

**CITY OF DELAWARE  
PUBLIC WORKS/PUBLIC UTILITIES  
COMMITTEE  
CITY COUNCIL CHAMBERS  
CITY HALL  
1 S. SANDUSKY ST  
6:00 P.M.**

**AGENDA**

April 4, 2017

1. ROLL CALL
2. ELECTION OF CHAIR and VICE-CHAIR
3. APPROVAL of the Motion Summary for the meeting of the Public Works/Public Utilities Committee meeting held October 4, 2016, as recorded and transcribed
4. PUBLIC COMMENTS
5. DISCUSSION of Solid Waste Program Recommendations
6. APPEAL of Safe Walks Program Cases (estimated time to begin 7:00 p.m.)
7. DISCUSSION of Storm Water Illicit Discharge Enforcement Action (to follow Safe Walks Program Cases)
8. STAFF COMMENTS
9. MEMBER COMMENTS
10. ADJOURNMENT

**PUBLIC WORKS/PUBLIC UTILITIES COMMITTEE**  
**MOTION SUMMARY**  
**October 4, 2016**

ITEM 1. Roll Call

Chairman Shafer called the meeting to order at 7:00 p.m.

Members Present: Vice-Chairwoman Lisa Keller and Chairman Kent Shafer

Members Absent: Mayor Carolyn Kay Riggle

City Staff Present: Brad Stanton, Director of Public Utilities, Bill Ferrigno, Public Works Director/City Engineer, Linda Mathews, Customer Service Liaison

**Motion to Excuse:** Vice-Chairwoman Keller moved to excuse Mayor Riggle, seconded by Chairman Shafer. Motion approved by a 2-0 vote.

ITEM 2. APPROVAL of the Motion Summary of the Public Works/Public Utilities Committee meeting held July 5, 2016 as recorded and transcribed.

**Motion:** Vice-Chairwoman Keller moved to approve the Motion Summary of the Public Works/Public Utilities Committee meeting held July 5, 2016, seconded by Chairman Shafer. Motion approved by a 2-0 vote.

ITEM 3. PUBLIC COMMENTS

There was no public comment.

ITEM 4. UPDATE on Public Utilities Projects and Activities

Mr. Stanton provided information regarding normal meter usage for the AMI compared to a report where an alert would be issued for unusual water consumption.

Mr. Stanton provided an update for the waste water plant. An update was provided regarding the Education Center.

Vice-Chairwoman Keller requested information regarding the water contamination levels at the new water plant. Mr. Stanton discussed quarterly samples and current results below detectable levels.

ITEM 5. UPDATE on Public Works Projects and Activities

Mr. Ferrigno discussed the traffic flow improvements with Meeker Drive.

Mr. Ferrigno discussed the expectation that U.S. 23 and Pennsylvania Avenue will be fully functional in the next week.

Information provided on the E. William Street project for signal and landscape design.

ITEM 6. PRESENTATION of 2016 Pavement Condition Report

Mr. Ferrigno provided a report regarding the overall condition of streets within the City of Delaware. Mr. Ferrigno discussed pavement rating throughout the four city wards.

ITEM 7. REVIEW of 2016 Transportation Plan

Mr. Ferrigno discussed the projects to be added to the 2016 Transportation Plan, and discussed proposed intersection improvements, planned road improvements, and proposed network connections.

Mr. Ferrigno reviewed the Thoroughfare and Transportation Plan from 2001 to 2016, as well completed projects.

ITEM 8. STAFF COMMENTS

Mr. Ferrigno provided information regarding sidewalk regulations and the tools used to measure each sidewalk for compliance.

A discussion was held on potential impact to changing the ½ inch hazard discrepancies. Mr. Ferrigno discussed research gathered from other communities regarding their tripping hazard standards, and recommends that staff update their research to determine if there were changes.

Mr. Ferrigno discussed the need to create a policy regarding the Rapid Flashing Beacon and Speed Back Signs. The Public Works Committee members recommended that the Parking and Safety Committee also be involved in the policy.

A discussion was held on the need to prioritize road projects if the upcoming Levy is approved by voters. Chairman Shafer recommended that staff follow the current approved plans and that potential changes be brought before the Public Works/Public Utilities Committee. Mr. Ferrigno recommended that future agendas have an update on projects.

ITEM 9. MEMBER COMMENTS

ITEM 10. ADJOURNMENT

**Motion:** Vice-Chairwoman Keller moved to adjourn the Public Works/Public Utilities Committee meeting. The meeting adjourned at 7:45 p.m.

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Kent Shafer, Chairman

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Elaine McCloskey, Clerk

# Solid Waste Program Recommendations

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**1. Residential Refuse Collection and Rates:**

- a. Maintain city residential refuse collection service. As long as the community remains satisfied with the level of service and value being provided, and that collection rates remain within the range of rates offered through private sector, the city should continue to operate its residential refuse collection program including waste, curbside recycling and yard waste collection.
- b. The Residential rates should be established as follows:

96 Gallon Tip Cart	\$20.60/month
32 Gallon Tip Cart (Senior Discount)	\$10.30/month

**2. Bulk Item Collection:**

- a. Initiate a bulk item collection pilot program for several months to better understand both customer utility and program efficacy in addressing the need.
- b. Rates, frequency of service, as well as other regulations would be initially established in accordance with the program outline, and could be adjusted pending the results of the pilot period.

**3. Commercial “Dumpster” Collection:**

- a. Adopt revised commercial rates as proposed. (see table)
- b. Public input and discussion should be required to gain additional insight as to the impacts of ending publically managed commercial collection operations to existing customers. Hearings can be managed through Public Works Committee or full Council.
- c. Present proposed changes to refuse code as required following public input, should changes to commercial collection policy be approved.

<b>Proposed Monthly Dumpster Collection Fees</b>					
	Weekly Service Frequency (Dumps per week)				
Dumpster Size CY	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>2</b>	\$85.37	\$170.74	\$256.10	\$341.47	\$426.84
<b>3</b>	\$94.48	\$188.95	\$283.43	\$377.91	\$472.38
<b>4</b>	\$103.58	\$207.17	\$310.75	\$414.34	\$517.92
<b>6</b>	\$121.80	\$243.60	\$365.41	\$487.21	\$609.01
<b>8</b>	\$140.02	\$280.04	\$420.06	\$560.08	\$700.09

# Solid Waste Program Recommendations

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4. **Downtown Refuse Collection:**
  - a. Public input and discussion should be required to gain insight as to the impacts to current downtown properties in regards to proposed policy changes. Hearings can be managed through Public Works Committee or full Council.
  - b. Changes to be considered include:
    - i. Establishing a new residential collection day in the middle of the week
    - ii. Considering specified trash bag drop off locations and bag colors
    - iii. Establish permissible trash drop off hours
    - iv. Requiring property owners of residential units to be the point of contact for refuse billings
    - v. Requiring property owners with rear access to maintain containers on their respective properties for collection of all of their respective business and residential tenants
    - vi. Establish code and user rates for the placement of publically accessible dumpsters
    - vii. Consider adjustments to penalties for violations to refuse regulations
  - c. Present proposed changes to refuse code as required following public input, should adjustments to downtown refuse collection policy be advanced.
5. **Facility Improvements:** Advance the design/build process of the proposed 27,000 SF refuse/recycling building, with a goal of being under construction by 3<sup>rd</sup> quarter of this year.

