DEERFIELD REGIONAL STORM WATER DISTRICT

CODE OF REGULATIONS

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

By

The Deerfield Regional Storm Water District, Board of Trustees

Includes changes adopted through February 11, 2020

Amendments:

(Originally Adopted October 10, 2006; Resolution no. 2006-42)

Amendment	Date of Amendment	Resolution	Change
1.	April 10, 2007	2007-21	Add §§ 227, 228
2.	August 14, 2007	2007-35	Amend §403, add §§404, 405, 499
3.	Nov. 27, 2007	2007-45	Add Chapter 6 (§§600-604)
4.	July 22, 2008	2008-34	Replace Appendix 2 with cost-as-a-factor methodology
5.	February 2, 2010	2010-10	Add Chapter VII credit card policies. (§§701-711)
6.	October 12, 2010	2010-32	Several amends to Chapter 4 to clarify policy.
7.	April 12, 2011	2011-24	Amend Section 228 Refund Policy
8.	February 14, 2012	2012-11	Amend §707 to delete admin asst % add Bd. designee
9.	August 14, 2012	2012-60	Amend §403 to revise stream bank assistance
10.	October 13, 2015	2015-52	Amend §403 re: District reimbursement policy
11.	February 12, 2016	2016-08	Amend §403 to add MSCL projects
12.	December 12, 2017	2017-85	Amend §403 re: MSCL evidence required
13.	June 12, 2018	2018-37	Amend §103 to add easement, add §406
14.	June 12, 2018	2018-38	Amend §403 re Criterion 3
15.	February 11, 2020	2020-13	Amend §708 re: Increase Credit Limit

Table of Contents

Section		Page
Chapter 1 – General Provisions		
101.	Purpose of Regulations	1
102.	Governing Regulations	1
103.	Definitions	1
104.	Access to Property	5
105.	Malicious Mischief	5
106.	Amendments, Changes	5
107-198.	Reserved	5
199.	Penalty	5
Chapter 2 – Storm Water Charges		
200.	Storm Water Management Utility	6
201.	Storm Water Charge Necessary	6
202.	Powers of the Board	6
203.	Deposits, Fees and Charges	6
204.	Storm Water User Fee	6
205.	Storm Water Rate Establishment Procedures	7
206.	Billing Cycles	7
207.	Billing Services	7
208.	Terms of Payment	7
209.	Change of Ownership, Liability of Unpaid Bills	8
210.	Impervious Area Basis	8
211.	Equivalent Residential Unit Standard	8
212.	Residential Properties	8
213.	Non-Residential Properties	8
214.	Charge	8
215.	Right to Appeal	8
216.	New Construction	8
217.	Inactive Accounts	9
218.	Deposits	9
219.	Lien on Premises	9
220.	Utility Billing Agreement	9
221.	Adjustment and Credits	9
222.	Charges for damages to storm water system	9
223.	Late Payment Penalties	9

224. Termination of Water Services for Non-Payment 10
225. Opportunity for Hearing 10
226. Additional Charges 10
227. Fee Timing 10
228. Refund Policy 10
227-298. Reserved 11
299. Penalty 11

Chapter 3 – Illicit Discharge Regulations

301. Purpose 12
302-398. Reserved 12
399. Penalty 12

Chapter 4 – Private Property Drainage Assistance

401. Purpose 13
402. Procedure 13
403. Policy 14
404. Ranking Procedure 16
405. Ranking Methodology 17
406. Public Improvements on Private .....
Property; Easements 17
407-498 Reserved 17
499 Penalty 17

Chapter 5 – Purchasing Policy

501. Purchase Orders – Certification 18
502. Types of Certification 19

Chapter 6 – Expense & Reimbursement Guidelines

600. Reimbursement Policy 20
601. Minimizing Costs 20
602. Expense Reimbursement Report 20
603. Sales Tax Exemption 20
604. Business Calls on Personal Cellular Phones 21

Chapter 7 – Credit Card Policy

701. Policy Statement 22
702. Policy Objectives 22
703. Rationale 22
704. Scope 22
705. Responsibilities of Credit Card Users 22
706. Use for Authorized District Expenses 22
707. Approval Authority 23
708. Spending Limits 23
709. Lost or Stolen District Credit Cards 23
710. Responsibilities of Credit Card Users 23
711. Personal or Private Business Use of Company Credit Card 24

Appendix 1 – Adjustment & Credit Policy

Appendix 2 – Cost As A Factor Project Ranking Methodology

DEERFIELD REGIONAL STORM WATER DISTRICT
CODE OF REGULATIONS

CHAPTER I
General Provisions

101. PURPOSE OF REGULATIONS: Storm water management is intended to provide for the safe and efficient capture and conveyance of storm water runoff, mitigate the damaging effects of storm water runoff, correct storm water problems, to fund activities of storm water management, comply with the Federal Clean Water Act, and include design, planning, regulation, education, coordination, construction, operations, maintenance, inspection and enforcement activities, all for the protection of the public health, welfare, and safety.

