hard-to-recycle material

Habitat for Humanity of Portage County ReStore – Recycle Extravaganza

Akron Regional Air Quality Management District – Lawn Mower Exchange

Portage Park District - Share your Towner’s Woods Park Memories for its 50<sup>th</sup> Birthday

National Ride A Bike Day events in Kent

**Calendar**

Find upcoming events and other items of interest



# Sustainable Kent News

The latest on sustainability efforts in Kent



Happy Earth Month to all! Earth Day (April 22<sup>nd</sup>), and the associated Earth Month of April, is a great time to reflect on and celebrate sustainability efforts in Kent and our region.

Did you know that the first Earth Day was organized as a demonstration in the Spring of 1970? It was created by Senator Gaylord Nelson to highlight issues of pollution and the need for legal and regulatory mechanisms to help protect our environment. The resulting demonstrations led directly to the creation of the U.S. Environmental Protection Agency in December of 1970, and the eventual passage of the Clean Air Act, the Clean Water Act, and the Endangered Species Act. Learn more about the important history of Earth Day at <https://www.epa.gov/earthday> .

Here in Kent, and in the spirit of Earth Month, the City is excited to share some updates on its Climate Action Plan work and other sustainability efforts. Be sure to read on below for those highlights!

This edition also has a great line-up of articles, events, and additional program information. The Calendar section is chock-full of wonderful ways to enjoy our vibrant downtown, the beautiful Cuyahoga River, and sustainable ways to connect with our community.

Should you ever have questions, comments, and/or suggestions related to the City’s Climate Action Plan or other sustainability work, please feel free to contact the City’s Sustainability Coordinator, Julie Morris, at: [julie.morris@kentohio.gov](mailto:julie.morris@kentohio.gov).

## CHRONICLING IMPLEMENTATION OF THE CLIMATE ACTION PLAN

### Earth Month Celebration! A round-up of highlights on various sector strategies for the City’s Climate Action Plan work.

The City has been working hard on implementing the Climate Action Plan (CAP) that was adopted in April of 2023. The following are a few highlights from several of the plan’s strategic focus areas, and a look at where we’re headed.

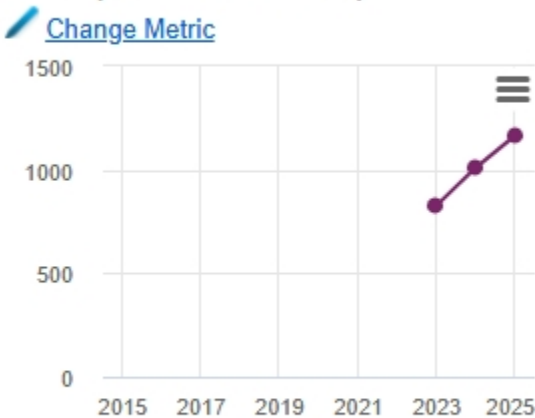
- **Greenhouse Gas Inventory (GHG) Update:**

- The City’s last GHG update was completed in 2023 for the data year 2022. The update indicated the City’s largest areas of emissions are to be found in the Stationary Energy and Transportation sectors. As such, much of our implementation work so far has focused on CAP strategies aimed at reducing greenhouse gas emissions in these sectors. The City will be conducting another GHG Inventory update this year for the data year 2025 in order to check our progress and inform future CAP and sustainability planning. Be sure to visit the City’s [Greenhouse Gas Inventories webpage](#) to learn more about our completed inventories and stay tuned for more information on the latest update!

- **Stationary Energy Strategies Highlights:**

- Energy Star Portfolio Manager – The City works to track the energy use of a select group of City-owned facilities. This benchmarking allows the City to view progress of energy efficiency and other initiatives related to those facilities over time. The City began tracking this data in 2024, with 2023 annual electric and natural gas usage data providing the baseline. 2025 usage data has been finalized and entered into the system, revealing the increase in GHG emissions we expected to see with the construction of City Hall beginning in 2023, and bringing it online into the City’s facility portfolio for 2025. We expect the increase trend to level off, and eventually drop as we continue to reduce emissions through CAP work over the coming years.

### Total (Location-Based) GHG Emissions Trend (Metric Tons CO2e)



### Portfolio Average Total (Location-Based) GHG Emissions Intensity

**+0.92** ▶ Change in Average Total (Location-Based) GHG Emissions Intensity  
6.4 ▶ Current Average Total (Location-Based) GHG Emissions Intensity  
5.49 ▶ Baseline Average Total (Location-Based) GHG Emissions Intensity

Properties Included: 13

(Chart current as of 04/14/2026 11:11 AM EDT)

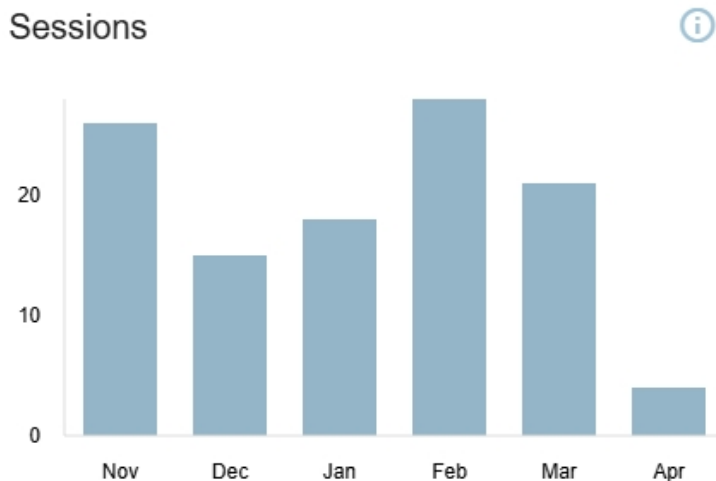
[Refresh Chart](#)

- **Stationary Energy Strategies Highlights continued:**

- LED transitions for municipal lighting – The City has a current policy to replace lighting that has reached its end of life with LEDs, and a downtown lighting study is currently underway by the City’s Engineering Department.
- The City continues to work with consultants Civil & Environmental Consultants, Inc. (CEC) to explore a solar project at the 800 Mogadore brownfield site here in Kent. CEC is working on a proposed solar array configuration for the site. The project will be subject to State legal and legislative viability, and associated legislation is currently under State committee review.