## City of Delaware Dumpster Customers

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### **Multi-Family Properties (82)**

96, 98, 100, 102 Eaton St  
100 Georgetown Drive  
104 Spring St  
107 Ross St  
121 N Washington St  
118, 120, 122 N Washington St  
126-128 N Washington St  
126 S Franklin St  
154-158 N Sandusky St  
162-164 N Sandusky St  
171 W Winter St  
176 N Sandusky St  
189 Park Ave  
196 Georgetown Drive  
206 W William St  
216 N Franklin St ( Ohio Wesleyan University)  
219 N Sandusky St  
211, 213, 223, 225, 239 Park Ave  
226 S Sandusky St  
226 W Central Ave  
229 N Sandusky St  
241 N Sandusky St  
241, 243, 245 Park Ave  
244 N Washington St  
247, 253 S Liberty St  
28 S Franklin St  
285 N Sandusky St & 282-288 N Franklin St  
304 S Henry St  
22, 30, 36 Oakwood Drive  
415 Dunlap St  
50 N Liberty St  
10-50 New Market (Slate Ridge Apts)  
57 Oakwood Drive  
58 W. Lincoln  
629-635 Pebble Place  
56-64 W Winter St  
65 E William St  
65 Neil St  
72 W Winter St  
84-90 Eaton St  
Austin Manor  
Autumn Chase Apartments  
Carriage Drive Apartments  
Cedar Court Apartments  
Colony House Apartments  
Delaware Court Apartments  
Delaware Place 351 S. Sandusky  
Delaware Village Apartments  
Delaware Village Apartments  
Forest Brooke Apartments  
Georgetown Apartments (#52-76)  
Georgetown Apartments (#80)  
Hayes Colony Apartments  
Hedgerow Condos (COUNTRY MEADOW #4-48)  
Hidden Ridge Apartments  
Limetree Drive Apartments (Rock Ridge Village  
Apt # 42-80  
London Town Apartments # 275-332  
Methodist Theological School  
Muirwood Village Apartments # 11-215  
Oakhurst Place (2178 Bruce Rd)  
Olentangy View Apartments  
Pebble Place (Oakwood Mgt) #607  
606, 618, 624 Pebble Place (Mason Equity  
Group)  
Ravine Ridge Apartments  
River Forest Condos #90-200  
Condos at Rivergate  
Rolling Meadows Apartments  
Shelbourne Forest Condos  
Silver Maple Apartments  
St. Michael's  
Stratford Commons  
Stratford Park Apartments  
Stratford Towne Apartments  
Sunnyview Village Condos (Brickstone)  
Sunnyview Square Apartments  
Trotter's Landing Apartments  
Troy Farms Condos  
Vernon Ave Apartments #28 #30  
Village Gate Apartments  
Water's Edge At Stratford Apartments  
Willows Apartments  
Willows Apartments

# City of Delaware Dumpster Customers

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## **Businesses (35)**

88-92 N. Sandusky  
135 N Franklin St-Women's City  
140 N Sandusky St (Hayes Bldg. County)  
349 W Central Ave  
377 E William St (Dr. Stahr)  
437 Dunlap St  
Amatos/Sherwin/Blackwell  
Asbury Methodist Church  
Back/Opa/Subway  
Carlisle School  
Conger School  
County Court House  
50 Channing St County Garage  
County Office Bldg-149 N Sandusky St  
County Squad Station  
Delaware County Jail  
Delaware Lanes  
Dempsey Middle School  
Dempsey Middle School  
Hayes High School  
Hayes High School  
Health Department/J Gumbo/35 N.  
Sandusky/Shade & Shade/Hair Studio/Knights  
of Pythias/DCB/Whitt's/Global  
Village/BrewWorks  
Liberty Community Center  
Ohio Wesleyan University  
Post Office  
Sarah Moore Home  
School Maintenance Facility  
Schultz School  
Smith School  
Stop 42  
Vaqueros  
Willis School  
Willowbrook Way  
Willowbrook Way  
Willowbrook Way (Kitchen)  
Willowbrook-Delaware Crossing  
Willowbrook-Delaware Crossing  
Woodward School  
YMCA

## **City Facilities (16)**

Airport  
Blue Limestone Park  
City Garage  
City Hall  
Delaware County Shooting Range  
Fire Department Main Station  
Fire Substation  
Grounds & Facilities (50 Ross)  
Hidden Valley Golf Course  
Justice Center  
Mingo Park  
Public Utilities  
Recycling Facility  
Sewer Treatment Plant  
Smith Park  
Water Treatment Plant  
YMCA/Grounds



**CITY OF DELAWARE, OHIO  
PUBLIC WORKS DEPARTMENT**

**MEMORANDUM**

Subject: Safe Walks Appeal for 143 Diverston Way

DATE: 4/4/17

Property evaluated on 6/10/2016 and found to have 1 section of approximately 25 sq. ft. of deficient sidewalk. Estimated repair cost is \$293.75.

Certified mailing sent to Dawn Brown and Laura Smith on 7/22/16 and signed for by Dawn Brown on 7/26/16.

No concrete work has been completed.

Address on hold until appeals hearing.



# City Of Delaware Public Works Department

## SIDEWALK EVALUATION FORM

Street Address: 143 Diverston Way

Date: 6/10/2016

Property Owner Name & Mailing Address: Dawn Brown & Laura Smith

Inspector: MLS, JLC

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### Sections of Sidewalk to be Repaired at Property Owner Expense

Walk	No. of Sections:	$\Sigma$ Length	Avg Width	= SF
	1	5	5	25
<u>MP</u>	5			
Driveway	No. of Sections:	$\Sigma$ Length	Avg Width	= SF
<b>Total Area (SF)</b>				<u>25</u>
Deficiency	<input checked="" type="checkbox"/> Trip Hazard >1/2"	<input type="checkbox"/> Cracked or Loose Section	<input type="checkbox"/> Deteriorated Surface	
	<input type="checkbox"/> Tree Root Damage (Private)	<input type="checkbox"/> Missing Section(s)		
	<input type="checkbox"/> Cross Slope >3/4"/FT	<input type="checkbox"/> Negative Cross Slope	<input type="checkbox"/> Excessive Running Slope	
	<input type="checkbox"/> Open Joint >5/8"			

Notes:

### Sections of Sidewalk to be Repaired at City Expense

#### Street Tree Root Damage

Quantity	No. of Sections:	$\Sigma$ Length	Avg Width	= SF

Notes:

#### City Utility Damage

Quantity	No. of Sections:	$\Sigma$ Length	Avg Width	= SF

Notes:



Dawn Brown & Laura Smith  
143 Diverston Way  
Delaware, OH 43015

Sidewalks in your neighborhood were recently evaluated by the City to identify deficiencies which require repair in accordance with the established City code. Sections of sidewalk marked with a **WHITE** dot are the responsibility of the property owner to repair, while those sections marked with a **BLUE** dot will be repaired by the City. Subsequently, City Council approved a Resolution of Necessity on July 11<sup>th</sup>, 2016 (Resolution No. 16-28) that requires property owners to complete the identified sidewalk repairs by May 31<sup>st</sup>, 2017.

The majority of sidewalk repairs are completed by replacement with new concrete walk. The "**Estimated Repair Cost**" shown is based on an average repair cost of \$11.75/SF and is only for those sections marked with a **WHITE** dot, indicating property owner responsibility. Sections of walk marked with a **BLUE** dot that have been damaged by street trees and will be repaired by City at no cost to the property owner. All repair work requires a permit (fees waived), and must be performed by either the property owner or a registered contractor and will be subject to inspection by the City. All work must be completed no later than **May 31<sup>st</sup>, 2017**. Failure to do so by the end of May 2017 will result in the City's contractor replacing the marked panel(s) in the summer of 2017 at the property owner's expense.

If you disagree with markings on your property, you can file for an appeal with the Safe Walks Program Manager. All appeals must be submitted within 30 days of receipt of this letter. If you request a hearing, you can appear in person or through an attorney or other representative and present evidence and examine witnesses appearing for or against you. You may also submit your position, arguments, or contentions in writing. Appeals may be requested by sending a letter to 440 E. William Street Delaware, Ohio 43015 or by using the email provided below.

If this referenced property switches ownership prior to deficiencies being corrected, it is the Seller's responsibility to notify the Buyer of this deficiency and provide the Buyer with this documentation. While the responsibility to make these repairs runs with the property, a Seller's failure to provide notice to a Buyer may result in the Seller being invoiced for said repairs.

Many answers to frequently asked questions can be found by searching "Safe Walks" on the City's website at [www.delawareohio.net](http://www.delawareohio.net). Please contact the Public Works Department by email at [pwcs@delawareohio.net](mailto:pwcs@delawareohio.net) or by 740-203-1810 if you need more information or have any questions.

