

**City of Cincinnati**  
**An Ordinance No. 85**

SSS

JPC/RAH

- 2013

**MODIFYING** the provisions of Chapter 1105, “Plumbing Code,” of the Cincinnati Municipal Code by amending Section 1105-03, “Drainage Required” and enacting new Section 1105-08, “Rainwater Harvesting” to permit rainwater harvesting in the City of Cincinnati.

WHEREAS, rainwater can be collected from surfaces on which rain falls and stored for later use; and

WHEREAS, developers, builders and citizens in Cincinnati have made known their desire to harvest rainwater in the City of Cincinnati; and

WHEREAS, certain laws of the City of Cincinnati and certain policies of the Metropolitan Sewer District of Greater Cincinnati (“MSD”) and Greater Cincinnati Water Works (“GCWW”) do not permit rainwater harvesting in the City of Cincinnati; and

WHEREAS, by motion dated April 26, 2011, Council directed the City Administration to identify and make necessary changes to the Cincinnati Municipal Code and other City regulations to enable rainwater harvesting in the City; and

WHEREAS, led by the City of Cincinnati’s Office of Environmental Quality and the Green Partnership for Greater Cincinnati, numerous parties, including GCWW, MSD, the Department of City Planning and Buildings, and the City Solicitor’s Office, came together to address Council’s motion and formed the Rainwater Harvesting Task Force (“Task Force”), which is chaired by Robert L. Knight; and

WHEREAS, the Task Force has met periodically beginning in July 2011 and has spent countless hours developing a list of proposed revisions to the Cincinnati Municipal Code to allow for rainwater harvesting in the City of Cincinnati; and

WHEREAS, the Council desires to adopt the Task Force’s recommendations to enable rainwater harvesting and to promote water conservation, quality and efficiency in furtherance of the health, safety and welfare of the citizens of the City of Cincinnati; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 1105-03, “Drainage Required,” of Chapter 1105, “Plumbing Code,” of the Cincinnati Municipal Code is hereby amended as follows:

**Sec. 1105-03. - Drainage Required.**

The provisions of Section 1101.2 OPC are superseded by the following:

- (a) Every building, except accessory buildings less than 800 square feet in area, must be equipped with gutters and downspouts connected to an approved sewer. Drains from roofs, sun decks, or promenades open to occupancy must be trapped when connected to a combined sewer. If there is no approved sewer, the downspout must be connected under the sidewalk to the street gutter, or the stormwater must be disposed of in an approved manner on the property. Where stormwater pipes discharge into a paved street gutter, there must be at least one length of cast-iron pipe at the gutter connection. The cast iron section must extend from the gutter to the back of the sidewalk or ten feet away from the gutter, whichever is greater. Subsurface water (e.g. foundation drains, sump lines, etc.) shall not discharge to a paved street gutter.

Exceptions: Where approved, stormwater from roofs and similar impervious surfaces is permitted to discharge to grade as follows:

- (1) Stormwater may discharge to grade without gutters and downspouts for roof areas of less than 50 square feet over bay windows, entry stoops and similar projections;
- (2) Stormwater may discharge to grade without gutters and downspouts for roof areas of less than 400 square feet where the points of discharge to a pervious ground surface is at least 10 feet from property lines and the flow of surface water is away from adjacent buildings;
- (3) In instances where the property is not in a hillside overlay district and the Director of Sewers deems it advantageous to relieve the public sewer system by disconnecting downspouts or not connecting downspouts to the public sewer system, the following items will be considered in this determination:
  - i. The ground where the downspout will discharge will allow water to flow away from structures, driveways, sidewalks, alleys, roadways, and neighboring properties.
  - ii. The ground or containment area where the downspout will discharge is capable of accepting stormwater flow from a 10 year, 24 hour storm event with acceptable emergency overflow devices and standing water will be eliminated within 48 hours from the start of accumulation.
  - iii. The ground where the downspout will discharge is characterized by one of the following soil classifications as shown in the Soil Survey of Hamilton County, Ohio: Gn, Go, Hu, Ju, McA, McB,

PbB2, PbC2, PbD, PbE, PcB, PcC, Rwb2, RxB, UgB, UgC, Uh, UmB, UmC.

- iv. Disconnected downspouts shall be SDR 35 or an approved equal and shall extend below grade at least six feet away from a basement, foundation, crawl space, or concrete slab. Approved splash blocks or permanent erosion control is required and cannot be part of the measurement. The outlet of the extension will be at least ten feet away from any property lines and retaining walls. Where downspout lines discharge into a paved street gutter there shall be at least one length (ten feet) of cast-iron pipe at the gutter connection. The cast iron section must extend from the gutter to the back of the sidewalk or ten feet away from the gutter, whichever is greater.
  - v. Downspout extensions will not discharge above oil tanks or septic systems.
  - vi. Any abandoned downspout stacks is sealed with a one inch thick concrete cap or an approved equal.
- (b) All paved areas more than 800 square feet in area that do not have natural drainage on the same property shall be drained into an approved sewer. If there is no approved sewer the stormwater shall be disposed of in an approved manner on the property.
- (c) When connected to a combined sewer, one trap may serve all connections described in this section. Traps shall be below the frost line or on the inside of the building.
- (d) No pipe or pipes conveying rain or surface water shall be connected to a sanitary sewer and any such existing connections encountered or reported shall be disconnected by the owner of the premises and the rain and surface water disposed of in an approved manner. All such connections to sanitary sewers shall be disconnected when any plumbing alterations are made.
- (e) Area drains and subsurface drains that discharge to the ground surface shall meet the same requirements outlined in section[s] (a)(3)i, ii, iii, iv, v.
- (f) Rainwater collection, catchment and harvesting devices, such as rain barrels, may be installed outside of a building if both of the following conditions are satisfied:
- (1) Any such devices are equipped with an overflow that meets the requirements of this Chapter 1105; and
  - (2) All collected rainwater remains outside of the building or satisfies the requirements of Section 1105-08 below.