- **Transportation Strategies Highlights:**

- The Electric Vehicle Stations at City Hall continue to offer charging benefits to those using them, and are providing beneficial emission offsets! As of April 13, 2026, the following images show the trends of station session use for the last six months, and the amount of GHGs avoided since the stations came online in April 2025.



Environment

Lifetime

Here's how EV charging has helped:



You've avoided 1,513kg greenhouse gas emissions



That's like planting 39 trees and letting them grow for 10 years

- **Transportation Strategies Highlights:**

- The City of Kent—working alongside valued community partners—is enhancing connections between neighborhoods and key destinations across the region. The goal is to provide residents with more convenient options for getting where they need to go, including safe and sustainable ways to travel without relying on a car. In recognition of these continual efforts, the League of American Bicyclists honored the City of Kent with a Bronze-level Bicycle Friendly Community Award on January 29th, 2026. This is a significant improvement from its Honorable Mention designation awarded by the League of American Bicyclists to the City of Kent in 2020. Read more about this exciting achievement at: [Biking and Active Transportation | City of Kent](#)



- The Engineering Department has several ongoing projects that will work to improve active transportation, pedestrian safety, and contribute to GHG emission reduction in Kent. Learn more about and follow updates for these projects at the following links:
  - [East Main Street Project | City of Kent](#)
  - [North Mantua Street Improvement Project | City of Kent](#)
  - [St. Rt. 59 Alternative Transportation Improvements | City of Kent](#)
  - [Active Transportation | City of Kent](#)

- **Waste Strategies:**

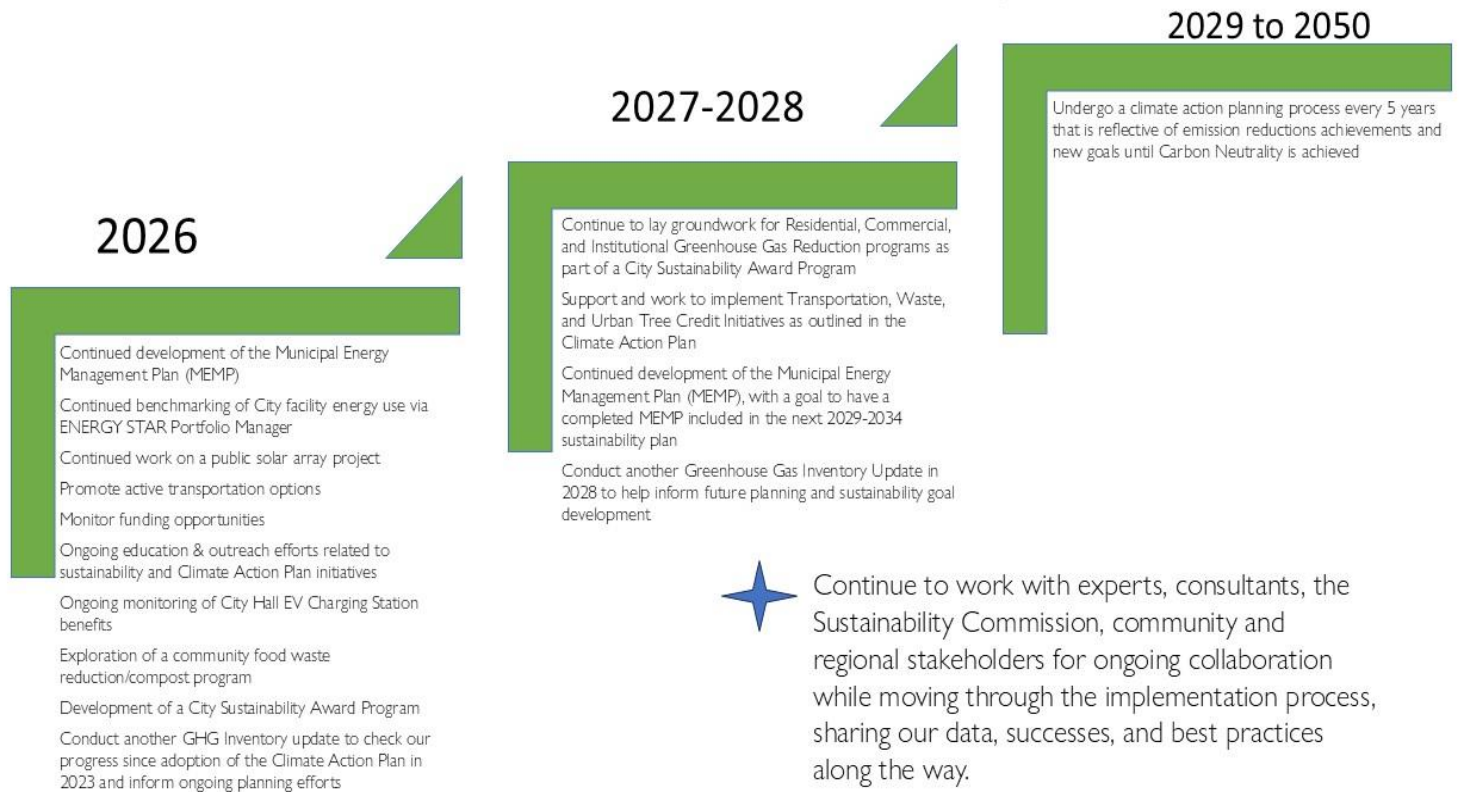
- The City is part of a group of local and regional stakeholders exploring the development of a food waste diversion program. Stay tuned for more information as it becomes available to share!