Sincerely,  
City of Delaware – Public Works Department

<b>Reference Property:</b>	143 Diverston Way
<b>Date Evaluated:</b>	06/10/16
<b>Estimated Total Square Feet:</b>	25
<b>Estimated Repair Cost:</b>	\$293.75

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Dawn Brown & Laura Smith  
 143 Diverston Way  
 Delaware, OH 43015



9590 9402 1885 6104 4239 10

**2. Article Number (Transfer from service label)**

7016 0750 0000 8495 8080

**COMPLETE THIS SECTION ON DELIVERY**

**A. Signature**

Dawn Brown

- Agent
- Address

**B. Received by (Printed Name)**

**C. Date of Delivery**

- D. Is delivery address different from item 1?**  Yes  
 If YES, enter delivery address below:  No



**3. Service Type**

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Mail Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation
- Signature Confirmation Restricted Delivery



**FORMAL SAFE WALKS APPEAL REQUEST**

Address of Appeal: 143 Diverston Way

Property Owner: Dawn Brown and Laura Smith

Number of Deficient Sections: 1 Estimated Square Feet Marked: 25

I am requesting a formal appeal of the marked sidewalk sections at the above referenced property. I understand that I must present my case either in writing or in person at the Public Works Committee meeting at 7:00 p.m. April 4, 2017 at City Hall, 1 S. Sandusky St., 2<sup>nd</sup> Floor Council Chambers. Outlined below is my reasoning for this appeal.

See next page.

By signing this document, I acknowledge my right to appeal has been explained to me.

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Sign name

\_\_\_\_\_  
Date

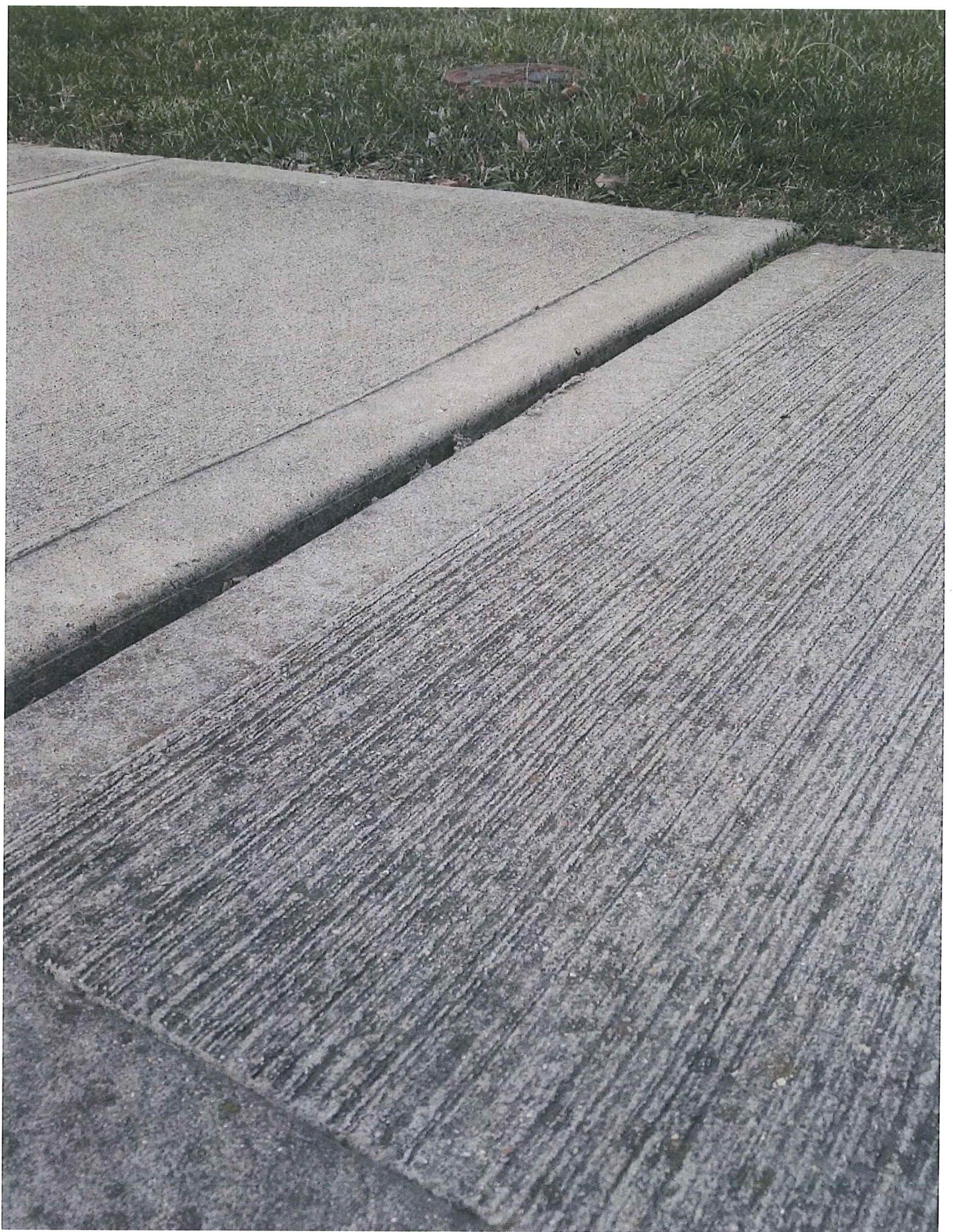
City of Delaware Ohio  
440 E William Street  
Delaware, OH 43015

To Whom It May Concern,

I would like to appeal the white dot on my sidewalk. It appears to be right by the Delaware water line. I would like this double checked as I advised the city when we bought the property that the sidewalk was going to sink due to the water line and not enough dirt in the area. I was assured at that time that we would not be responsible for that repair in the future. My neighbor a few sidewalks down also has the same sidewalk problem and his was marked with a blue dot. Could I please have my sidewalk checked again? I will do whatever I need to do as a home owner but would just like to make sure that this was marked correctly.

Laura Smith & Dawn Brown  
143 Diverston Way  
Delaware, OH 43015







**CITY OF DELAWARE, OHIO  
PUBLIC WORKS DEPARTMENT**

**MEMORANDUM**

Subject: Safe Walks Appeal for 453 West Central Ave.

DATE: 4/4/17

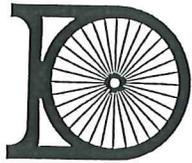
Property evaluated on 5/28/2015 and found to have 16 sections of approximately 400 sq. ft. of deficient sidewalk with an initial cost estimate of \$4,400.

Certified mailing received by Matthew A. and Kelly M. Vogt on 8/11/15.

City contractor, Newcomer Concrete Services, poured 376 sq. ft. of new concrete on 9/16/16. The cost of this newly poured sidewalk is \$4,136.

City received initial email on 1/4/17 from Mr. Vogt disputing responsibility of repair.

Address on hold until appeals hearing.



City Of Delaware  
Department of Engineering Services

SIDEWALK EVALUATION FORM

Street Address: 453 W Central

Date: 5/28/2015

Property Owner Name & Mailing Address:

Inspector: MLS, JLL

Sections of Sidewalk to be Repaired at Property Owner Expense

Walk	No. of Sections:	$\Sigma$ Length	Avg Width	= SF
	16	80	5	400
	16	80		
Driveway	No. of Sections:	$\Sigma$ Length	Avg Width	= SF
Total Area (SF)				400

Deficiency	<input checked="" type="checkbox"/> Trip Hazard >1/2"	<input checked="" type="checkbox"/> Cracked or Loose Section	<input type="checkbox"/> Deteriorated Surface
	<input type="checkbox"/> Tree Root Damage (Private)	<input type="checkbox"/> Negative Cross Slope	<input type="checkbox"/> Missing Section(s)
	<input type="checkbox"/> Cross Slope >3/4"/FT	<input type="checkbox"/> Open Joint >5/8"	<input type="checkbox"/> Excessive Running Slope

Notes:

Sections of Sidewalk to be Repaired at City Expense

Street Tree Root Damage

Quantity	No. of Sections:	$\Sigma$ Length	Avg Width	= SF

Notes:

City Utility Damage

Quantity	No. of Sections:	$\Sigma$ Length	Avg Width	= SF

Notes:



Matthew A & Kelly M Vogt  
453 W. Central Ave  
Delaware, OH 43015

Sidewalks in your neighborhood were recently evaluated by the City to identify deficiencies which require repair in accordance with the established City code. Sections of sidewalk marked with a **WHITE** dot are the responsibility of the property owner to repair, while those sections marked with a **BLUE** dot will be repaired by the City. Subsequently, City Council approved a Resolution of Necessity on July 27<sup>th</sup>, 2015 (Resolution No. 15-33) that requires property owners to complete the identified sidewalk repairs by May 31<sup>st</sup>, 2016.