102. GOVERNING REGULATIONS: In the event of any conflict between these Regulations and the requirements of the Ohio EPA, the documents providing the highest or most stringent requirement, criteria, standard or rule shall govern.

103. DEFINITIONS: Unless the context specifically indicates otherwise, the following words and phrases when used in these Regulations shall have the meaning defined below:
    a. "***Abatement***" means any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting a drainage system.
    b. "***Approved plans***" means plans approved by the District according to a permits and plan review which will govern all improvements made within the District that require storm water facilities or changes or alterations to existing storm water facilities.
    c. "***Billing Address***" means the address at which the customer who is responsible for storm water services receives billings from the District. Billing addresses may, but need not, be the address at which said services are received.
    d. "***Board***" means the Board of Trustees of the Deerfield Regional Storm Water District.
    e. "***Building***" means any structure, or part of a building or structure, whether or not constructed for human habitation.
    f. "***County***" means Warren County, Ohio, its Board of Commissioners and any department or employee of Warren County, Ohio.
    g. "***Credit***" means an on-going reduction in a customer's storm water service fee given for certain qualifying activities which

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

h. "***Customer***" means any person or entity who receives utility services provided by the District.

i. "***Detention Facility***" means a facility, which, by means of a single control point, provides temporary storage of storm water runoff in ponds, parking lots, depressed areas, rooftops, buffed underground vaults or tanks, etc., for future release, and is used to delay and attenuate flow.

j. "***Developer***" A person, firm, or corporation that presumes to excavate or fill, build structures, or otherwise improve a specific parcel or tract of land.

k. "***Development***" means the improvement of tract(s) or parcel(s) of land with more than one structure or building.

l. "***District***" means the Deerfield Regional Storm Water District, Warren County, Ohio, its Board and its authorized representatives.

m. "***Director***" means the director of the District.

n. "***Easement***" An acquired legal right to use the land of another for a specified purpose.

o. "***Equivalent Residential Unit (ERU)***" is a value assigned by the District equal to 3,407 square feet of impervious area applicable to a property within the District.

p. "***Facilities***" mean various storm water and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, channels, outlets, and other structural components.

q. "***Impervious area***" means areas that have been paved and/or covered with buildings and materials which include, but are not limited to, impervious concrete, asphalt, rooftop, and blacktop.

r. "***Improvements***" means any addition to the natural state of land which increases its value or utility, including buildings, street pavements with or without curbs and gutters, sidewalks, crosswalks, water mains, sanitary sewers, storm sewers, landscaping, street lighting, public utilities, paved parking areas, and other appropriate items.

s. "***Industrial Wastes***" means the liquid, gaseous or solid wastes resulting from any process of industry, manufacturer, trade, or business, or from the development, processing, or recovery of any natural resource which will pollute any water it enters. As distinct from domestic or sanitary wastes.

t. "***NPDES***" means National Pollutant Discharge Elimination System.

u. "***NPDES Permit***" means a permit issued pursuant to Section 402 of the Clean Water Act.

v. "**May**" "May" is permissive (see "Shall").

w. "***Natural Outlet***" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

x. "***Owner***" means all individuals, partnerships, associations, corporations or political subdivisions holding any title or interest in any property rights, easements and interest in any real property served or which may be served by a District System.

y. "***Parcel***" means a specific part of a larger acreage of land.

z. "***Person***" means any individual, firm, company, association, partnership, society, corporation or group, whether a property owner, a contractor, or other, but not the District, Township or County.

aa. ***Plat***" means a plan of a tract or parcel of land made by a surveyor registered in the State of Ohio showing public dedications, property lines, lot lines, and such other information as is required by law.

bb. "***Pollution***" means the placing of any noxious or deleterious substances in any waters within the District or affecting the properties of any waters within the District in a manner which renders such waters harmful or inimical to the public health, or to animal or aquatic life, or to the use of such waters for domestic water supply, industrial or agricultural purposes, or recreation.

cc. ***Premises***" means a tract of land, platted or unplatted.

dd. "***Private Improvement***" means any Storm Drainage System which conveys storm water from a single Private Property to a Public Improvement.

ee. "***Private Property***" means any Parcel owned by any Person.

ff. "***Primary Drainage System***" means first and second order streams. (refer also to "Secondary Drainage System").

gg. "***Public Improvement***" means any Storm Drainage System which benefits the public by conveying, disposing or otherwise managing the Storm Water from multiple Parcels or from Public Property.

hh. "***Public Property***" means any Parcel or Premises which is owned or controlled by the District, the County or the Township, including roads.