- **Education & Outreach:**

- The City’s Sustainability Commission is working to raise awareness around issues of light pollution, encourage sustainability efforts in the community, and is working to provide educational events around different aspects of sustainability. Stay tuned as more activities and information for Summer 2026 and the Fall’s October Sustainability Month become available.
- The City continues to share information about the CAP and other sustainability efforts at a variety of tabling events throughout the year.
- The City’s Sustainability List-serv continue to grow! Currently, there are 210 folks signed up to receive the Sustainable Kent e-newsletter, as well as additional information and updates about the City’s sustainability work via the list-serv. If you know of anyone who would like to sign-up, please direct them to <https://www.kentohio.gov/business-building-development/sustainability-overview/sustainable-kent-e-newsletter/> for further instructions on how to sign up.

These are just a few interesting highlights from current CAP work, and there is so much more on the horizon! Please view our timeline in larger detail online at [CAP Implementation Timeline | City of Kent](#).

## Where We're Headed: 2026 and beyond

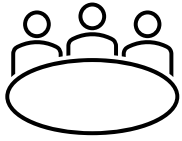


### VISIT OUR SUSTAINABILITY OVERVIEW WEBPAGE!

The City has a webpage to highlight its sustainability work and keep the community posted about related Climate Action Plan implementation progress, programs, news, events, and more!

Visit: <https://www.kentohio.gov/business-building-development/sustainability-overview/>

## AROUND THE CITY



**Go Dark: International Dark Skies Week | April 13-20, 2026**  
**By: MaryJayne Stone, Sustainability Commission Member**

Have you ever stepped outside into the dark of night hoping to observe the moon, planets and stars above but can only see a handful of the very brightest celestial bodies? Then we are faced with deciding if we should get into our cars and drive to a darker place to increase our chances of enjoying the beauty of the night sky. The problem here is finding a darker place is becoming harder to find due to increasing light pollution, and many of us are unable to see the billions of stars in our Milky Way above.

According to DarkSky International, [light pollution](#) is “the human-made alteration of outdoor light levels from those occurring naturally.” Some examples of light pollution include: **Sky Glow** which is the brightening of the night sky preventing us from seeing more than the moon, a planet or two and a few stars. **Light Trespass** is unwanted light spilling onto properties and into bedroom windows. **Glare** caused by excessive brightness that actually reduces visibility and causes visual discomfort.

[International Dark Sky Week](#) is held every year during the week of the new moon in April ensuring a darker night sky for ideal stargazing and this year it will be observed from April 13 to 20th. Below are some ideas to help celebrate International Dark Sky Week and bring awareness of the importance of protecting the dark for birds, pollinators, plants, animals and humans.

- **Plan a Night Sky themed party:** Invite friends over for a low-light indoor/outdoor party. Make moon & star decorations, celestial inspired foods, or costumes. Play games, tell stories, set up a telescope. Look up!
- **Request your local government to make a proclamation:** Raise awareness about light pollution and the importance of making responsible lighting choices.
- **Do a Lighting Audit:** Evaluate lighting around your home or business choosing to use low-color temperature bulbs of 3000 K or lower. Add shields, direct light downward and consider using timers and motion sensors.

- **Visit a Dark Sky Park in Ohio:**
  - Observatory Park  
10610 Clay St., Montville Township, OH 44064  
(440) 286-9516  
<https://geaugaparkdistrict.org/park/observatory-park/>
  - Fry Family Park  
2533 Farber St SE, Magnolia, OH 44643  
(330) 477-3552  
[https://starkparks.com/parks\\_and\\_trails/fry\\_family\\_park.php](https://starkparks.com/parks_and_trails/fry_family_park.php)
- **Create a piece of art:** Write a poem, make a painting, or compose music inspired by the dark of night.
- **Learn about the major constellations:** Check out a book, star gazing kit, or telescope from your local library or use a free app on your phone.
- **Keep a Nature at Night Journal:** Spend some time sitting outside after dark and list bird and insect sounds and night blooming flower scents, sketch the moon and constellations, look for fireflies, glow worms, bats and moths. Record the date, time, and weather.
- **Visit a local Planetarium & Observatory:**
  - Kent State University  
103 Smith Hall Kent State University, Kent, OH 44242  
(330) 672-2246  
<https://www.kent.edu/physics/kent-state-planetarium-and-observatory>
- **Go on a nighttime nature walk:** Grab a friend or two and use safety precautions while venturing out to observe nocturnal flora & fauna. Is that an owl, fox, or frog? Practice quiet observation and use a red filtered flashlight (free apps available) to preserve the dark.
- **Make a wish upon a star!** Our wish is to lessen the light pollution in and around Kent by making responsible lighting choices.