The majority of sidewalk repairs are completed by replacement with new concrete walk. The "**Estimated Repair Cost**" shown is based on an average repair cost of \$11.00/SF and is only for those sections marked with a **WHITE** dot, indicating property owner responsibility. Sections of walk marked with a **BLUE** dot that have been damaged by street trees will be repaired by City at no cost to the property owner. All repair work requires a permit (fees waived), and must be performed by either the property owner or a registered contractor and will be subject to inspection by the City. All work must be completed no later than **May 31<sup>st</sup>, 2016**. Failure to do so by the end of May 2016 will result in the City's contractor replacing the marked panel(s) in the summer of 2016 at the property owner's expense.

If you disagree with markings on your property, you can file for an appeal with the Safe Walks Program Manager. **All appeals must be submitted within 30 days of receipt of this letter.** If you request a hearing, you can appear in person or through an attorney or other representative and present evidence and examine witnesses appearing for or against you. You may also submit your position, arguments, or contentions in writing. Appeals may be requested by sending a letter to City Hall (at the address below) addressed to Safe Walks or by using the email provided below.

If this referenced property switches ownership prior to deficiencies being corrected, it is the Seller's responsibility to notify the Buyer of this deficiency and provide the Buyer with this documentation. While the responsibility to make these repairs runs with the property, a Seller's failure to provide notice to a Buyer may result in the Seller being invoiced for said repairs.

Many answers to frequently asked questions can be found on the City's website at [www.delawareohio.net](http://www.delawareohio.net). Please contact the Safe Walks Program Manager preferably by email at [jcoleman@delawareohio.net](mailto:jcoleman@delawareohio.net) or by phone at 740-203-1723 if you need more information or have any questions.

Sincerely,

City of Delaware – Public Works Department

<b>Reference Property:</b>	453 W. Central Ave
<b>Date Evaluated:</b>	5/28/2015
<b>Total Square Feet:</b>	400
<b>Estimated Repair Cost:</b>	\$4,400.00

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

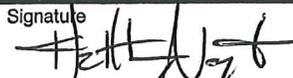
1. Article Addressed to:  
 Matthew A & Kelly M Vogt  
 453 W Central Ave  
 Delaware, OH 43015



9590 9403 0326 5155 1294 31

2. Article Number (Transfer from service label)  
 7015 1520 0000 0839 4795

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  X   Agent  
 Address

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- |  |  |
|--|--|
| <input type="checkbox"/> Adult Signature                         | <input type="checkbox"/> Priority Mail Express®                        |
| <input type="checkbox"/> Adult Signature Restricted Delivery     | <input type="checkbox"/> Registered Mail™                              |
| <input type="checkbox"/> Certified Mail®                         | <input type="checkbox"/> Registered Mail Restrict<br>Delivery          |
| <input type="checkbox"/> Certified Mail Restricted Delivery      | <input type="checkbox"/> Return Receipt for<br>Merchandise             |
| <input type="checkbox"/> Collect on Delivery                     | <input type="checkbox"/> Signature Confirmation                        |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation<br>Restricted Delivery |



City of Delaware, Ohio  
Public Works Department

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Street Address	453 W Central Avenue
Property Owner	Matthew A & Kelly M Vogt
Owner Mailing Address	453 W Central Ave, Delaware, OH 43015

Sections of Sidewalk Repaired at Property Owner Expense

Walkway \$11.00 Per SF	376.00
Residential Driveway \$12.00 Per SF	0.00
Commercial Driveway \$13.00 Per SF	0
<b>Total Cost</b>	<b>\$4,136.00</b>

## Marion Stephen

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**From:** Jeff Coleman  
**Sent:** Friday, January 06, 2017 9:15 AM  
**To:** 'i»¿KMVogt'  
**Cc:** Chad Green  
**Subject:** RE: Sidewalk Charges for 453 W Central

Mr. Vogt,

In the letter you received on 8/11/2015, my email, phone number, and address were shown and I did not receive any correspondence until 1/4/2017. During this 17 month period there were multiple opportunities to reach out to the City if you had concerns over the work. They would include: 1. When you received the letter 2. When the contractor placed a flyer (7 days before the work occurred) 3. As the contractor was performing the work (the work took 2 days to complete). 4. When your neighbors hired private contractor's to complete their required work 5. The day you initially received the bill.

At this point your bill is past due and has been sent to the county to be assessed to your property taxes. There is nothing I can do for you at this point. I have copied my supervisor, Chad Green, on this email if you would like to discuss it further with him. It is my understanding that the appeals process for last year's work are no longer being heard.

Sincerely,  
Jeff Coleman

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**From:** i»¿KMVogt [<mailto:kmvogt1@frontier.com>]  
**Sent:** Thursday, January 05, 2017 6:25 PM  
**To:** Jeff Coleman  
**Subject:** Re: Sidewalk Charges for 453 W Central

Mr. Coleman,

It is unfortunate to hear you do not have my response to the original letter, I did not hear back and assumed everything was ok. Apparently I have not had a fair hearing on this matter, how can we resolve this?

Sincerely,  
Matt Vogt

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**From:** Jeff Coleman <[JColeman@delawareohio.net](mailto:JColeman@delawareohio.net)>  
**To:** i»¿KMVogt <[kmvogt1@frontier.com](mailto:kmvogt1@frontier.com)>  
**Sent:** Thursday, January 5, 2017 8:21 AM  
**Subject:** RE: Sidewalk Charges for 453 W Central

Mr. Vogt,

Our records indicate that you received a certified letter on 8/11/2015 which stated that all appeals were to be filed within thirty days of receiving the letter. To my knowledge, the City received no correspondence from you in regards to the sidewalk until this email. The work was subsequently completed by the City hired contractor on 9/16/2016. The invoice for this work was mailed from our Finance Department on 10/31/2016 with a due date of 12/31/2016. Since the invoice was not paid by the due date the amount will be assessed to your property taxes per City Code.

Sincerely,

*Jeff Coleman*  
*Project Manager*  
*City of Delaware, Ohio*  
*Public Works Department*  
*Phone: 740-203-1723*

Electronic files are transmitted for the recipients use and information only and are not intended as official documents issued by the City of Delaware. The recipient bears the responsibility to check digital information against the corresponding signed and/or sealed letters, drawings and specifications (as applicable) issued by the City of Delaware. Once transmitted, the City of Delaware has no control over the use or application of digital information and assumes no responsibility for its accuracy or completeness or for any changes made to it.

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**From:** i»¿KMVogt [<mailto:kmvogt1@frontier.com>]  
**Sent:** Wednesday, January 04, 2017 7:10 PM  
**To:** Jeff Coleman  
**Subject:** Sidewalk Charges for 453 W Central

I have received a billing for sidewalks that the City has replaced in front of my property. I do not believe that I should be responsible for the replacement costs of the sidewalk as the damage is done due to poorly planned street and sidewalk at my location. Because of this many vehicles drive and park on these sidewalks, which are not intended to withstand this type of activity. I am quite certain that the sidewalk was not build to roadway concrete standards. Additionally, vibration from the heavy use of vehicles, and large vehicles at that, on W. Central Ave also directly impacts the sidewalks as there is no buffer between the roadway and the sidewalk, they are immediately adjacent to each other as opposed to the green way space in most other locations in the City.

For these reasons I will not be held responsible for the costs of replacement.

Sincerely,

Matthew Vogt  
453 W Central Ave

---

This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.

**FORMAL SAFE WALKS APPEAL REQUEST**

Address of Appeal: 453 W CENTRAL AVE

Property Owner: MATTHEW VOGT

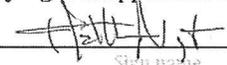
Number of Deficient Sections: 19 Estimated Square Feet Marked: 376

I am requesting a formal appeal of the marked sidewalk sections at the above referenced property. I understand that I must present my case either in writing or in person at the Public Works Committee meeting at 7:00 p.m. April 4, 2017 at City Hall, 1 S. Sandusky St., 2<sup>nd</sup> Floor Council Chambers. Outlined below is my reasoning for this appeal.

1. THE SIDEWALK HAS NO BUFFER TO PROTECT IT FROM ROAD VIBRATIONS
  - A. ROAD IS A HIGH TRAFFIC ROAD, LOTS OF TRUCKS AS WELL
  - B. SIDEWALK IS AT THE HEIGHT OF THE ROAD OR JUST BARELY ABOVE IT (HIGHEST SPOT  $\approx$  2").
  - C. NO OR LITTLE 'TREE LAWN' AS BUFFER - MOSTLY NONE.
2. THE SIDEWALK IS DRIVEN ON BY VEHICLES ALL THE TIME
  - A. DUE TO LOCATION, A LOT OF TRAFFIC STOPS IN THIS AREA
  - B. DUE TO ITEM 1.B. ABOVE, THERE IS NO DISINCENTIVE TO DRIVE ON THE SIDEWALK LIKE A FULL HEIGHT CURB.

