

Resolution

Number 19-0179

Adopted Date February 5, 2019

APPROVE AND ADOPT WARREN COUNTY RULES AND REGULATIONS FOR THE DESIGN OF STORM SEWER AND STORMWATER MANAGEMENT SYSTEMS

WHEREAS, this Board met December 4, 2018, December 11, 2018, January 15, 2019, January 22, 2019, and again this 5th day of February 2019, for two public hearings to consider the adoption of Stormwater Regulations in Warren County in accordance with Ohio Revised Code Section 307.37; and

WHEREAS, during said public hearings, this Board considered the recommendation from the Warren County Engineer and all those present to speak in favor of or in opposition to the adoption of said regulations; and

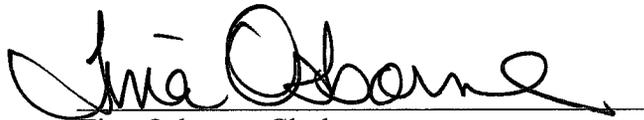
NOW THEREFORE BE IT RESOLVED, approve and adopt Stormwater Regulations in Warren County in accordance with Ohio Revised Code Section 307.37; said regulations as attached hereto and made a part hereof.

Mr. Grossmann moved for adoption of the foregoing resolution, being seconded by Mrs. Jones. Upon call of the roll, the following vote resulted:

Mr. Young - absent
Mrs. Jones - yea
Mr. Grossmann - yea

Resolution adopted this 5th day of February 2019.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

cc: Soil and Water (file)
Engineer (certified) (file)
Stormwater Regulation Public Hearing file
Cincinnati HBA
Dayton HBA
Public Hearing file

Warren County Rules and Regulations for the Design of Storm Sewer and Stormwater Management Systems

WARREN COUNTY BOARD OF COMMISSIONERS

Thomas Grossmann
Shannon Jones
David G. Young

WARREN COUNTY ENGINEER

Neil F. Tunison, P.E., P.S.

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SECTION 100 TITLE

These regulations and amendments thereto, shall be cited as the Warren County Rules and Regulations for the Design of Storm Sewer and Stormwater Management Systems and may hereinafter be referred to as “these regulations”.

SECTION 101 STATUTORY AUTHORIZATION

These regulations are promulgated in accordance with section 307.37, et seq. of the Ohio Revised Code, whereby a board of county commissioners may adopt, amend and rescind rules and regulations for the design of storm water management systems.

Per section 307.79 of the Ohio Revised Code, these regulations shall require persons to file applications relating to plans governing, inter alia, storm sewer and stormwater management systems before clearing, grading, excavating, filling, or otherwise wholly or partially disturbing one or more contiguous acres of land owned by one person or operated as one development unit for the construction of nonfarm buildings, structures, utilities, recreational areas, or other similar nonfarm uses.

Per section 307.79 of the Ohio Revised Code, these regulations shall not apply inside the limits of municipal corporations or the limits of townships with a limited home rule government that have adopted their own regulations governing soil erosion or water degradation from nonfarm development, or lands being used in a strip mine as defined in section 1513.01, or surface mine operation defined in section 1514.01, of the Ohio Revised Code.

SECTION 102 PURPOSE & SCOPE

The Warren County Board of County Commissioners adopts these regulations as a comprehensive rewrite of, amends and restates the regulations adopted July 22, 2003.

The purpose of these regulations is to establish technically feasible and economically reasonable stormwater management standards to achieve a level of stormwater quality and quantity control that will minimize damage to property and degradation of water resources and will promote and maintain the health, safety, and welfare of the citizens of Warren County, Ohio.