**It's Time for a Plastics Revolution  
By: Kent Environmental Council**

In the 1967 movie, “The Graduate”, there’s a memorable scene. A youthful Dustin Hoffman gets career advice from his older neighbor. “Benjamin, I have just one word to say to you - plastics. There’s a great future in plastics.” That scene was a prescient warning for the future. Plastics, simply a chain of synthetic polymers, were invented in the mid-19th century. It wasn’t until the 1970s, however, that the use of single-use plastics skyrocketed. Today, industries remain heavily dependent on plastic because of

## **Sustainable Kent News**

its durability, adaptability, and cost-effectiveness. Plastic's inability to decompose and the difficulty in recycling plastic have created an environmental and health crisis.

It is estimated that the equivalent of 2,000 garbage trucks of plastic are being dumped into the aquatic ecosystems every day. Plastic pollution is not only unsightly, but it also alters habitats that support life in and around bodies of water. Marine plastic has a direct and deadly effect on marine wildlife, including seabirds, sea turtles, and seals. Specifically, marine life can become entangled in nets and other plastic materials that are no longer used. Animals can eat plastic, mistaking it for food, leading to starvation as this debris becomes trapped in their intestinal tract.

Plastic contaminates the environment when it's sent to countries with few environmental regulations and inefficient waste management systems. High-income countries like the U.S. have historically imported plastic waste to countries like Malaysia, where overflowing plastic landfills wash plastic debris into waterways, and open burning of plastics generates toxic air pollution.

The most famous collection of plastics and other debris in the world's oceans is the Great Pacific Garbage Patch, between Hawaii and California. There are, however, five areas around the world where these gyres, areas where rotating ocean currents collect debris, exist. The term "garbage patch" is a misnomer because much of the plastic is broken down into microplastics, which are less than 5 millimeters long. These microplastics can spread from the ocean surface down to the ocean floor.

Closer to home, Sherri "Sam" Mason, a freshwater scientist and director of Project NePTWNE at Gannon University, found staggering increases of surface microplastic pollution in Lake Erie over ten years. Her team sampled 5 sites in 2014 and then again in 2024. The alarming findings were that, on average, there were 21 times as many microplastics per square kilometer in 2024 as in 2014.

Public health research shows that microplastics are found in many foods, beverages, drinking water sources, cosmetics, and personal care products. They are found in many human tissues, and their concentration appears to be increasing over time. Microplastics can cause damage to cells, DNA, and the immune response. Standing by is not an option when recent scientific studies show an association of microplastics in our bodies with an increased risk of heart attack, stroke, dementia, or early death.

With all the frightening news and statistics about plastics, it's clear that nothing short of a plastics revolution is needed to reduce these risks, not only to the environment but to human health. Much has been written about a plastics "circular economy" for a sustainable future. Environmental groups and the plastics industry don't always agree on how to create that circular economy. Solutions generally fall into four categories: Policy, Producer Responsibility, Waste/Recycling Systems, and Materials Innovation.

## **Policy**

In 2022, the United Nations Environment Assembly, with representatives from 175 countries, met to develop a Global Plastics Treaty. Global Plastics Treaty meetings have continued each year, but a strong treaty has remained elusive, with the main disagreement being caps on new plastic production. The European Commission recently proposed a Circular Economy Act that focuses on improved markets and financing for recycling and the uptake of recycled materials, but imposes no limits on plastic production.

## **Producer Responsibility**

Extended Producer Responsibility (EPR) laws hold producers accountable for the entire lifecycle of their products. These laws shift the financial and operational burden of managing packaging waste from consumers and municipalities to companies producing plastic products. Seven US states have enacted these laws, and nine others have laws pending.

## **Waste/Recycling Systems**

Improved technology that separates plastics more effectively can increase the value of recycled materials. Artificial intelligence is helping to develop systems that revolutionize traditional labor-intensive waste processing. AI-driven systems equipped with machine learning, computer vision, and sensor technology can sort waste much faster and more accurately.

## **Materials Innovation**

Research and development of compostable plastics is underway; however, viable products that decompose in natural environments are harder to realize. Locally, the University of Akron School of Polymer Science and Polymer Engineering specializes in polymer sustainability research, specifically degradable polymers, polymer recycling, and biobased polymers.

*Dr. James Eagan, a polymer scientist at the University of Akron, is speaking on this topic at the Kent Environmental Council meeting on April 16th at the Kent Free Library at 6:30 pm. Dr. Eagan serves on the advisory board of the Akron Polymer Industry Cluster and is a member of the National Academy of Inventors.*

*A future KEC program will focus on: Using Less Plastic, Supporting Plastic Pollution Clean-Up Efforts, and Advocacy for a Plastics Revolution.*

*An excellent resource is the recent book, “The Problem with Plastics: How We Can Save Ourselves and Our Planet Before It’s Too Late” by Judith Enck, published in December, 2025 Judith Enck is the president of Beyond Plastics (beyondplastics.org)*

Plastics Industry Association, “Plastic Product Market Forecast Shows Significant Expansion.” May 25, 2025

Lindwall, C., “Single-Use Plastics 101.” National Resources Defence Council, 24 June, 2025.

Ritchie, H, Samborska, V & Roser, M., “Plastic Pollution”, Our World in Data, February, 2026.

United Nations Environment Programme, “Plastic Pollution: Gameplan: It’s Time to Beat Plastic Pollution.” February, 2026.

Center for Biological Diversity. (nd) “Ocean Plastics Pollution: A Global Tragedy for Our Oceans and Sea Life.”

National Oceanic and Atmospheric Administration. Marine Debris Program, “Garbage Patches.” August, 2025.

Krouse, P., “ Plastic pollution in Lake Erie soared over the past decade, research shows.” November 29, 2025.

Laurent, Z., “From Garbage to Gold: How AI Is Turning Trash Into Valuable Resources.” Earth Times, January 8, 2026,

Feldscher, K., Harvard School of Public Health, “Microplastics are everywhere and can harm human health.” October 15, 2026.