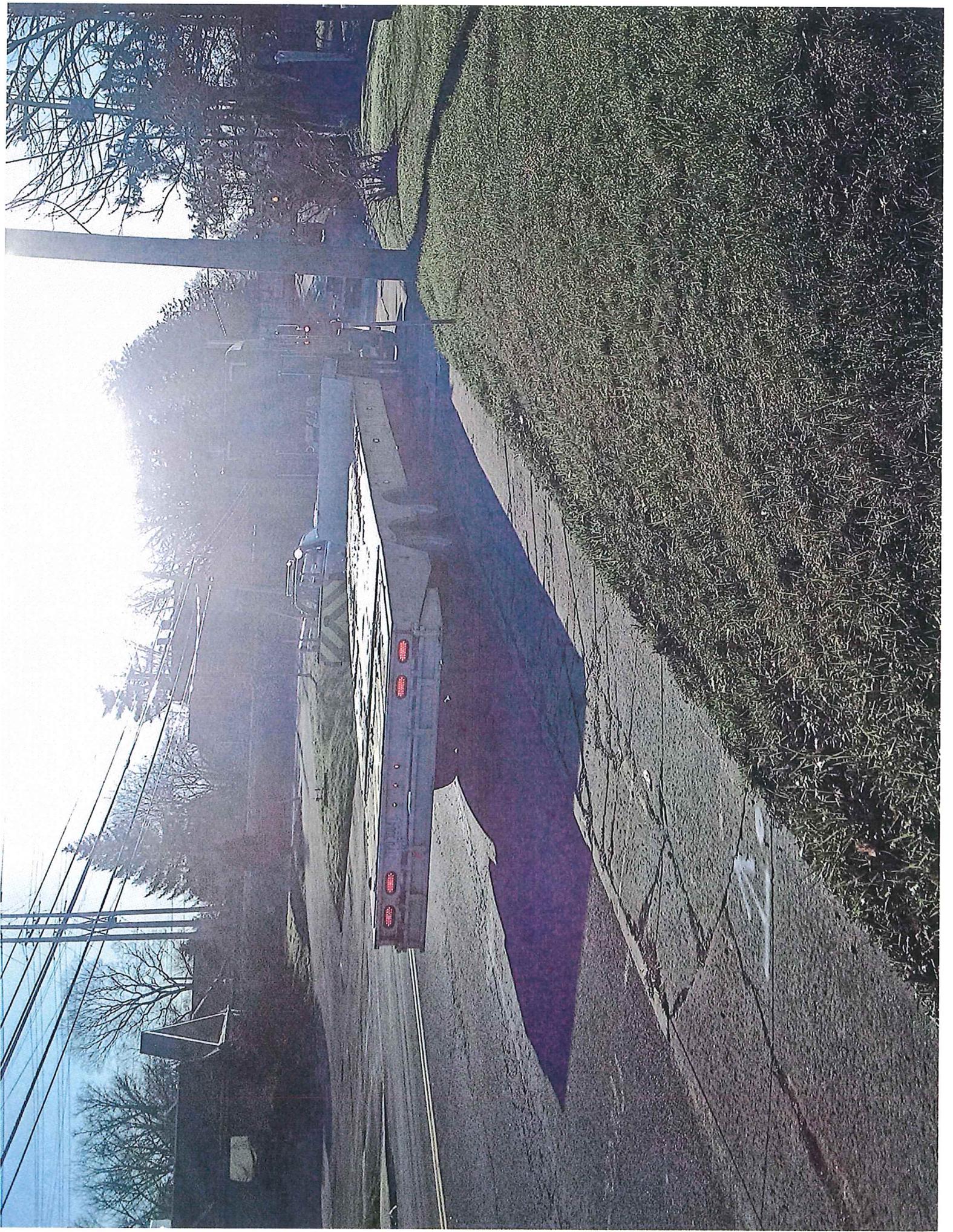
By signing this document, I acknowledge my right to appeal has been explained to me.

MATTHEW VOGT  
Print name

  
Sign name

2/21/17  
Date

















March 28, 2017

Jonathon Sepelak  
246 Tudor Drive  
Delaware, Ohio 43015

Re: Administrative hearing findings and enforcement for excessive oil on street from vehicle, Violation of 926.08 of the Delaware Codified Ordinances and the MS4

Dear Mr. Sepelak;

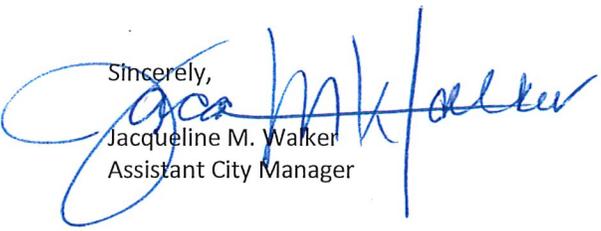
As you were notified, a hearing was conducted on March 24, 2017 regarding the above noted violation. Although you failed to be present at the hearing of which you were properly notified, the hearing was conducted pursuant to Delaware Codified Ordinance Section 926.09(d)...

As the hearing officer, based on the evidence presented, I made the following findings:

- 1) Your actions directly caused an illicit discharge which caused damage to City property.
- 2) You were provided a notice of violation which required abatement of this discharge and restoration of the damage.
- 3) You failed to abate the violation or restore the property within the deadline established by the notice
- 4) Based on your failure to remedy the situation as directed, as the next enforcement activity, the City will remediate the oil and repair the damage to meet City standards
- 5) The cost of this work, estimated to be \$1,650.00, will be your sole responsibility

These findings and enforcement steps will be presented to the Public Works Committee on April 4, 2017 at 7:00pm in City Hall Council Chambers. You may appeal these findings at this meeting. Once the Public Works Committee makes a final ruling on any appeal, the City will move forward with remediation and enforcement. Please note that failure to pay by the required date will result in the City taking action to collect the invoiced amount.

Sincerely,

  
Jacqueline M. Walker  
Assistant City Manager



Tuesday, December 09, 2016

Jonethan Sepelak  
246 Tudor Dr.  
Delaware, Ohio 43015

Re: Excessive oil on street from vehicle, Violation of 926.08 of the Delaware Codified Ordinances (DCO) and the MS4.

Dear Mr. Sepelak:

On August 15, 2016, you were sent a Notice informing you that the illicit discharge of oil from your vehicle is a violation of the City's MS4 and provided a copy of Chapter 926 of the City's Codified Ordinances. You have continued to allow the oil to drain onto the street without any concern. This oil drains into the City's storm sewer system and into the bodies of water that are locally, state and federally regulated.

This is Letter is your Notice of Violation as set forth in Section 926.09 (a) DCO. You must remove the vehicle by December 12, 2016 from the City Street or have it repaired so as to no longer leak oil. You may not place it in your driveway to continue to leak oil and allow it to run into the storm sewer system and you may not park it in the lawn to drain on to the soil. Further, you are still responsible to properly clean the street and capture the runoff so it will not enter our storm sewer system.

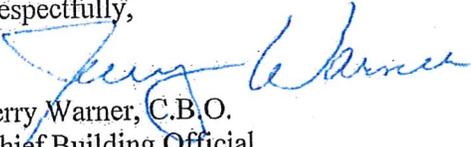
If the oil is not cleaned up by the December 19, 2016 deadline an administrative hearing will be held to determine reasons for the non-compliance and the next enforcement action. You are required to appear for that hearing.

It shall be unlawful for any owner/operator to violate any provision to fail to comply with any of the requirements of this regulation pursuant to Ohio R.C. 3709.211. If any owner/operator has violated or continues to violate the provisions of this regulation, the City of Delaware may petition for a preliminary or permanent injunction restraining the owner/operator to perform abatement or remediation of the violation. Such injunction shall be heard by the City of Delaware Public Utilities/Public Works Committee.

The current estimate as of November 7, 2016 to clean up this area is \$1,650.00. Keep in mind that any damage done to the asphalt that may need to be replaced will also be your responsibility to pay for.