ii. "***Residential Property***" means all single family homes, and each dwelling unit of a multi-family housing complex within the District.

jj. "***Sanitary Sewer***" means a sewer that carries liquid and water carried wastes from residences, commercial buildings,

industrial plants, and institutions, and to which storm, surface and ground waters are not legally admitted.

kk. "***Secondary Drainage System***" means swales or Storm Drainage Systems, including inlet and outlet structures of the Secondary Drainage System which either deposit water into or receive water from pipes that are twelve inches (12”) in diameter or greater.

ll. "***Sewage***" means any substance that contains waste products, excrement, or other discharge from the bodies of human beings or animals, which will pollute any water it enters. The standard strength for sewage shall be 200 ppm BOD and 200 ppm Suspended Solids.

mm. "***Sewer***" means a pipe or conduit for conveying storm water, ground water, nonpolluted water, sewage or industrial waste water.

nn. “***Square Footage Of Impervious Area***” means, for the purpose of assigning an appropriate number of ERUs to a parcel of real property, the square footage of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square footage, without regard for topographic features of the enclosed surface.

oo. “***Storm Sewer***” means a sewer which carries storm water, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.

pp. “***Storm Drainage System***” means all man-made Facilities, structures and natural watercourses outlets, or swales or ditches, and sewers which carry storm water, ground water, surface water and subsurface drainage water, but not streams.

qq. “***Storm Water***” means storm water runoff, snow melt runoff, and surface runoff and drainage.

rr. "***Shall***" "Shall" is mandatory (see "May").

ss. "***Storm Sewer or Storm Drain***" means a sewer which carries storm and surface waters or drainage, but that excludes sewage and polluted industrial wastes.

tt. “***Township***” means Deerfield Township in Warren County, Ohio.

uu. "***Toxic***" means being capable of adversely affecting any organism upon assimilation or exposure.

vv. "***Tract***" means a continuous expanse of land.

ww. "***Wastewater***" means any water containing sewage or industrial waste or other pollutants or contaminants derived from the prior use of such water.

xx. "***Watercourse***" means a channel in which a flow of water occurs, either continuously or intermittently.

104. ACCESS TO PROPERTY: Any duly authorized representative of the District bearing proper credentials and identification shall be permitted to enter upon all properties within the District for the purpose of inspecting, measuring, sampling, testing or any other purpose related to District storm water functions and in accordance with the provisions of these Regulations and Ohio Law.

105. MALICIOUS MISCHIEF: No person shall maliciously, willfully, or negligently break, damage, destroy, deface, cover, or tamper with any part of the storm water system.

106. AMENDMENTS, CHANGES: The District reserves the right at any time to alter, amend or add to these Regulations.

107-198 RESERVED

199 PENALTY: Whoever violates any provision of these Regulations or District directives pursuant to these Regulations shall be subject to the remedies allowed by these Regulations and by law, be liable for the cost of damages and the repairs incurred by the District, be subject to fines and penalties, be subject to the certification of unpaid charges to the Warren County Auditor for placement upon the tax duplicate, and/or be denied future permits for so long as the violation continues.

DEERFIELD REGIONAL STORM WATER DISTRICT
CODE OF REGULATIONS

CHAPTER II

STORM WATER CHARGES

200 STORM WATER MANAGEMENT UTILITY: There is hereby established the Deerfield Regional Storm Water District's "Storm Water Management Utility".

201 STORM WATER CHARGE NECESSARY: Chapter II establishes storm water rates and user service fees. Monies collected from these fees are to be utilized for the management of storm water. It is hereby determined necessary for the protection of public health, safety, and welfare and to conform with federal, state, and local laws and regulations that a system of charges for storm water service be established which allocates the cost of providing storm water service to each user in such a manner that the allocated costs are proportionate to the cost of providing storm water service to that user, insofar as those costs can reasonably be determined.

202 POWERS OF THE BOARD: Storm water service fees levied pursuant to this chapter may be collected by the District or its agent, including Warren County. Notwithstanding other provisions of the District regulations, the Board or its designated agent shall make and enforce such regulations as may be deemed necessary for the safe, economical, and efficient management and protection of storm water systems within the District; for the construction and use of storm sewers and connections to the storm water system consistent with policies established by the District; and for the regulation, collection, rebating and refunding of such storm water fees.

203 DEPOSITS, FEES AND CHARGES: The Board of Trustees of the District shall establish the deposits, fees and charges for storm water services. These deposits, fees and charges shall be listed in a Deposit, Fee and Charge Schedule which shall be approved by the District Board. The same may include any surcharges, penalties or interest which may be applicable. The approved schedule in force on the date a deposit, fee or charge is required shall govern the amount of the deposit, fee or charge.