Packaging Europe, “Circularity for plastics: the European Commission’s New Year’s Resolution.” January 6, 2026.

Clearyst, “US Extended Producer Responsibility (EPR) Packaging Laws.” December 1, 2025.

Moon, S. and colleagues, “Aligning development and deployment of compostable plastics for meaningful impact.” One Earth, Vol. 9, Issue 2, February 20, 2026.

So, M., “Yale research questions the promise of biodegradable plastics.” Yale News, February 19, 2026.

Polymer Sustainability Research at the University of Akron School of Polymer Science and Polymer Engineering, (nd) “Re-Imagining Polymers for the Future.”



**City of Kent 2026 Spring Cleanup and additional options for hard-to-recycle material**

It's almost time for the City of Kent's Spring Cleanup that will run during the month of May! Please see the excerpt from the [City's Spring 2026 Tree City Bulletin](#) below for the full program details.

We encourage you to donate, find a reuse, or recycle unwanted items before placing them on the curb. Please check out the following list of resources for consideration:

- **Portage County Recycling: Center for Hard to Recycle Materials (CHaRM)**  
CHaRM facilities provide outlets for materials that cannot go in curbside trash or recycling carts. Some of the acceptable items include appliances, scrap tires, cooking oil, plastic bags, electronics, paper shredding, automotive liquids, batteries and scrap metal, as well as some household hazardous waste items. For a full list of accepted items, visit: <https://portagerecycles.com/charm-facility>.
- **Habitat for Humanity Portage County Restore**  
The ReStore accepts donations of new and nearly new building supplies, furniture, and appliances --and sells these at huge discount prices. It helps keep usable materials from going into landfills, too. Habitat uses the proceeds to build and rehab houses in Portage County for those in need of decent and affordable housing. For a full list of donation guidelines visit: <https://www.habitatofportage.org/donation-guidelines>
- **Phyllis Zumkehr County Clothing Center**  
The County Clothing Center accepts clothing, shoes, blankets, sheets, and small household necessities. Everything must be clean (ready to use) and in good shape. Before donating, you need to call to be sure it is something they will accept and also to schedule a donation appointment. **Items cannot be just dropped off outside! Appointments are needed to donate.** Call 330-296-0503 to schedule, and visit the following website for more information: <https://axessfamilyservices.org/services/community-resources/county-clothing-center/>



# The TREE CITY Bulletin

## 2026 Spring Cleanup

**TO GUARANTEE PICK UP, ITEMS MUST BE PLACED ON THE CURB BY 7:00 AM ON MONDAY OF THE WEEK IN WHICH YOUR SECTION IS SCHEDULED**

Items will be picked up in the **NORTHWEST** section **beginning Monday, May 4th and ending on Friday, May 8th**  
Items will be picked up in the **NORTHEAST** section **beginning Monday, May 11th and ending on Friday, May 15th**  
Items will be picked up in the **SOUTHEAST** section **beginning Monday, May 18th and ending on Friday, May 22nd**  
Items will be picked up in the **SOUTHWEST** section **beginning Tuesday, May 26th and ending on Friday, May 29th**

See street listing on page 11 to reference your street's location by section.

**Please read this article carefully for items that are acceptable and will be picked up.** Non-acceptable items will be tagged, rejected, and left on the curb. If you have questions about a particular item please contact the Service Department at 330-678-8105 prior to Monday of your scheduled pickup week for clarification.

**PROHIBITED ITEMS:** Regular Household Trash, Tires, Yard Waste, Concrete, Household Hazardous Waste (Paint, Batteries, Motor Oil, Pesticides, Aerosol Cans, Gasoline, Explosives, and Solvents), Light Bulbs, Pianos (due to weight), Propane/Oxygen Pressurized Tanks, Railroad Ties and Loose/Broken Glass will not be taken.

**RESIDENTS MUST CALL THE SERVICE DEPARTMENT AT 330-678-8105 IN ADVANCE OF THEIR SCHEDULED WEEK FOR THE REMOVAL OF ITEMS CONTAINING FREON.**

**ALL APPLIANCES SHOULD BE IN A SEPARATE PILE. DOORS SHOULD BE REMOVED FROM FREEZERS AND REFRIGERATORS. SCRAP METAL SHOULD BE PLACED WITH APPLIANCES. PLEASE PLACE APPLIANCES ON THE CURB BEFORE 7:00 AM MONDAY OF YOUR DESIGNATED WEEK TO GUARANTEE PICKUP.**

**LOOSE ITEMS MUST BE PLACED IN BAGS OR CONTAINERS. CONTAINERS AND CONTENTS WILL BE PICKED UP. LOOSE ITEMS WILL NOT BE PICKED UP.**

TRASH CANS THAT ARE PLACED AT THE CURB CONTAINING ITEMS INTENDED FOR COLLECTION DURING THE SPRING CLEANUP WILL NOT BE EMPTIED AND RETURNED TO THE CURB. ALL CONTAINERS AND/OR CANS WILL BE COLLECTED AND DISPOSED OF WITH THE UNWANTED ITEMS.

TRASH CANS THAT CONTAIN REGULAR HOUSEHOLD GARBAGE PLACED AT THE CURB AS PART OF THE WEEKLY TRASH COLLECTION PROGRAM WILL BE RETURNED TO THE CURB.