Should you have questions I may be reached at 740-203-1651.

Respectfully,

  
Jerry Warner, C.B.O.  
Chief Building Official  
Code Enforcement Officer

2383 Harrison Road  
Columbus, OH 43204



Phone: (614) 276-2622  
Fax: (614) 276-3110

## Project Quotation

### Tudor Drive Waterblasting Cleanup

Project Bid Date:  
*Monday, November 07, 2016*

Delaware Ohio  
Delaware County

Completion Date:  
*As Needed*

REF	ITEM	QUANTITY		DESCRIPTION	UNIT COST	TOTAL COST
---	640	1.00	LS	Removal of Markings	\$ 650.00	\$ 650.00
---	624	1.00	LS	Mobilization	\$ 1,000.00	\$ 1,000.00
<b>TOTAL</b>					<b>\$</b>	<b>1,650.00</b>

**Notes:**

**We will wave the mobilization cost if we are waterblasting elsewhere in the city of Delaware**

Prices are valid for 45 days after bid. Please inform us by that time if you will be subcontracting to us.

Price does not include bond.

Price does not include the cost of a police officer if required.

Bid is conditioned upon mutually acceptable subcontract terms being negotiated.

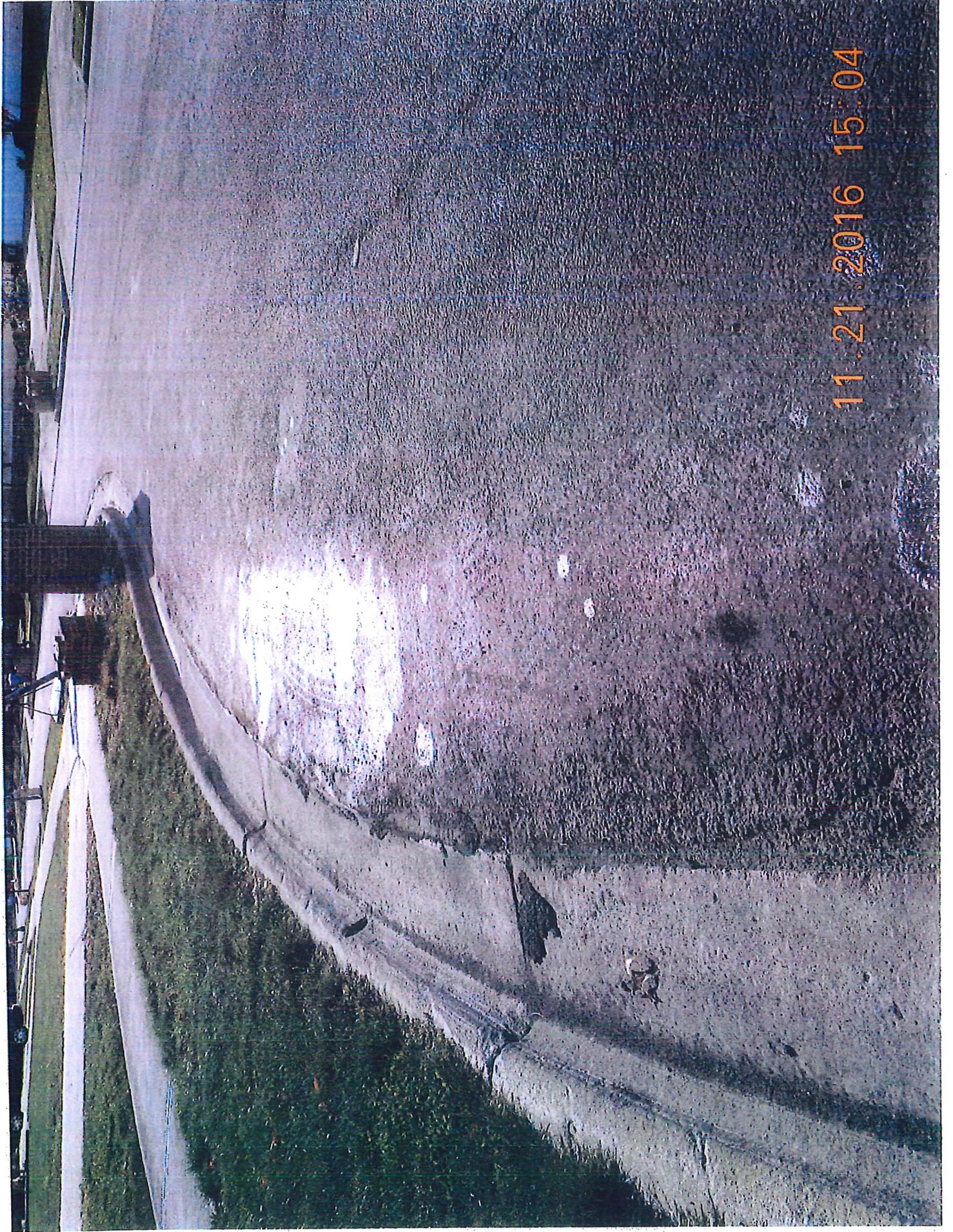
**Price for removal of tar and oils is by hydroblasting with vacuum pickup.**



06.27.2016 14:52



10.7.2016



11.21.2016 15:04



11.21.2016 15:05



August 15, 2016

Jonethan and Lakisha Sepelak  
246 Tudor Drive  
Delaware, Ohio 43015

Dear Mr. & Mrs. Sepelak:

It was recently brought to the attention of the City of Delaware's Public Utilities Department that a truck owned by you and parked in front of your residence at 246 Tudor Drive has been leaking motor oil onto the road pavement surface with the potential of draining into the City's storm water system at a catch basin near your driveway approach.

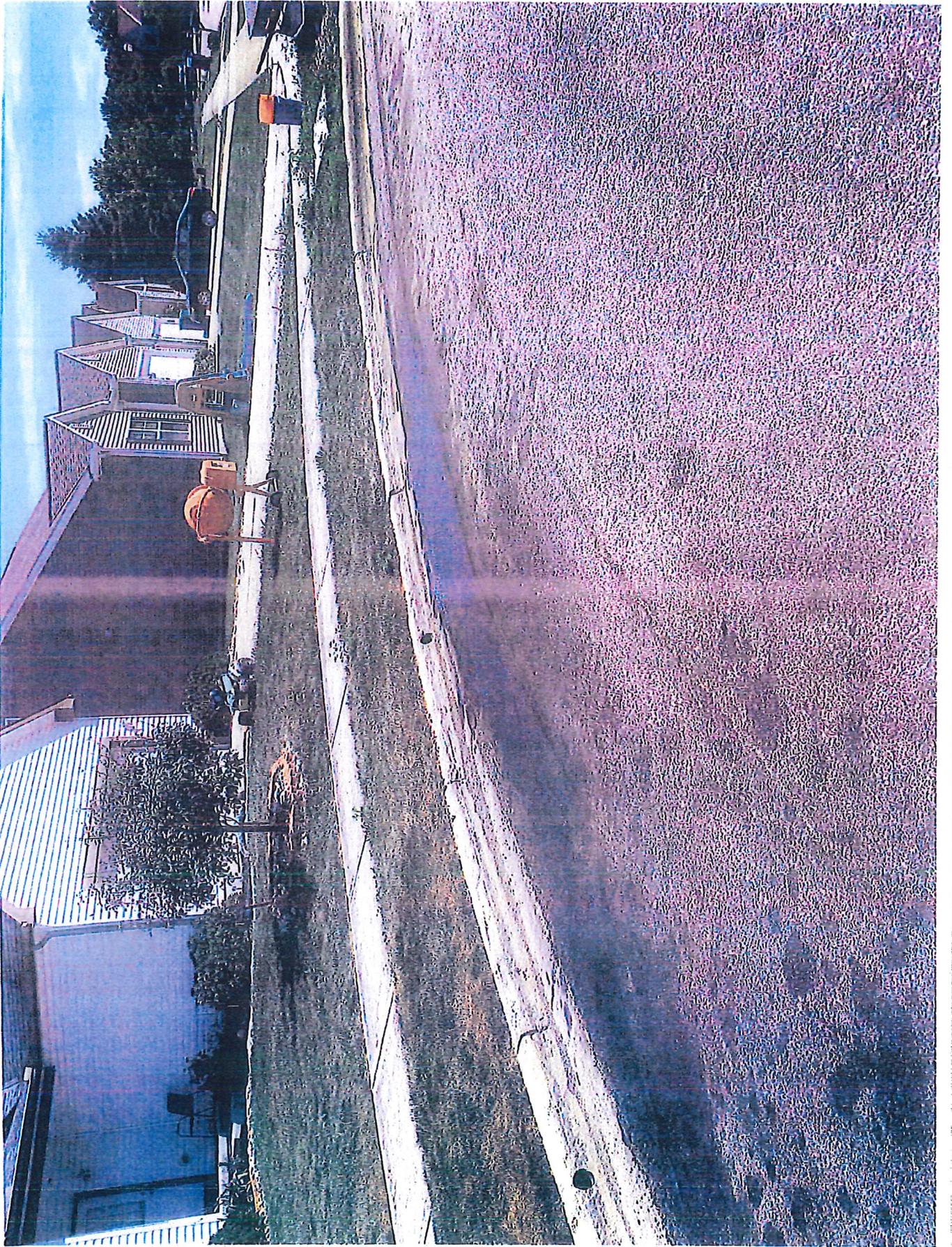
The City of Delaware was issued coverage under the general permit for Municipal Separate Storm Sewer Systems (MS4) on January 30, 2009. Section 3.2.3.1.4 of the general permit requires the City of Delaware to develop, implement and enforce a program to detect and eliminate illicit discharges from the MS4. "Illicit Discharge" is defined at 40CFR 12226(b) (2) and refers to any discharge to a municipal separate storm sewer system that is not entirely composed of storm water. In addition, Section 1.3.5 of the general permit does not authorize discharges that would cause or contribute to in-stream exceedances of water quality standards.