204 STORM WATER USER FEE: A Storm Water User Fee shall be imposed on each and every lot and parcel of land with impervious surface, as

identified by the District, within the District and shall be paid by those liable thereof. This Fee may be used to pay for the repair, replacement, planning, improvement, operation, regulation, administration and maintenance of certain specified components of the existing and future storm water systems within the District, storm water projects determined necessary by the Board to improve storm water drainage and for compliance with all local, state and federal requirements.

205 STORM WATER RATE ESTABLISHMENT PROCEDURES: Storm water rates, including the Storm Water User Fee, shall be designed to recover the cost of the District providing storm water service for the time period under consideration, including compliance with all local, state and federal regulations. Rates shall be established so as to maintain adequate funds to provide for reasonably expected variations in the cost of providing services, as well as variations in the demand for services and governmental requirements. The Board or its designee shall prepare an annual storm water rate report with a recommended rate schedule. This report shall contain data utilized in the determination of said storm water rates. For each year after the adoption of the initial rates, the report will be presented to the full Board during October. The Report will recommend appropriate storm water rates to become effective January 1 of each subsequent year. However, if circumstances warrant more or less frequent reviews, the Board may adjust rates at any time and as frequently as necessary to meet the needs of the District.

206 BILLING CYCLES: A storm water bill may be rendered on either a monthly, bi-monthly (once every two months), quarterly (once every three months), or annual (once every 12 months) basis.

207 BILLING SERVICES: All billing services, except the certification of delinquent charges to the Warren County Auditor, shall be performed by Warren County, pursuant to contract between the District and Warren County.

208 TERMS OF PAYMENT: For properties which, on the date of the adoption of these regulations by the District, receive a water or sewer bill from Warren County, District charges will be included on those bills, unless the owner of the property requests, in writing, that the bill be sent to some other address specified by the Owner, or the District determines that the bills should be sent to some other address. For all other properties, the District shall provide Warren County with the billing information for such properties. All payments shall be due on the date designated by Warren County, and any sums not paid by such date shall be considered delinquent and subject to a 10% penalty.

209 CHANGE OF OWNERSHIP, LIABILITY OF UNPAID BILLS: When a property which receives a storm water bill from the District changes ownership, the person who will become the new owner shall, within fifteen (15) days of change of ownership, notify Warren County of the change in ownership. Failure to notify the County of the change in ownership within fifteen (15) days of the change in ownership will subject the new owner to be liable for all past due amounts for that property, and any other remedies allowed by law.

210 IMPERVIOUS AREA BASIS: The Storm Water User Fee for any property, lot or parcel of land shall be based upon the quantity of impervious area situated thereon.

211 EQUIVALENT RESIDENTIAL UNIT STANDARD: All properties having impervious area within the District will be assigned an equivalent residential unit (ERU), or a multiple thereof, with all properties having impervious area receiving at least one (1) ERU. Fractional ERU calculations shall be rounded to the nearest tenth of an ERU. One ERU shall consist of 3,407 square feet of impervious surface.

212 RESIDENTIAL PROPERTIES: All residential properties shall be assigned 1 ERU. A flat rate will apply to all residential properties.

213 NON-RESIDENTIAL PROPERTIES: Non-residential properties will be assigned an ERU value based upon impervious surface, as determined by the District.

214 CHARGE: The Storm Water User Fee as prescribed in the rate schedule is as follows:

$1.92 per month per equivalent residential unit (ERU).

215 RIGHT TO APPEAL: Owners may challenge the ERU multiple assigned to their property by filing an appeal with the Board for adjustment thereof, stating in writing the grounds for the appeal. The Board shall cause appropriate investigation thereof and report the findings to the appellant. The Board or the Board's designee, shall consider the appeal and determine whether an adjustment of the ERU multiple for any such lot or parcel is necessary, and adjust such ERU multiple if appropriate.

216 NEW CONSTRUCTION: When an improvement is constructed on a previously empty lot, the District's Storm Water User Fee shall begin when the water meter for that improvement is activated.

217 INACTIVE ACCOUNTS: Warren County may permit an account to be "inactive" for a period of time. During such status, the District Storm Water User Fee shall continue to apply to the account.

218 DEPOSITS: Residential tenants who do not own the property to which the District's Storm Water User Fee applies shall be required to pay a refundable District deposit in the amount of fifteen dollars ($15.00). The deposit shall be used for payment of tenant's unpaid district Storm Water User Fees. Upon the termination of an account, deposit balances greater than three dollars ($3.00) shall be refunded to the tenant.

219 LIEN ON PREMISES: Each Storm Water User Fee rendered under or pursuant to these regulations is hereby made a lien upon the corresponding lot, parcel of land, building or premises if the same is not paid when due and payable. At the time the District deems it appropriate, said charges may be certified to the Warren County Auditor, who shall place the same on the tax duplicate of the County with the interest and penalties allowed by law and be collected as other taxes are collected.