Items must be small enough for two men to handle; furniture, electronics, toys, bikes carpet, etc. **All upholstered furniture, mattresses and carpeting placed at the curb must be wrapped in plastic.** Building materials will be collected in small amounts and only if contained for easy handling. Construction materials placed at the curb for pick up must be cut into lengths of four feet or less and bundled to ensure pickup. Construction/demolition debris (drywall, lumber, fencing, etc.) must also be bundled, weigh less than fifty pounds or placed in sturdy containers (no cardboard boxes) that weigh less than fifty pounds for pickup. Both the container and debris will be taken. Construction materials placed at the curb that have not been bundled or put into sturdy containers will be tagged, rejected and left at the curb.

### **AUTOMOBILE TIRES WILL NOT BE PICKED UP AT THE CURB.**

The City of Kent will be collecting automobile tires (rims removed) from City of Kent residents ONLY on Thursday, May 28th from 7:00am until 7:00pm. Four tires per household will be accepted. Tires can be dropped off at 930 Overholt Road, behind the City's Service Administration Complex on Thursday May 29th only (please note time and location for tire drop). Residents will be required to show proof of residency, a valid driver's license or state ID with your City of Kent address prior to dropping off tires. Residents must live in and show proof of residency within the City of Kent Corporation Limits (this will be strictly enforced).

City personnel will be checking ID's and assisting with tire drop off and loading. This program is being run entirely by the City of Kent.

**Please try to donate, find a reuse, or recycle unwanted items before placing them at the curb for collection.**

Once a rejection tag has been placed on items left at the curb, those items will not be picked up later.

If you have any questions regarding Spring Cleanup, please call the Service Department at 330-678-8105.



**ReStore**  
Habitat for Humanity of Portage County



Dispose of your electronics, Latex paint, American flags ... and more!  
Shred all your confidential and legal documents

**RECYCLE EXTRAVAGANZA**

Wednesday, May 13 | 4-7PM  
Kent ReStore  
1510 S Water Street

Let's GO GREEN together!

- 1  **DISCOUNT SHRED**  
MOBILE SHREDDING SERVICE
- 2  **ECOTONE PAINT** Accepting Latex paint ONLY  
(for a processing fee of \$2 per gal/5gal, \$1 per pint)
- 3  **Habitat for Humanity ReStore**  
Accepting furniture, appliances, home goods, building materials, tools, aluminum cans
- 4  **Lions RECYCLE For Sight**  
Collecting used eyeglasses & soft plastics
- 5  **AFS** Accepting clothing, shoes, blankets, towels, sheets  
Axess Family Services
- 6  **PORTAGE COUNTY DOG WARDEN**  
Accepting pet supplies
- 7  **PORTAGE COUNTY SOCIALLY SENSITIVE**  
Collecting textiles & yarn
- 8  **GreenBoard IT**  
Secure & Sustainable ITAD  
 **PORTAGE COUNTY RECYCLING**  
Electronics (fee may apply)
- 9  **Bob Sumerel Tire Co.**  
Accepting tires. Max 10 tires/person. No rims.

## Stop inside during the event for:

- ◆ Community Expo
- ◆ Basket Raffles
- ◆ 50/50 Drawing
- ◆ Tree Giveaway Sponsored by **DAVEY** 

Shop the ReStore during the event and SAVE

# 20% OFF

Valid 5/13/26 from 4pm-7pm. Or save 10% now through 5/31/26  
Offer valid for total purchase. Cannot be combined with other coupons;  
one coupon per transaction. Max purchase of \$100.

# DROP OFF MAP

- 1** Paper Shredding
- 2** Paint
- 3** Home Goods & Cans
- 4** Eye Glasses & Soft Plastics
- 5** Clothing, Shoes, Blankets, Towels
- 6** Pet Supplies
- 7** Yarn, USA Flags
- 8** Electronics
- 9** Tires





**Akron Regional Air Quality Management District Lawn Mower Exchange**

The Akron Regional Air Quality Management District is offering a rebate-style program for residents in Medina, Summit, or Portage County making the switch from gas to battery or electric-powered lawn care equipment. For more information or to register, please visit their [website page](#) or call 330-926-5600. Register by May 31, 2026.



**Towner's Woods is turning 50!  
By: Portage Park District**

Towner's Woods Park, situated on Ravenna Road in Kent, has made its mark on the lives of local residents for 50 years now! Help us celebrate by [sharing your favorite memories and photos](#) of the park as we look forward to the next 50 years!

Check out Portage Park District's [Things To Do](#) page for guided hikes and activities.

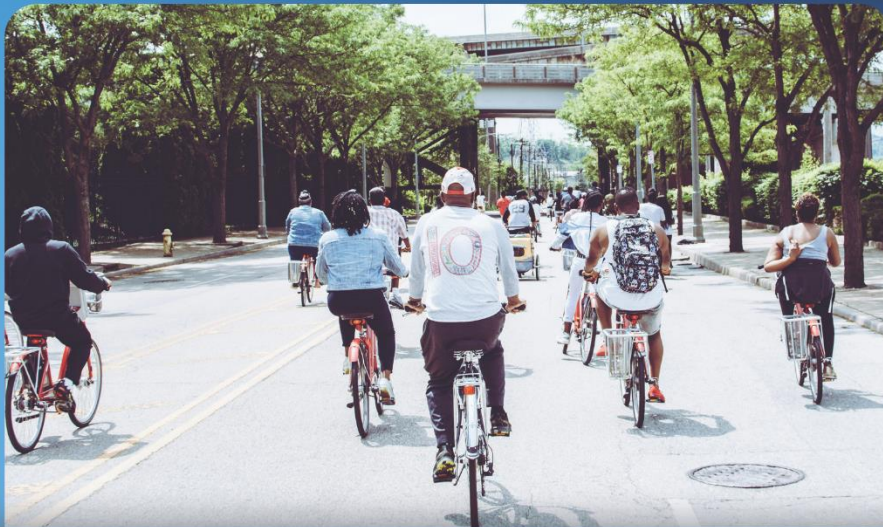


**National Ride A Bike Day Events in Kent**

The City of Kent and Kent State University are celebrating [National Ride A Bike Day](#) which is Sunday, May 3, 2026. There will be two free community rides in Kent available that day to help you celebrate, and please see the following ride flyers for more information.