Section 2. That Chapter 1105, "Plumbing Code" of the Cincinnati Municipal Code is hereby amended by enacting new Section 1105-08, Rainwater Harvesting," which shall read as follows:

**Sec. 1105-08. - Rainwater Harvesting.**

- (a) References. As used in this Section 1105-08, "IGCC" shall mean the International Green Construction Code. All references to the International Plumbing Code set forth in those sections of the IGCC adopted in this Section 1105-08 shall be replaced with references to the Ohio Plumbing Code ("OPC"). "GCWW" shall mean Greater Cincinnati Water Works. "MSD" shall mean Metropolitan Sewer District of Greater Cincinnati.
- (b) Harvesting Systems. Subject to the requirements set forth in this Section 1105-08, and notwithstanding the requirements for connections to an approved sewer set forth in Section 1105-03 above, rainwater harvesting systems shall be permitted to be installed as a non-potable auxiliary water source for use in subsurface irrigation, flushing of fixtures and other non-potable uses approved in the discretion of the Chief Building Official in consultation with MSD, GCWW and the Cincinnati Health Department. Harvesting systems shall be submitted as an alternative engineered design as listed in the OPC and shall comply in all respects with the requirements of this Section 1105-08, those portions of the IGCC expressly adopted herein, those regulations contained in the Cincinnati Municipal Code pertaining to private water supply systems, and those rules, regulations and policies adopted from time to time by MSD, GCWW, the Cincinnati Department of City Planning and Buildings, the Cincinnati Health Department and the Cincinnati Board of Health, and shall be subject to all other applicable laws and ordinances not otherwise excepted herein.
- (c) Use of Harvested Water. The following sections of the IGCC are hereby adopted and incorporated herein in their entirety to ensure the conservation, quality and efficiency of water harvested under this Section 1105-08:
- (i) IGCC Section 707, "Rainwater Collection and Distribution Systems," is hereby adopted and incorporated herein in its entirety with the following additions, deletions and exceptions:
- (aa) References in IGCC Section 707 to "potable water application" and "reclaimed" or "recycled" water shall not be adopted herein and shall not apply in the City of Cincinnati.
- (bb) IGCC Section 707.11.6, "Disinfection," shall be adopted herein; provided, however, that for purposes of this Section 1105-08 the first sentence of IGCC Section 707.11.6, "Disinfection," shall read

as follows: “Where the intended application and initial quality of the collected rainwater requires disinfection or other treatment or both, the collected rainwater shall be disinfected.”

(cc) In addition to the provisions of IGCC Section 707.13, “Operations and maintenance manuals,” the following is required: GCWW reserves the right for a review and approval of operations and maintenance at time of installation and on an annual basis.

(dd) The requirements in the IGCC Section 707.12.4 are hereby deleted and replaced with the following: “The testing and installation of backflow preventer and backflow valves shall be in accordance with the requirements of the GCWW.”

(ee) In addition to the provisions of IGCC Section 707.14, “System abandonment,” the following is required: Not later than ten days from the date of the abandonment of a system, the owner must send written notice of an abandonment to the City of Cincinnati Department of City Planning and Buildings, MSD and GCWW.

(d) *Inspections.* The Department of City Planning and Buildings, in coordination with GCWW, shall conduct an annual inspection of all rainwater harvesting systems for compliance with all applicable codes and regulations. The Department of City Planning and Buildings shall be permitted to charge a fee for such inspections reasonably commensurate with the administrative costs of the inspection.

(e) *Enforcement.* The provisions of this Section 1105-08 shall be enforced by the Department of City Planning and Buildings with the cooperation of GCWW, MSD and the Cincinnati Department of Health.

(f) *Exceptions.* Rainwater harvesting systems and activities permitted in this Section 1105-08 are expressly exempt from the provisions of the following sections of the Cincinnati Municipal Code:

(i) Section 401-61, “Water for Temporary Use;”

(ii) Section 401-62, “Use of Water Without a Permit;” and

(iii) Section 401-63, “Charge for Unmetered Water.”

(g) *Related Code Sections.*

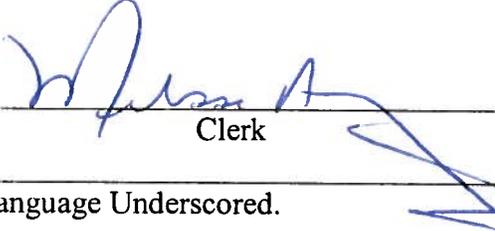
(i) The requirements of jurisdiction referenced in IGCC Section 707.12.10, “Water quality test,” may be found in Cincinnati Municipal Code Section 401-125, “Backflow Prevention.”

- (ii) Rainwater shall be metered according to the requirements set forth in Cincinnati Municipal Code Chapter 401, "Water Works," Division E, "METERS."
- (iii) Premises that discharge rainwater to the public wastewater treatment system shall be charged according to the requirements set forth in Metropolitan Sewer District Rules and Regulations Chapter XVI, Application of the Wastewater Treatment System (WTS) Service Charge Section 1601, "General Rule."

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

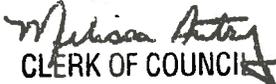
Passed: April 10, 2013

  
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Mayor

Attest:   
\_\_\_\_\_  
Clerk

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New Language Underscored.

I HEREBY CERTIFY THAT ORDINANCE No. 85-2013  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 4-23-2013

  
CLERK OF COUNCIL