220 UTILITY BILLING AGREEMENT: The Utility Billing Agreement between the District and Warren County, adopted by the District Board on August 8, 2006, including the policies and procedures therein, are hereby incorporated into these Regulations.

221 ADJUSTMENT AND CREDITS: The District's *Adjustment and Credit Policy* allows for adjustments and credits to the District's Storm Water User Fee. This Policy is attached hereto as "Appendix 1", is hereby incorporated into these Regulations, and shall have the same force and effect as these Regulations.

222 CHARGES FOR DAMAGES TO STORM WATER SYSTEM: When any person causes an obstruction of, or damage to, or any other impairment to any part of a storm water System or the treatment process, a charge shall be levied by the District against the Owner from whose premises the damage originated or, if no premise is involved, the responsible person. The charges shall be for the cost of the work required to clear and/or repair the part of the storm water system. The District shall add such charge to the usual service charges, surcharges, and fees, or bill the responsible person. Failure to pay the bill within 30 days of its receipt shall subject the person to the provisions of Section 199.

223 LATE PAYMENT PENALTIES: Each time a Storm Water User Fee is considered to be late, a late fee in the amount of ten percent (10%) of the total amount due shall be applied to the account.

224 TERMINATION OF WATER SERVICES FOR NON-PAYMENT: Any water service termination for non-payment of the District's Storm Water User Fee shall proceed according to the Policies of Warren County and the Utility Billing Agreement between the District and the Warren County Board of County Commissioners, and any amendments thereto.

225 OPPORTUNITY FOR HEARING: Prior to the termination of water services pursuant to the policies and procedures of Warren County, the recipient of those services shall be afforded the opportunity for a hearing. Any request for such hearing shall be in writing and directed to both Warren County and the District.

226 ADDITIONAL CHARGES: The District may levy an additional charge to any customer for any of the following reasons:

a For any actions contrary to these Regulations or for any violation or failure to comply with these Regulations.
b For willful misrepresentation as to any material facts related to storm water services.
c For tampering with or molesting any storm water component or control device either under the control of, or belonging to the District, or any other component affecting other properties.
d For connecting a sanitary sewer line or non-storm water pipe directly or indirectly with any other source of waste water to the storm water system.
e For denial to the District of reasonable access to the premises.
f Non-payment of any District deposits, fees or charges.

227. FEE TIMING: All District Storm Water User Fees are billed in advance of the time period they cover, regardless of the frequency of billing.

228. REFUND POLICY: In the event that a storm water account includes a credit amount, due to overpayment for any reason, refunds and credits of such amounts shall be considered on a case-by-case basis, based on the following:

a. When an account includes a credit amount of one thousand dollars ($1,000.00) or more, the District will issue a refund check, for the entire credit amount, to that customer.
b. When an account includes a credit amount less than one thousand dollars ($1,000.00), that account will be issued a credit in that amount. The District will instruct its billing agent to apply any such credit amount toward the next invoice(s) for said account until such credit is exhausted. However, upon request of the customer, the District may issue a refund check instead of the account credit.

c. For District customers who receive a bi-monthly invoice, when the ownership of a property changes and the account for that property includes a previously issued credit, the District may issue a refund, or partial refund, of the remaining credit amount applicable to subsequent invoice periods.
d. For District customers who receive one invoice per year, when the ownership of a property changes and the account for that property includes a previously issued credit, refunds or partial refunds may be considered only for credit amounts which apply to subsequent yearly invoice periods.
e. When a Customer has paid District fees for an invoice period, be it bi-monthly or annual, and the ownership of the property changes during such invoice period, the District will not issue credits or refunds to the Customer for the portion of such payment period remaining after the date of the property ownership change.
f. The District Board reserves the right to issue refunds, other than as described in this Section 228, under circumstances which it deems, in its sole judgment, to be extraordinary.

229-298 Reserved

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

DEERFIELD REGIONAL STORM WATER DISTRICT
CODE OF REGULATIONS

CHAPTER III

ILLICIT DISCHARGE REGULATIONS

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

302-398. RESERVED.

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

DEERFIELD REGIONAL STORM WATER DISTRICT
CODE OF REGULATIONS

CHAPTER IV

DRAINAGE ASSISTANCE POLICY

401. PURPOSE: To clarify the District's policies and procedures with respect to the management of Storm Water runoff issues.

402. PROCEDURE: Any request to the District Board for assistance ("Request") must be submitted on the District's "Request for Assistance" form. Upon receipt of a Request for Assistance, the Board shall consider said Request and, after performing a preliminary investigation, determine whether District involvement is appropriate and whether such Request involves construction, repair or reconstruction which would meet one of the five criteria to be eligible for financial assistance according to the policy in Section 403 herein.