- A. These regulations prohibits illicit connections to the stormwater system and requires owners who develop or redevelop their property within Warren

County to:

1. Control stormwater runoff from their property and ensure that all stormwater management practices, facilities and improvements are properly designed, constructed, and maintained.
 2. Reduce water quality impacts that may be caused by new development or redevelopment activities.
 3. Control the volume, rate, and quality of stormwater runoff originating from their property so that surface water and ground water 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 ground water recharge, and maintain subsurface flow that replenishes water resources, except in inappropriate soils.
 6. Incorporate stormwater quality and quantity controls into site planning and design at the earliest possible stage in the development process.
 7. Maximize use of stormwater management practices that serve multiple beneficial purposes including, but not limited to, flood control, erosion control, fire protection, water quality protection, recreation, and habitat preservation.
 8. Maintain, promote, establish and reestablish conditions necessary for naturally occurring stream processes that assimilate pollutants, attenuate flood flows, and provide a healthy water resource.
- B. These regulations shall apply to all parcels used or being developed or redeveloped, either wholly or partially, for new projects involving highways and roads; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; and redevelopment activities and grading.
- C. These regulations does not require a Stormwater Pollution Prevention Plan for linear construction projects, such as pipeline or utility line installation, that do not result in the installation of impervious surface. 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 the latest edition of the Ohio Department of Natural Resources Rainwater and Land Development Manual or other erosion control guideline approved by the Warren County Engineer.

SECTION 103

DISCLAIMER OF LIABILITY

Compliance with the provisions of these regulations shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The

provisions of these regulations 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.

By approving a Stormwater Pollution Prevention Plan under these regulations, Warren County does not accept responsibility for the design, installation, and operation and maintenance of stormwater management practices, facilities and improvements.

SECTION 104 CONFLICTS, SEVERABILITY, NUISANCES, AND RESPONSIBILITY

Where these regulations are in conflict with other provisions of law, the most restrictive provisions shall prevail. If any clause, section, or provision of these regulations is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby. These regulations shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of these regulations shall not be a defense in any action to abate such a nuisance.

Failure of Warren County 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 Warren County, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

SECTION 105 DEFINITIONS

For the purposes of these regulations, the following terms shall have the meaning herein indicated; otherwise, words or terms not defined, or interpreted by these regulations or statutory or administrative law, shall have their customary meaning as interpreted by Ohio common law, or in the event no common law exists then as found in the most recent editions of published dictionaries.

- A. **As-built plans** – A complete set of reproducible drawings, including an electronic AutoCAD file of the drawing, drawn to scale, with field-verified locations of improvements shown on the construction drawings, including but not limited to water mains; sanitary and storm sewer alignments, grades, and sizes; sanitary manholes, storm manhole, and catch basin locations with elevations for rim and all flow lines; sanitary sewer building tap locations; waterline locations; detention/retention basin volume checks; water house service tap locations; fire hydrant locations; valve locations; and all changes from approved construction drawings.
- B. **Board of County Commissioners** – Consists of the three duly elected or

appointed County Commissioners of Warren County, Ohio, a political subdivision of the State of Ohio operating under a statutory scheme of County government, that is vested with the authority to promulgate and enforce administrative rules of stormwater management per section 307.79, etc. of the Ohio Revised Code, referred to hereinafter as the Warren County.

- C. **County Engineer** – means the elected or appoint County Engineer of Warren County, Ohio, referred to hereinafter as the County Engineer.
- D. **Development area** – Any tract, lot or parcel of land or combination of tracts, which are in one ownership, or are contiguous and in diverse ownership where earth-disturbing activity is to be performed.
- E. **Development drainage area** – A combination of each hydraulically unique watershed with individual outlet points on the development area.
- F. **Drainage** – The removal of surface water or groundwater from land by surface or subsurface drains.
- G. **Erosion** – The process by which the land surface is worn away by the action of water, wind ice or gravity.
- H. **Final stabilization** – All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 80% coverage for the area has been established or equivalent stabilization practices, such as the use of mulches or geotextiles, have been employed.
- I. **Grading** – Earth disturbing activity such as excavation, stripping cutting, filling stockpiling, or any combination thereof.
- J. **Illicit discharge** means any discharge to the Stormwater System not composed entirely of stormwater except the following: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration [as defined at 40 CFR 35.2005(b)(20)], uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual car washing, charity car wash events, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, home sewer treatment systems that discharge in accordance with Warren County Combined Health District Codes and permits, and discharges or flows from fire fighting activities.
- K. **Impervious surface** – Any material that prevents, impedes or slows the infiltration or absorption of stormwater into the ground, including building roofs and concrete or asphalt pavement.
- L. **Infiltration** – A stormwater management practice that reduces discharge during the precipitation event, requiring collected runoff to either infiltrate into the groundwater and/or be consumed by evapotranspiration, thereby retaining stormwater pollutants in the facility.
- M. **Large common plat of development** – A contiguous area where multiple separate and distinct construction activities may be taking place at different

times on different schedules under one plan.