# *National* **Ride A Bike Day Event:** **May 4 Riding Tour** *Let's celebrate National Ride A Bike Day!*

**SUNDAY, MAY 3 • 1 - 3 PM**  
**TAYLOR HALL 147**



**Free Event**  
**Registration Required**  
**Spots are Limited**

***Explore Kent's campus and downtown on eBikes while discovering the history of May 4.***

Meet at the May 4 Visitors Center in Taylor Hall for a guided tour, then hop on a bike to explore multiple May 4 locations with a guide.

The bike tour will stop at Capybara Coffee for discounted snack options, then will conclude back at Taylor Hall at 3:00 pm.

**EBikes are provided by SPIN, but participants can bring their own bikes if able.**

This event is a partnership between the KSU RecWell Adventure Center, Office of Sustainability, May 4 Visitor Center, the City of Kent, and SPIN.



# National Ride A Bike Day Celebration Event:

## City of Kent Downtown Public Art & Trails Riding Tour

**Sunday, May 3** ✦ **3:30pm-5:30pm**  
**Meet at Kent Cycle: 115 Lake Street, Kent, OH 44240**

- Join us for a community bike ride that will tour downtown public art installations, connections to and a ride along, the Portage Hike and Bike Trail.
- The ride will start at Kent Cycle bike shop and end at North Water Brewing for a discounted drink option. Explore additional downtown businesses and restaurants on your own after the ride!

This event is free! Spots are limited and registration is required. E-bikes will be provided by SPIN, but participants can bring their own bikes if able.

**Contact Kent Cycle to Register at:**



**kentcycle@gmail.com**



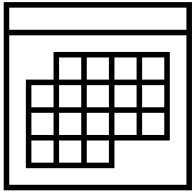
**330-677-0600**



**SPIN**



*North Water*  
BREWING CO.



## CALENDAR & ITEMS OF INTEREST

Supporting our local businesses and organizations is a key component of Sustainability! Check out the City's Culture & Community section of the website ([www.kentohio.gov/culture-community/](http://www.kentohio.gov/culture-community/)) for more details about the following:

**\*Special message from Justine Gallow (member of the City's Sustainability Commission, owner of Sun In Leo shop in downtown Kent, and who helped curate some of the following list) for Earth Month and beyond: "We encourage you to plan your next day outside at one of these FREE Kent and Portage County events!"**

- **Haymaker Farmers' Market**
  - Open year-round, every Saturday morning in Kent: Held **outdoors** in downtown Kent on Franklin Ave. from April through November, 9am to 1pm, and **indoors** at the United Methodist Church (1435 E. Main St., Kent in the UMC Pierson Hall) from December through March, 10am to 1pm. Visit [www.haymakermarket.com](http://www.haymakermarket.com) for full details.
- **Main Street Kent**
  - A non-profit organization that focuses on the promotion, beautification, and revitalization of downtown Kent. The City of Kent, Kent State University, local businesses, and community members support Main Street Kent. Check out their full calendar of events here: [www.mainstreetkent.org/events/full-calendar/](http://www.mainstreetkent.org/events/full-calendar/).
- **Kent In Good Company Podcast**
  - Hosted by Kent resident and small business owner, Katy Thomas, head to the Main Street Kent website at the following link to listen and learn more about Kent's local businesses: <https://mainstreetkent.org/discover/in-good-company/>.
- **The Kent Area Chamber of Commerce**
  - Visit [www.kentbiz.com/events/eventcalendar](http://www.kentbiz.com/events/eventcalendar) for a full listing of Chamber and Community events.
- **Kent Historical Society & Museum**
  - Learn more about our community at Kent's primary history resource and reference center! Visit [www.kentohiohistory.org](http://www.kentohiohistory.org) for organization details and events.
- **Kent Parks and Recreation**
  - Offers a variety of locations, programs, and events for individuals and families to enjoy. They provide quality recreation and entertainment for the community through parks, sports, fitness, education and cultural arts. Visit their full program and event offerings at: [www.kentohio.gov/culture-community/kent-parks-and-recreation/](http://www.kentohio.gov/culture-community/kent-parks-and-recreation/)
- **Yard Waste Transfer Site Open!**
  - The yard waste transfer site hours are Tuesdays 9am-1pm, Wednesdays 5-8pm and Saturdays 9am-noon. The site is a place for residents of Kent to drop off brush, clippings and other yard waste. It is also the place to get the grindings from the waste, to use like mulch, for free! Stop by near Cherry Street and Mogadore Rd, near the entrance to Plum Creek. Full details at: <https://www.kentohio.gov/living-here/garbage-and-recycling/yard-waste/>

- **Portage Parks Free Outdoor Events**
  - For a full list of events and information visit: <https://www.portagecounty-oh.gov/portage-park-district>
  
- **Who's Your Mama Earth Day Festival – 4/18/26**
  - Join Standing Rock Cultural Arts in celebrating the 20<sup>th</sup> annual Who's Your Mama Festival Block Party! It will be held Saturday, April 18<sup>th</sup> from Noon to 4pm at the corner of Water and Main Streets in Hometown Bank Plaza in downtown Kent. Full details available at: <https://www.standingrock.net/events/20th-annual-whos-your-mama-earth-day-block-party>
  