    If, following a preliminary investigation, the Board determines that (i) District involvement is appropriate and (ii) the Request involves construction, repair or reconstruction meeting one of the five criteria in Section 403 and (iii) is not otherwise excluded from consideration by Section 403, then the Board may do one or more of the following, if sufficient funding is available for such purpose(s):

    a. provide a technical evaluation of the issue, either through the District's consulting engineer or any other appropriate entity, or

    b. provide the Requesting party with any existing reports, studies or other information which the District maintains in its records and which may provide insight into the nature or cause of the problem, subject to applicable copying charges; or

    c. enter into an agreement with the District's consulting engineer or any other appropriate entity to develop a solution to the problem; or

    d. provide information on possible funding sources, including the District, that may be available to the resident or parcel owner to correct the problem; or

    e. provide District funding in accordance with Chapter IV herein, to be applied toward some or all costs related to the construction, repair or

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

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

If, after performing a preliminary investigation, the Board determines that District involvement is appropriate and the Request does NOT involve construction, repair or reconstruction meeting one of the five (5) criteria in Section 403 and if sufficient funding is available, the Board may do one or more of the following:

a. provide the Requesting party with any existing reports, studies or other information which the District maintains in its records and which may provide insight into the nature or cause of the problem, subject to applicable copying charges; or

b. provide information on possible funding sources that may be available to the resident or parcel owner to address the issues presented in the Request; or

c. if the Request is to evaluate a Storm Water quantity issue which results in flooding or road ponding, then the Board may provide a technical evaluation of the issue, either through the District's consulting engineer or any other appropriate entity and/or design a solution to the flooding or road ponding.

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

A. Any real property owner within the limits of the District may present such issues to the District Board and request that the District Board consider providing District assistance in the resolution of such issue.

B. It shall be the policy of the District that District funds, at the Board's sole discretion, *May* be expended to pay for some or all costs associated with the District's construction, repair or reconstruction of Public Improvements, but only if such Public Improvements meet all of the elements of at least one of the following five criteria:

1. Criterion 1 Such Public Improvements are:
   a. located within a "storm sewer" or "drainage" easement as designated on a plat recorded in the Warren County Recorder's office; and
   b. such Public Improvement projects are not a part of the installation of a storm water management system included as part of the development of undeveloped land.

2. Criterion 2 Such Public Improvements are:
   a. or should be located within a Primary Drainage System or a Secondary Drainage System or involve the construction, reconstruction or repair of a Primary Drainage System or a Secondary Drainage System.

3. Criterion 3 Such Public Improvements are:
   a. necessary to alleviate unreasonable amounts of surface water infiltration of a Private Property; and
   b. said unreasonable surface water infiltration is caused by, or, in part, contributed to, by the conveyance of water from Public Property, to the Private Property.

4. Criterion 4 Such Public Improvements are:
   a. located within a road right-of-way; and
   b. the Township and the County are unable or unwilling to perform said Public Improvements.

5. Criterion 5 Such Public Improvements are:
   a. the installation, construction, repair, reconstruction or replacement of one or more master sump collecting lines that are depicted on a subdivision plat recorded in the Warren County Recorder's office; and
   b. the master sump collecting line(s) functions as a Storm Sewer that receives Storm Water from the sump pump service lines that connect the sump pumps of at least two individual properties to the master sump collecting lines; and
   c. An owner provides to the District such evidence, whether photographic or otherwise, which is satisfactory to the District, or provides a letter from a plumber or contractor, which such letter and /contractor are satisfactory to the District, certifying that the owners' individual service line is free flowing to the master sump collector line, is not the cause of any obstruction, and is not in need of any repair or replacement. Such letter shall be in a form provided by the District. In the event that it is determined by the District that such evidence or letter is inaccurate, misleading, or in error, in any respect, the owner

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

d. For the purposes of this Criterion 5, Storm Water includes sump pump effluent in conformance with Warren County regulations.

C. It shall be the policy of the District that District funds shall *not* be expended to pay for any costs associated with the construction, repair or reconstruction of projects that do not meet at least one of criteria in Section 403.B herein, including, but not limited to:

1. Private Improvement projects.
2. Projects or studies that address Storm Water issues caused by runoff from one or more Private Properties to one or more other Private Properties.
3. The construction, repair, or reconstruction of improvements on private property, natural or man-made, for the purposes of stream bank stabilization. However, District funding is available to construct, repair or reconstruct improvements on private property, natural or man-made, for the purposes of stream bank stabilization to address such conditions if:
   a. such improvements significantly address water quality; or
   b. such improvements significantly address flooding issues; or
   c. the stream bank erosion: (i) is unreasonable, and (ii) is adjacent to the discharge of a Public Improvement, and (iii) is the direct result of the discharge of said Public Improvement.
4. The construction, repair, reconstruction, dredging or other maintenance of detention or retention basins, except for outlet structures which empty into such basins.