- N. **NPDES** – National Pollutant Discharge Elimination System. 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.
- O. **Postdevelopment** – The conditions that exist following the completion of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of stormwater runoff.
- P. **Predevelopment** – The conditions that exist prior to the initiation of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of stormwater runoff.
- Q. **Professional Engineer** – A professional engineer registered in the State of Ohio.
- R. **Redevelopment** – A construction project on land where impervious surface has previously been developed and where the new land use will not increase the runoff coefficient. If the new land use will increase the runoff coefficient, then the project is considered to be a new development project rather than a redevelopment project.
- S. **Runoff** – The portion of precipitation in excess of the infiltration capacity of underlying soils to absorb and contain which drains away from and runs off the surface of land.
- T. **Sediment** – Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity, or ice, and has come to rest on the earth's surface.
- U. **Site owner or property owner** – Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof that is responsible for the overall construction site.
- V. **Soil disturbing activity** – Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, increased stormwater quantity and/or decreased stormwater quality.
- W. **Stormwater management facility** – A structural or non structural device, basin, infiltration cell, or other system approved by Warren County to collect, convey, and/or manage surface runoff.
- X. **Stormwater Pollution Prevention Plan** – The written document and plans meeting the requirements of these regulations that describes and specifies practices, facilities and improvements to minimize stormwater runoff from a development area, to safely convey or temporarily store and release postdevelopment runoff at a rate that minimizes flooding and stream bank erosion, and protects or improves stormwater quality and stream channels.
- Y. **Stormwater system** – The system or network of storm and surface water management facilities.

Z. **Watershed** – The drainage area in which a subdivision is located.

AA. **Wetland** – Surface areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas (1987 Corp of Engineers Wetland Delineation Manual).

SECTION 106 PROHIBITIONS

- A. No person or entity shall discharge or cause to be discharged any illicit discharge to the stormwater system.
- B. No person or entity shall engage in nonagricultural, earth disturbing activities performed on lands located within Warren County's incorporated areas, and which are lands not subject to the jurisdiction of a state or federal governmental agency which regulates the matters governed by these regulations, when a Stormwater Pollution Prevention Plan is required to be developed and implemented under these regulations; unless a Stormwater Pollution Prevention Plan has been submitted to and approved by the County Engineer for the nonagricultural, earth disturbing activities.
- C. No person or entity shall engage in nonagricultural, earth disturbing activities or install stormwater management facilities or improvements which are inconsistent with the applicable approved Stormwater Pollution Prevention Plan.
- D. No person or entity shall engage in stormwater management practices which are inconsistent with the applicable approved Stormwater Pollution Prevention Plan.

SECTION 107 ADMINISTRATION

Unless otherwise provided herein, Warren County designates the County Engineer as its designee for the administration and enforcement of these regulations.

SECTION 108 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS

Approvals issued in accordance with these regulations do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from other federal, state, and/or county agencies and other public entities having regulatory jurisdiction. Applicants may be required to show