- **Kent State University Earth Fest – 4/22/2025**
  - Join on and off campus organizations and departments for a fun-filled Earth Day event with music, student activities, information, giveaways, and more from 11am-2pm on Risman Plaza! (Rain location 2nd Floor Student Center). Full details for Earth Fest and a schedule of additional Earth Month activities at: <https://www.kent.edu/sustainability/earth-month>
  
- **Branded in Kent's Earth Day Market – 4/25/26**
  - Celebrate Earth Day with a curated vendor market featuring a heavy lineup of vintage clothing sellers plus jewelry, art, accessories, and more! The market will be held on Erie Street in downtown Kent from 11am to 5pm on Saturday, April 25<sup>th</sup>. For more information visit: <https://brandedinbutler.com/>
  
- **American Roots Festival – 5/1/26**
  - Enjoy the annual American Roots Musical Festival, with classic Americana, Bluegrass & Country music, all for free from 5:30pm to 11:30pm on Friday, May 1, 2026. For full details visit: <https://www.kentamericanroots.com/>
  
- **Rotten Peach Studios Community Trash Pickup – 5/3/26**
  - Join us for an Earth Day community trash pickup, Sunday, May 3<sup>rd</sup> starting at 1pm at 1480 S. Water Street. For full details visit: <https://www.instagram.com/p/DWj2oMoEXAb/>
  
- **Sun in Leo's Clothing Swap – Held 2<sup>nd</sup> weekend of every month, next swap May 8-10<sup>th</sup>**
  - Join us for a clothing swap held the second weekend of every month, Friday-Sunday from 12pm-7pm at the Sun in Leo store located in Acorn Alley, downtown Kent. For more information visit: <https://suninleo.shop/>
  
- **The Kent Flea – Held the 2<sup>nd</sup> Saturday May through December 2026, first market of the season 5/9/26**
  - Come visit the Kent Flea & Makers Market located at the historic Marvin Kent Home at 409 W. Main Street in Kent. The first market of the season will be held Saturday, May 9<sup>th</sup> from 10am – 4pm. Full market details available at: <https://www.facebook.com/kentflea/>

- **Hometown Bank Concert Series – Held select Thursdays May through September 2026, first concert of the season 5/14/26**
  - All concerts are from 7pm-9pm at the Hometown Bank Plaza in downtown Kent, unless noted otherwise. For details and a full list of concerts visit: <https://ht.bank/concerts/>
  
- **Cuyahoga River Days – May 14-16<sup>th</sup>, 2026**
  - Full details about the following events can be found at: <https://www.kentohio.gov/culture-community/kent-parks-and-recreation/special-events/cuyahoga-river-days/>
    - **Edith Chase Symposium Lecture:** “How We Got to Now” - This year’s speaker is Dr. Jon Wlasiuk, Lyman Briggs College & Michigan State University. He will present How We Got to Now: Lessons in Local Environmental History on Thursday evening, May 14<sup>th</sup>, 2026, 7pm, at the Kent State School of Architecture and Environmental Design, Cene Lecture Hall, Kent State University
    - **Edith Chase Symposium Poetry Readings:** Our Natural Cities, Nature in the Urban Setting - Poets from around the State will read original poems at the College of Architecture & Environmental Design on Friday, May 15<sup>th</sup> at 4pm – 132 S. Lincoln St, Kent Ohio. A new anthology of these poems is available.
    - **River Day Festival @ Haymaker Farmers’ Market-Explore River** themed activities, children’s art, environmental displays, & visit with aquatic animals. Learn about our Cuyahoga River watershed, local pollinators & stewardship opportunities. Discover ways to explore Kent’s trails & Ohio’s Nature Preserves. Saturday, May 16<sup>th</sup> from 9am-1pm, corner of Frankin Ave and College Street in Kent
    - **River Day Electrofishing Demonstration** - Who says water and electricity don’t mix? Observe an electrofishing (e-fishing) demo at Tannery Park. You will see how fish are captured with e-fishing equipment and documented by experienced aquatic life biologists. There will be opportunities for you to get up close and personal with our local fish species, so be sure to bring the kids! Watch for posted updates. Plum Creek Park is the backup location in the event of high-water conditions. Sponsored by Davey Resource Group. Saturday, May 16<sup>th</sup> from 10am-4pm, John Brown Tannery Park, 300 Stow Street in Kent
  
- **Main Street Kent Art & Wine Festival – 6/6/26**
  - Join Main Street Kent for a full day of art, wine, and music in the heart of downtown Kent. The event will be located at N. Water Street & Hometown Bank Plaza on Saturday, June 6<sup>th</sup> from 11am-8pm. Full details at: <https://mainstreetkent.org/2026-art-wine-festival/>
  
- **Dan Smith Community Park Concert Series, presented by College Town Kent – Held select Saturdays June through September 2026, first concert of the season 6/20/26**
  - All concerts are held in Dan Smith Community Park from 6pm-8pm and feature live music from area bands. For details and a full list of concerts visit: <https://www.collegetownkent.com/play>
  
- **Kent Heritage Festival – 7/3/26**
  - Kick off America 250 with the Kent Area Chamber of Commerce Heritage Festival! This free festival will be a day full of fun with vendors, food trucks, live music, fun for the kids, fireworks and more! Located throughout downtown Kent on Friday, July 3<sup>rd</sup> starting at 11am. For event details, visit: <https://www.facebook.com/events/2095974611027540>

- **Kent Blues Fest – 7/18/26**

- This event features free live blues music at over 20 venues in downtown Kent. For an event schedule and full details, visit: <https://www.kentbluesfest.com/>