D. The District shall not reimburse a Person for the costs associated with any project constructed by the Person or pursuant to a contract awarded by the Person. However, the District May reimburse any other political subdivision for costs associated with a project provided that such reimbursement is pursuant to a written agreement between the District and the other political subdivision.

E. When feasible, the District Board may also initiate any Storm Water project, evaluation or study the Board deems necessary and appropriate and contribute funding toward the completion of the same in any amount the Board deems appropriate and feasible.

404. RANKING PROCEDURE: If the District determines that a Request for Assistance involves the construction, repair or reconstruction of a Public Improvement and otherwise meets one of the five (5) criteria in Section 403 herein to be eligible to be considered for possible District financial assistance, the District shall rank the Request according to the following

procedure and the methodology outlined in Section 405 and Appendix 2 of these Regulations. All qualified Requests will be prioritized according to the rank number resulting from the applicable ranking methodology. All unresolved Requests will be regularly re-evaluated in relation to other Requests, at which time their ranking may change. Subject to available funding, any District financial assistance may be allocated to qualified Requests in the order of their rank Number. District financial assistance, if available, may be in any amount, as determined feasible and appropriate by the District Board. As necessary, the District Board reserves the right to deviate from the above ranking procedure when, in its sole judgment, it determines that emergency conditions, or special circumstances exist. The Board also reserves the right to disqualify any Request for Assistance found to contain intentionally falsified information or other deception. The Board shall promptly notify the Requesting party if the Request is deemed ineligible for District assistance.

405. RANKING METHODOLOGY: Requests for Assistance involving Eligible Public Improvements shall be prioritized according to the Ranking Methodology shown on Appendix 2 of these Regulations.

406. PUBLIC IMPROVEMENTS ON PRIVATE PROPERTY; EASEMENTS:
   A. Where required, Public Improvements may be constructed on Private Property within an Easement conveyed by an Owner to the District.
   B. Following the initial construction and installation of the Public Improvements, it shall be the responsibility of the Owner to operate, maintain, and keep such Improvements in good working order, free from vegetation, debris, garbage, or other obstructions.
   C. Further, the District shall have no duty or obligation to maintain said Improvements, and no liability in the event that Owner fails to maintain the same in good working order.

407-498 RESERVED

499. PENALTY. Whoever violates any provision of this Chapter or District directives pursuant to this chapter, including the submission of an intentionally falsified Request for Assistance or other deception shall be subject to the remedies of Section 199 PENALTY of these Regulations.

DEERFIELD REGIONAL STORM WATER DISTRICT
CODE OF REGULATIONS

CHAPTER V

PURCHASING POLICY

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

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

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

502. TYPES OF CERTIFICATION: There are two types of certification (purchase orders) that the District will consider using – regular purchase orders and then and now purchase orders.

a. **Regular** – A regular certification (purchase order) is issued when the purchase of a specific item(s) is planned. It can be for any amount and is good until the contract is fulfilled or canceled. This certification certifies that the amount required to meet the obligation in the fiscal year in which the contract is made, has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This certificate only needs to be signed by the fiscal officer. However, expenditures towards purchase orders will still be presented to the trustees for approval.

b. **Then and Now** – If prior certification of funds by the treasurer was not obtained before the contract or order involving the expenditure of money was made, then and now certification (purchase orders) can be used. The treasurer may instead certify that there was, at the time the contract or order was made, and at the time of the execution of the certificate, a sufficient sum appropriated for the purpose of the contract and in the treasury or in the process of collection to the credit of an appropriate, free from any previous encumbrances. Thus, the treasurer is certifying that there were appropriations available and funds in the treasury or in the process of collection at the time the contract or order was made (then), and there are still sufficient appropriations and funds in the treasury or in the process of collection at the time the certificate is being issued (now). When the treasurer is using a then and now certificate, the treasurer must obtain the District trustees' approval by resolution.

Purchase orders should be numbered consecutively. Each purchase order should be made out in triplicate by the purchasing authority. Two copies should be filed with the treasurer who will complete both and forward one copy to the vendor. The treasurer's copy should be used as a source entry for posting in the appropriation ledger. The third copy should be returned to the individual initiating the purchase order or requisition, as the case may be. Also the third copy should serve as a receiving report and be returned to the treasurer once the items are received and verified. The third copy of the purchase order should then be attached to the voucher along with the invoice.