compliance with all applicable regulatory requirements

SECTION 109 STORMWATER POLLUTION PREVENTION PLANS

A. APPLICATION PROCEDURES

1. Pre-Application Meeting. Applicants for permissions granted under these regulations are encouraged to meet with the County Engineer to discuss the proposed project, review the requirements of this and other pertinent regulations, identify unique aspects of the project that must be addressed during the review process, and establish a preliminary review and approval schedule in advance of tendering an application to the County Engineer.
2. Stormwater Pollution Prevention Plan. The applicant shall submit two (2) sets of Stormwater Pollution Prevention Plans and supporting documents to the County in conjunction with the submittal of the final plat, improvement plans, or application for a building, off street parking, or demolition permit for the site.
3. The Stormwater Pollution Prevention Plan shall meet the requirements of these regulations and must be approved by the County Engineer before the applicant performs soil disturbing activities.
4. Review and Comment. The County Engineer shall review the Stormwater Pollution Prevention Plan submitted, and shall either approve the plan or return the plan with comments and recommendations for revisions.
5. Approval Necessary. No person shall begin land clearing and/or soil disturbing activities unless the County Engineer has approved the related Stormwater Pollution Prevention Plan.
6. Valid for One Year. Approvals issued in accordance with these regulations shall be void one (1) year from the date of approval unless soil disturbing activities have commenced.

B. PLAN DEVELOPMENT

1. These regulations requires that a Stormwater Pollution Prevention Plan be developed and implemented according to the requirements set forth in the most recent version of the Ohio Environmental Protection Agency's General Permit Authorization for Stormwater Discharges Associated with Construction Activity Under the National Pollutant Discharge Elimination System for soil disturbing activities disturbing one or more acres of total land or less than one (1) acre if the disturbing activities are part of a larger common plan of development or redevelopment disturbing one or more acres of total land.
2. Warren County through the office of the County Engineer shall administer these regulations, shall be responsible for determination of compliance with these regulations, and shall issue notices and orders as

may be necessary.

C. PLAN CONTENT

1. The applicant shall develop a Stormwater Pollution Prevention Plan describing how the quantity and quality of stormwater will be managed during and after construction is complete.
2. The Stormwater Pollution Prevention Plan shall be prepared by a Professional Engineer and shall include supporting calculations, plan sheets and design details. The Plan will illustrate the type, location, and dimensions of every stormwater management practice incorporated into the site design. The chosen stormwater management practices, facilities and improvements must address runoff within the site as well as flooding that may be caused by the development upstream and downstream of the site. The chosen stormwater management practices, facilities and improvements must also minimize impacts to the physical, chemical, and biological characteristics of onsite and downstream water resources and avoid predictable degradation of water resources.
3. The Stormwater Pollution Prevention Plan shall meet the requirements of the latest edition of Ohio EPA's General Permit Authorization For Stormwater Discharges Associated With Construction Activity Under The National Pollutant Discharge Elimination System and shall provide the following information:
 - a. Plans must include the following notes:
 - i. At the end of construction, all stormwater pipes, basins, channels, etc. shall be cleaned out of all sediment accumulation and restored to the original design as shown per these plans.
 - ii. Forty eight hours prior to any earth disturbance work, the Contractor shall notify Warren County Engineers Office.
 - iii. All mud/dirt tracked onto roads from the site, due to construction, shall be promptly removed at the end of each day.
 - iv. No construction shall commence until all applicable permits have been issued as required.
 - v. Dewatering discharges shall not be directed into Warren County's stormwater system without the prior approval of the County Engineer or his designee.
 - b. Location of all existing easements, covenants and restrictions impacting each stormwater management practice, facility, or improvement must be located on the plan.
4. An Inspection and Maintenance Plan designed to ensure that all pipes and channels built to convey stormwater to the stormwater control facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater discharged from the facility serves its designed purpose through its expected period of use

shall be submitted as a standalone document for review and approval by the County Engineer during the Plan approval process. At a minimum, the Inspection and Maintenance Plan shall include a method and frequency for the following activities:

- a. Inspection of all permanent structures,
 - b. Debris/clogging control through appropriate removal and disposal,
 - c. Vegetation control (mowing, harvesting, eradication of undesirable plants),
 - d. Erosion repair,
 - e. Non-routine maintenance should include pollutant and sediment removal and the “rejuvenation” or replacement of filters and appropriate soils, and
 - f. Disposal of collected pollutants, sediments, and filter media in accordance with local, state, and federal regulations.
5. Inspection and Maintenance Plans shall include language affirming the following:
- a. Warren County has the authority and right to enter upon the development area to conduct inspections as necessary to verify that the stormwater management practices are being maintained and operated in accordance with these regulations.
 - b. Notice that Warren County maintains public records of the results of site inspections for the period of time specified in Warren County’s record retention schedule, shall inform the site owner(s) or organization responsible for maintenance (by written notice served on the tax mailing address for the subject land) of the inspection results, and shall specifically indicate any corrective actions required to bring the stormwater practices into proper working condition.
 - c. If Warren County notifies the site owner(s), or other entity responsible for maintenance, of maintenance deficiencies that require correction, the specific corrective actions shall be taken within thirty (30) days of the service of the notice; unless the County Engineer grants an extension of time to complete correcting deficiencies due to the impracticality of completing the correction of deficiencies within thirty (30) days.
6. Calculations required. The applicant shall submit calculations for projected stormwater runoff flows, volumes, and timing into and through all stormwater management facilities for flood control, channel protection, water quality, and the condition of the habitat, stability, and incision of each water resource and its the floodplain, as required in these regulations. These submittals shall be completed for both pre and post-development land use conditions and shall include the underlying assumptions and hydrologic and hydraulic methods and parameters used for these calculations. The applicant shall also include a critical storm determination and demonstrate that the runoff from upper watershed

areas have been considered in the calculations. Redevelopment projects shall only submit calculations at the discretion of the County Engineer.

7. The Stormwater Pollution Prevention Plan shall include a time schedule for completing all elements of the work to construct Stormwater Pollution Prevention Plan facilities and achieve final stabilization.
8. The Stormwater Pollution Prevention Plan shall conform to the performance standards specified in these regulations.

D. AMENDMENTS TO THE STORMWATER POLLUTION PREVENTION PLAN

Proposed amendments to an approved Stormwater Pollution Prevention Plan shall be made to the County Engineer within seven (7) working days of the site owner identifying said need. The site owner shall provide the County Engineer with any requested calculations, drawings, or other information requested in order to determine if the proposed amendment satisfies the requirements of this chapter.

SECTION 110 STORMWATER PERFORMANCE STANDARDS

- A. Each Stormwater Pollution Prevention Plan shall include stormwater management facilities for storage, treatment and control, and conveyance; shall be designed to prevent structure flooding during a 100 year, 24 hour storm event; shall maintain predevelopment flow rates and discharge volumes; and shall meet the criteria set forth in these regulations.
- B. Exemption: The site where soil disturbing activities are conducted shall be exempt from the requirements of these regulations if it can be shown to the satisfaction of the County Engineer that the site is part of a larger common plan of development where the stormwater management requirements for the site are provided by an existing stormwater management practice, facility or improvement.
- C. Maintenance: All stormwater management facilities shall be maintained in accordance with the approved Inspection and Maintenance Plans prepared pursuant to these regulations. All stormwater management facilities whether mandated by this ordinance or not shall maintain their facility in accordance with standard best practices or may be declared a public nuisance.
- D. Velocity dissipation: Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall to provide non-erosive flow velocity from the structure to a water resource so that the natural physical and biological characteristics and functions of the water resource are maintained and protected.
- E. Stormwater Quality Control: Criteria applying to all stormwater

management facilities.

1. Each facility shall be designed to facilitate sediment removal, vegetation management, debris control, and other maintenance activities defined in the Inspection and Maintenance Plan for the site.
2. Approved practices are listed in the latest edition of the Ohio DNR Rainwater and Land Development Manual. The County Engineer may approve other proposed facilities if the applicant can demonstrate to the County Engineer's satisfaction that these facilities meet the objectives of these regulations.
3. Additional criteria applying to infiltration facilities:
 - a. The County Engineer may require a soil engineering report to be prepared for the site to demonstrate that a proposed infiltration facility meets these performance standards.

- F. Stormwater Quantity Control: The Stormwater Pollution Prevention Plan shall describe how stormwater quantity control is achieved for each watershed in the development. Calculations shall follow the Critical Storm Methodology as outlined in the Warren County Engineers Stormwater Design Manual.