In order to achieve the requirements set forth by the Ohio Environmental Protection Agency, please notify this office in writing, within fourteen (14) days with documentation that the truck has been moved off the street or repaired to prevent the leaking of motor oil onto City pavement. If you have any questions concerning this correspondence, please contact me at 740-203-1900 or [bstanton@delawareohio.net](mailto:bstanton@delawareohio.net).

Sincerely,

**Brad Stanton**  
*Public Utilities Director*  
740-203-1900  
[bstanton@delawareohio.net](mailto:bstanton@delawareohio.net)

Cc: Mr. Greg Doubikin, Assistant Wastewater Manager  
Mr. Charles Duker, Public Works Street Superintendent  
Mr. Brad Brewer, City of Delaware Code Enforcement  
MS4 File





**CHAPTER 926**  
**Illicit Non-Stormwater Discharge and Illegal Connection to**  
**Storm Sewer System**

<p>926.01 Purpose and scope.</p> <p>926.02 Definitions.</p> <p>926.03 Conflicts, severability, nuisances and responsibility.</p> <p>926.04 City may contract with other agencies.</p> <p>926.05 Discharge and connection prohibitions.</p>	<p>926.06 Industrial or construction activity discharge.</p> <p>926.07 Monitoring of illicit discharges and illegal connections.</p> <p>926.08 Notification of accidental discharges and spills.</p> <p>926.09 Enforcement.</p> <p>926.10 Remedies not exclusive.</p>
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**CROSS REFERENCES**

Storm sewers - see S.U. & P.S. Ch. 925

**926.01 PURPOSE AND SCOPE**

(a) The purpose of this regulation is to provide for the health, safety, and general welfare of the citizens of the City of Delaware through the regulation of illicit discharges to the municipal separate storm sewer system (MS4). This regulation establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process as required by the Ohio Environmental Protection Agency (Ohio EPA).

(b) This regulation applies to all residential, commercial, industrial, or institutional facilities responsible for discharges to the MS4 and on any lands in the City of Delaware, except for those discharges generated by the activities detailed in Section 926.05 (a)(1) to (a)(3) of this regulation.

- (c) The objectives of this regulation are as follows:
- (1) To prohibit illicit discharges and illegal connections to the MS4.
  - (2) To establish legal authority to carry out inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with this regulation.

(d) Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law.  
 (Ord. 12-36. Passed 6-25-12.)

**926.02 DEFINITIONS.**

The words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

- (a) **Best Management Practices (BMPS):** 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 the discharge of pollutants to storm water. Bmps also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- (b) **Community:** means the City of Delaware, its designated representatives, boards, or commissions.
- (c) **Environmental protection agency:** means the United States Environmental Protection Agency (USEPA), the Ohio Environmental Protection Agency (Ohio EPA), or any duly authorized official of said agencies.
- (d) **Floatable material:** means 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.
- (e) **Hazardous material:** means any material including any substance, waste, or combination thereof, which because of its quantity, 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.
- (f) **Illicit discharge:** means any discharge to an MS4 that is not composed entirely of storm water, except for those discharges to an MS4 pursuant to a NPDES permit or noted in Section 926.05 of this regulation
- (g) **Illegal connection:** means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4.
- (h) **Municipal Separate Storm Sewer System (MS4):** means conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
  - (1) Owned or operated by the city, that discharges to waters of the united states;
  - (2) Designed or used for collecting or conveying storm water;
  - (3) Which is not a combined sewer; and
  - (4) Which not part of a Publicly Owned Treatment Works (POTW) is as defined at 40 C.F.R. 122.2.
- (i) **National Pollutant Discharge Elimination System (NPDES) storm water discharge permit:** means a permit issued by the EPA that authorizes the discharge of pollutants to waters of the united states, whether the permit is applicable on an individual, group, or general area-wide basis.
- (j) **Off-lot discharging home sewage treatment system:** means a system designed to treat home sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.
- (k) **Owner/operator:** means 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.

- (l) Pollutant: means anything that 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, yard wastes, refuse, rubbish, garbage, litter or other discarded 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.
- (m) Storm water: any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- (n) Wastewater: the spent water of a community. It may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.  
(Ord. 12-36. Passed 6-25-12.)

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

(a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the City of Delaware, shall prevail.

(b) If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.

(c) This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

(d) Failure of the City of Delaware 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 of Delaware, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.  
(Ord. 12-36. Passed 6-25-12.)

#### 926.04 CITY MAY CONTRACT WITH OTHER AGENCIES.

The City of Delaware may contract with other agencies to conduct inspections and monitoring and to assist with enforcement actions.  
(Ord. 12-36. Passed 6-25-12.)

#### 926.05 DISCHARGE AND CONNECTION PROHIBITIONS.

(a) Prohibition of Illicit Discharge. No person shall discharge, or cause to be discharged, an illicit discharge into the MS4. The commencement, conduct, or continuance of any illicit discharge to the MS4 is prohibited except as described below:

- (l) Water line flushing; landscape irrigation; diverted stream flows; rising groundwater's; uncontaminated ground water infiltration; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; small charity washes; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; and discharges or flows from fire fighting activities. These discharges are exempt until such time as they are determined by the City of Delaware to be significant contributors of pollutants to the MS4.

Additional, other water sources not containing pollutants may be considered at the discretion of the City Engineer, Director of Public Utilities and/ or the Chief Building Official.

- (2) Discharges specified in writing by the City of Delaware as being necessary to protect public health and safety.
- (3) Discharges from off-lot household sewage treatment systems permitted by the Delaware General Health District for the purpose of discharging treated sewage effluent in unless such discharges are deemed to be creating a public health nuisance by the Delaware General Health District. In compliance with the City of Delaware Storm Water Management Program, discharges from all off-lot household sewage treatment systems must either be eliminated or have coverage under an appropriate NPDES permit issued and approved by the Ohio Environmental Protection Agency.

(b) Prohibition of Illegal Connections. The construction, use, maintenance, or continued existence of illegal connections to the MS4 is prohibited.

- (1) A person is considered to be in violation of this regulation if the person connects a line conveying illicit discharges to the MS4, or allows such a connection to continue.
- (2) This prohibition expressly includes, without limitation connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.  
(Ord. 12-36. Passed 6-25-12.)

#### **926.06 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGE.**

(a) Industrial or Construction Activity Discharge. Any person subject to an industrial or construction activity NPDES stormwater 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 City of Delaware prior to allowing discharges to the municipal separate storm sewer system.