DEERFIELD REGIONAL STORM WATER DISTRICT
CODE OF REGULATIONS

CHAPTER VI

EXPENSE & REIMBURSEMENT GUIDELINES

600. REIMBURSEMENT POLICY: Board members are entitled to reimbursement, with District funds, for reasonable District-related expenses incurred in exercising their Board duties, or for the purchase of supplies, equipment, copying, postage, cellular phone charges, or other expenses directly related to District business.

601. MINIMIZING COSTS: Board members shall exercise care when incurring expenses, and, whenever reasonably possible under the circumstances, select the most economical alternative for any product or service, taking into account any quality concerns.

602. EXPENSE REIMBURSEMENT REPORT: For any expense to be considered for reimbursement, a Board member must request reimbursement by submitting an Expense Reimbursement Report form, including supporting receipts, invoices or cellular call records which document such expenses. Upon presentation of such form, the entire Board shall consider such request for reimbursement as any other invoice. Reimbursement shall only be granted upon the determination of necessity and reasonableness of the charges by the Board and approval of the request by a majority of the Board members during a regular, special, or emergency meeting of the Board. Any expenses which are determined by a majority of the Board to be unnecessary, unreasonable or of a personal nature shall not be reimbursed.

603. SALES TAX EXEMPTION: The District is exempt from paying State of Ohio sales tax, thus saving the District a percentage equivalent to the tax, on each purchase. For this reason, reimbursements should be minimized. When purchases requiring a reimbursement are unavoidable, prior to purchasing items on behalf of the District, Board members should secure a Tax Exemption Certificate to qualify the purchase for the exemption. However, if the sales tax is unavoidable, the Board member will be reimbursed for the cost of the item as well as the sales tax. These types of purchases should be minimized.

604. BUSINESS CALLS ON PERSONAL CELLULAR PHONES: With respect to Board member usage of their personal cellular phones for conducting official District business, the following shall apply:

a. Board members may be reimbursed for cellular phone calls made from their personal cellular phone if a District business purpose exists for the calls and such calls result in additional charges above and beyond the Board member's existing cellular phone service plan. District business calls on a Board member's personal cell phone which calls exceed or cause to exceed the Board member's normal cellular phone service plan can be reimbursed at actual costs. Actual costs must be documented with a copy of the cellular phone bill which identifies the calls for which reimbursement is requested.

b. Reimbursements should follow District Expense Reimbursement policies contained in Chapter VI herein, where the Board member makes payment to the cellular service provider and adequate documentation supports the Expense Reimbursement Request.

DEERFIELD REGIONAL STORM WATER DISTRICT
CODE OF REGULATIONS

CHAPTER VII

CREDIT CARD POLICY

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

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

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

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

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

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

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

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

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

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

District Board may provide prior authorization for other specific expenses.

707. APPROVAL AUTHORITY: District credit card shall be issued by the Board only to the individuals who have appropriate purchasing authority (herein, "Recipient"). The only authorized Recipients of District credit cards shall be: the Secretary/Treasurer of the District Board, and such other persons as designated by unanimous vote of the Board. Authorized use of District credit cards shall be limited to the Recipient whose name appears on the face of the Card. District credit cards shall not be loaned to other individuals.

Each Recipient shall be bound by the limits, policies, and procedures outlined in this policy and the bank issuing the card, as they may be amended or revised from time to time. Any and all exceptions to these rules and limits must be approved and documented by the District Board.

The Board shall maintain a list of all credit cards owned by the District, along with the name of the Recipient who has been issued the credit card, the credit limit established, the date issued, and the date returned. Each Recipient of a card shall sign the list beside his or her name to indicate agreement that the credit card has been issued, and that the Recipient has received and read a copy of this policy.

The Board shall review each credit card statement as soon as possible to ensure that transactions comply with this policy. Any transactions that appear on the statements that are not documented with a credit card slip or a signed voucher shall be immediately investigated. Transactions that do not appear to comply with this policy shall be reported to the Board.

The District board shall not approve a payment to the entity issuing the credit card until all transactions have been verified, including the approval of all transaction invoices if issued. However, the Board shall ensure that all statements from the credit card issuer are paid prior to the due date to avoid any and all interest charges or late payment fees.

708. SPENDING LIMITS: The limit on each credit card shall be no greater than one thousand five hundred dollars ($1,500.00).

709. LOST OR STOLEN DISTRICT CREDIT CARDS: Each Recipient is responsible for ensuring the protection and custody of the credit card. Lost or stolen District credit cards shall be reported immediately to both the issuing bank and to the Board and the District's accountant.

710. RESPONSIBILITIES OF CREDIT CARD USERS: As with an expense report, all charges on credit card statement shall be accompanied by a

receipt.

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

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

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

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

Each Recipient shall return the credit card to the Board either:
(a) upon demand by the District Board, or
(b) upon termination of the Recipient's employment or service with the District.

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