SECTION 111

MAINTENANCE AND FINAL INSPECTION APPROVAL

To receive final inspection and a determination by the County Engineer that the approved Stormwater Pollution Prevention Plan and the requirements of these regulations have been complied with in performing a construction project, the following must be completed.

- A. All permanent stormwater management facilities must be installed, free of debris, and made functional per the approved Stormwater Pollution Prevention Plan.
- B. An as-built survey, sealed, signed and dated by a Professional Surveyor and a written certification by a Professional Engineer certifying that permanent stormwater management facilities, as designed and installed, meet the requirements of the approved Stormwater Pollution Prevention Plan shall be delivered to the County Engineer. The as-built survey must provide the location, dimensions, details, volume, and bearing of such facilities. In evaluating this certification, the County Engineer may require the submission of a new set of stormwater calculations if he/she determines that the design was altered materially from the approved Stormwater Pollution Prevention Plan.
- C. A Post-Construction Stormwater Management Requirements form must be completed and submitted to the Warren County Engineer for each post-

construction stormwater control feature contained in the approved Stormwater Pollution Prevention Plan.

SECTION 112 VIOLATIONS AND ENFORCEMENT

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

- A. If the County Engineer determines that a violation of these regulations exists, the County Engineer may issue an immediate stop work authorize the issuance of a notice of violation. If, after a period of not less than thirty days has elapsed following the issuance of the notice of violation, the violation continues, the County Engineer shall issue a second notice of violation. Except as provided in division (C) of this section, if, after a period of not less than fifteen days has elapsed following the issuance of the second notice of violation, the violation continues, the County Engineer may issue a stop work order after first obtaining the written approval of the prosecuting attorney of the county if, in the opinion of the prosecuting attorney, the violation is egregious.

Once a stop work order is issued, the County Engineer shall request, in writing, the county prosecuting attorney to seek an injunction or other appropriate relief in the court of common pleas to abate the violation and secure compliance with these regulations. If the prosecuting attorney seeks an injunction or other appropriate relief, then, in granting relief, the court of common pleas may order strict compliance with these regulations, and may assess a civil fine of not less than one hundred or more than five hundred dollars for civil contempt by failing to comply with the court's order. Each day of violation shall be considered a separate violation subject to a civil fine. Once an injunction or other appropriate relief is issued, an expedited motion may be filed by the prosecuting attorney for future violations by the developer/owner requesting the Court to order the developer/owner to appear and show cause why the developer/owner should not be held in further contempt of the injunction or other appropriate relief ordered by the court.

- B. The person to whom a stop work order is issued under this section may appeal the order to the court of common pleas of the county in

which it was issued, seeking any equitable or other appropriate relief from that order.

- C. No stop work order shall be issued under this section against any public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the board or the chief of the division of soil and water resources in the department of agriculture.

- D. No person shall violate these regulations. Notwithstanding division (A) of this section, if the Warren County Commissioners determine that a violation of these regulations or administrative order issued relating thereto, the Warren County Commissioners may request, in writing, the prosecuting attorney of the county to seek an injunction or other appropriate relief in the court of common pleas to abate the violations of these regulations and secure compliance with these regulations or an administrative order. In granting relief, the court of common pleas may order strict compliance with these regulations or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred dollars for civil contempt by failing to comply with the court's order. Each day of violation shall be considered a separate violation subject to a civil fine. Once an injunction or other appropriate relief is issued, an expedited motion may be filed by the prosecuting attorney for future violations by the developer/owner requesting the Court to order the developer/owner to appear and show cause why the developer/owner should not be held in further contempt of the injunction or other appropriate relief ordered by the court.

SECTION 113 APPEALS

- A. Any person aggrieved by requirement, determination, or any other action or inaction by the County Engineer in relation to these regulations may appeal to the court of common pleas.

- B. Such an appeal shall be made in conformity with Chapters 2505 and 2506 of the Ohio Revised Code. Written notice of appeal shall be served on the clerk of the Warren County Board of County Commissioners and the County Engineer.

- C. Appeals shall be filed within thirty days of the decision of the County Engineer.