#### (b) Portable Toilets.

- (1) Property owners, occupants, managers or other persons in charge of any premises, office, business establishment, institution, industry, or similar facility, including construction or demolition sites, shall be responsible for the placement and sanitary maintenance of portable toilets.
- (2) Portable toilets shall not be located upon any street or public right-of-way without prior approval from the City. Portable toilets shall not be located on, or within twenty (20) feet of a storm drain, or within one hundred (100) feet from any body of water including but not limited to project ponds with over flow devices. Portable toilets shall not be located within eleven (11) feet of a curb and/or gutter. If portable toilet placement is for a period of time lasting longer than one week, and is determined by the City to be vulnerable to tipping from wind, or vandalism, the portable toilet shall be secured by staking or cabling.
- (3) Portable toilets shall be installed in a level position and be easily accessible to users.
- (4) Where possible, portable toilets shall be located upon natural ground and not on an impervious surface such as concrete or asphalt.
- (5) Portable toilets shall not be located whereby a spill or runoff will enter into storm drains or any water system.

- (6) Portable toilets are not to be washed down whereby allowing contamination runoff to pollute soil and water resources and create potential human health issues and/or aquatic degradation.
- (7) Portable toilets must be cleaned and serviced by a licensed service company at least once per week or when needed to maintain sanitary conditions.  
(Ord.12-36. Passed 6-25-12.)

#### 926.07 MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS.

##### (a) Inspection of Residential, Commercial, Industrial, or Institutional Facilities.

- (1) The City of Delaware shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.
- (2) The City of Delaware shall have the right to set up at facilities subject to this regulation such devices as are necessary to conduct monitoring and/or sampling of the facility's storm water discharge, as determined by the City of Delaware.
- (3) The City of Delaware shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operator's expense. All devices used to measure storm water flow and quality may be calibrated by the City of Delaware to ensure their accuracy.
- (4) Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or verbal request of the City of Delaware and shall not be replaced. The costs of clearing such access shall be borne by the facility owner/operator.
- (5) Unreasonable delays in allowing the City of Delaware access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.
- (6) If the City of Delaware is refused access to any part of the facility from which storm water is discharged, and the City of Delaware demonstrates probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety, and welfare, the City of Delaware may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court of appropriate jurisdiction.
- (7) Any costs associated with these inspections shall be assessed to the facility owner/operator. Upon failure to make payment, the charges may be assessed against the property subject to the inspection.  
(Ord. 12-36. Passed 6-25-12.)

**926.08 NOTIFICATION OF ACCIDENTAL DISCHARGES AND SPILLS.**

(a) Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or nonstormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the MS4, state waters, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

(b) Said person shall notify the city, by phone, or other method no later than twenty-four (24) hours of the nature, quantity and time of occurrence of the discharge. Notifications shall be confirmed by written notice addressed and mailed to the City of Delaware within three (3) business days. If the discharge of prohibited materials 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 actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

(c) In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified. Failure to provide notification of a release as provided above is a violation of this chapter.  
(Ord. 12-36. Passed 6-25-12.)

**926.09 ENFORCEMENT.**

(a) Notice of Violation. When the City of Delaware finds that a person has violated a prohibition or failed to meet a requirement of this regulation, the City of Delaware may order compliance by written notice of violation. Such notice must specify the violation and shall be hand delivered, and/or sent by registered mail, to the owner/operator of the facility. Such notice may require the following actions:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit discharges or illegal connections;
- (3) That violating discharges, practices, or operations cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; or
- (5) The implementation of source control or treatment BMPS.

(b) If abatement of a violation and/or restoration of affected property are required, the notice of violation shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the facility owner/operator fail to remediate or restore within the established deadline, a legal action for enforcement may be initiated.

(c) Any person receiving a notice of violation must meet compliance standards within the time established in the notice of violation.

(d) Administrative Hearing: If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, the City of Delaware shall schedule an administrative hearing to determine reasons for non-compliance and to determine the next enforcement activity. Notice of the administrative hearing shall be hand delivered and/or sent registered mail.

(e) Injunctive Relief: It shall be unlawful for any owner/operator to violate any provision to fail to comply with any of the requirements of this regulation pursuant to Ohio R.C. 3709.211. If an owner/operator has violated or continues to violate the provisions of this regulation, the City of Delaware may petition for a preliminary or permanent injunction restraining the owner/operator to perform abatement or remediation of the violation. Such injunction shall be heard by the City of Delaware Public Utilities/public Works Committee.  
(Ord. 12-36. Passed 6-25-12.)

**926.10 REMEDIES NOT EXCLUSIVE.**

The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state or local law and it is the discretion of the City of Delaware to seek cumulative remedies.  
(Ord. 12-36. Passed 6-25-12.)





August 15, 2016

Jonethan and Lakisha Sepelak  
246 Tudor Drive  
Delaware, Ohio 43015

Dear Mr. & Mrs. Sepelak:

It was recently brought to the attention of the City of Delaware's Public Utilities Department that a truck owned by you and parked in front of your residence at 246 Tudor Drive has been leaking motor oil onto the road pavement surface with the potential of draining into the City's storm water system at a catch basin near your driveway approach.

The City of Delaware was issued coverage under the general permit for Municipal Separate Storm Sewer Systems (MS4) on January 30, 2009. Section 3.2.3.1.4 of the general permit requires the City of Delaware to develop, implement and enforce a program to detect and eliminate illicit discharges from the MS4. "Illicit Discharge" is defined at 40CFR 12226(b) (2) and refers to any discharge to a municipal separate storm sewer system that is not entirely composed of storm water. In addition, Section 1.3.5 of the general permit does not authorize discharges that would cause or contribute to in-stream exceedances of water quality standards.

In order to achieve the requirements set forth by the Ohio Environmental Protection Agency, please notify this office in writing, within fourteen (14) days with documentation that the truck has been moved off the street or repaired to prevent the leaking of motor oil onto City pavement. If you have any questions concerning this correspondence, please contact me at 740-203-1900 or [bstanton@delawareohio.net](mailto:bstanton@delawareohio.net).

Sincerely,

**Brad Stanton**

*Public Utilities Director*

740-203-1900

[bstanton@delawareohio.net](mailto:bstanton@delawareohio.net)

Cc: Mr. Greg Doubikin, Assistant Wastewater Manager  
Mr. Charles Dukes, Public Works Street Superintendent  
Mr. Brad Brewer, City of Delaware Code Enforcement  
MS4 File









March 6, 2017

Mr. Jonethan Sepelak  
246 Tudor Drive  
Delaware, Ohio 43015

RE: Excessive Oil on street from vehicle, Violation of 926.08 of the Delaware Codified Ordinances and MS4 Permit.

Dear Mr. Sepelak:

On December 9, 2016, you were sent a letter informing you that the illicit discharge of oil from your vehicle is a violation of the City's MS4 permit and Chapter 926 of the City's Codified Ordinances. In the letter, you were notified that you are responsible to properly clean the street of the oil that leaked from your vehicle and capture the runoff so it will not enter the City's storm water system.

Our letter also stated that if the oil is not cleaned off the street by December 19, 2016 an administrative hearing will be held to determine reasons for non-compliance and the next enforcement action. You are required to attend the administrative hearing. As of March 6, 2017 the oil from your vehicle has not been cleaned off the street. The current estimate as of November 7, 2016 to clean up the street area is \$1,650.00. Please keep in mind that any damage done to the asphalt that may need to be repaired will also be your responsibility to pay for.

Pursuant to code, it shall be unlawful for any owner/operator to violate any provision to fail or comply with any of the requirement of this regulation pursuant to Ohio R.C. 3709.211. If any owner/operator has violated or continues to violate the provisions of this regulation, the City of Delaware may petition for a preliminary or permanent injunction restraining the owner/operator to perform abatement or remediation of the violation. Such injunction shall be heard by the City of Delaware Public Works/Public Utilities Committee.

Therefore, by notification of this letter, you are required to attend an administrative hearing on Friday, March 24, 2017 at 3:00PM EST. The hearing will be held at Delaware City Hall, 1 South Sandusky Street, Delaware, Ohio 43015 in City Council Chambers.

Please call me at 740-203-1900 or email at [bstanton@delawareohio.net](mailto:bstanton@delawareohio.net) if you should have questions regarding this notification.

Respectfully,

Brad Stanton,  
Public Utilities Director  
City of Delaware, Ohio  
740-203-1900

[bstanton@delawareohio.net](mailto:bstanton@delawareohio.net)

*Cc: Jackie Walker, Assistant City Manager  
Darren Shulman, City Attorney  
Jerry Warner, Chief Building Official  
Greg Doubikin, Assistant Wastewater Manager*