

**AN ORDINANCE ENACTING EROSION AND SEDIMENT
CONTROL, AND POST CONSTRUCTION STORM WATER QUALITY
STANDARDS TO MINIMIZE DAMAGE TO PROPERTY AND
DEGRADATION OF WATER RESOURCES AND WETLANDS**

WHEREAS, soil is most vulnerable to erosion by wind and water during construction activities and eroded soil necessitates repair of sewers and ditches and dredging of rivers, harbors, and lakes; accelerates downstream stream bank erosion and damage to public and private property; damages water resources and wetlands by reducing water quality; and causes the damage of aquatic habitat; and

WHEREAS, communities throughout the watersheds encompassing the Village of Lakemore have experienced and continue to experience costs associated with inadequate erosion and sediment control and increased state and federal regulation; and

WHEREAS, there are watershed-wide efforts to reduce sedimentation in the Tuscarawas and Cuyahoga River and to protect and enhance the unique water resources and wetlands of the Tuscarawas and Cuyahoga River watersheds; and

WHEREAS, 40 C.F.R. Parts 9, 122, 123, and 124, referred to as the National Pollutant Discharge Elimination System (NPDES) Storm Water Phase II Program, require designated communities, including the Village of Lakemore, to develop and implement a Storm Water Management Program to address, among other components, erosion and sediment control during soil disturbing activities and post construction storm water quality.

Now, Therefore, Be It Ordained by the Council of the Village of Lakemore, Ohio:

- Section 1:** That Council hereby adopts and enacts Erosion and Sediment Control and Post Construction Storm Water Quality standards which shall apply in the Village of Lakemore.
- Section 2:** That a copy of the Erosion and Sediment Control and Post Construction Storm Water Quality standards are attached hereto and incorporated herein as if fully rewritten.
- Section 3:** This Ordinance will come on for public hearing on Nov. 19th, 2007, at 6:30 P.M., before the Council of the Village of Lakemore, Ohio. The public hearing will be advertised more than 30 days prior to the hearing in a newspaper of general circulation in the Village, *The Surburbanite*. The Fiscal Officer is hereby authorized to place the advertisement for the hearing, and to pay the charges for the advertisement as billed.

Section 4: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: November 19, 2007


DAVID E. CARTER, Mayor

ATTEST:


RICHARD QUAY, Fiscal Officer

I, Richard Quay, Fiscal Officer of the Village of Lakemore, do hereby certify that the foregoing Ordinance No. 1394 - 2007 was duly adopted by Council at its regular meeting held on November 19, 2007.


RICHARD QUAY, Fiscal Officer

MNB/1394.07

The Village of Lakemore

Erosion and Sediment Control and Post Construction Storm Water Quality

100.01 PURPOSE AND SCOPE.

- (a) The purpose of this Chapter is to establish technically feasible and economically reasonable standards to achieve a level of erosion and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the health and safety of the citizens of the Village of Lakemore
- (b) This Chapter will:
 - (1) Allow development while minimizing increases in erosion and sedimentation.
 - (2) Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.
- (c) This Chapter applies to all parcels in the unincorporated areas of the Village of Lakemore used or being developed, either wholly or partially, for new or relocated projects involving highways, underground cables, or pipelines; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; general clearing; and all other uses that are not specifically exempted in Section 100.01(d).
- (d) This Chapter does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules. Rules 1501:15-5-01 to 15-5-18 of the Ohio Administrative Code as amended.

100.02 DEFINITIONS.

For purpose of this Chapter, the following terms shall have the meaning herein indicated:

- (a) ACRE: A measurement of area equaling 43,560 square feet.
- (b) BEST MANAGEMENT PRACTICES (BMPs): Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices (both structural and non-structural) to minimize soil erosion and sedimentation and to prevent or reduce the pollution of water resources and wetlands. BMPs also include treatment

- requirements, operating procedures, and practices to control facility and/or construction site runoff, spillage, or leaks; sludge or waste disposal; or drainage from raw material storage.
- (c) **CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC):** A professional who has met the requirements of and has been certified by CPESC Inc.
 - (d) **COMMUNITY:** Village of Lakemore and its designated representatives, boards, or commissions.
 - (e) **CONSTRUCTION ENTRANCE:** The permitted points of ingress and egress to development areas regulated under this Chapter.
 - (f) **DEVELOPMENT AREA:** A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.
 - (g) **DISTURBED AREA:** An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.
 - (h) **DRAINAGE:** The removal of excess surface water or groundwater from land by surface or subsurface drains.
 - (i) **DRAINAGE AREA:** The area of land contributing surface water to a specific point.
 - (j) **EROSION:** The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.
 - (k) **EROSION AND SEDIMENT CONTROL:** The control of soil, both mineral and organic, to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.
 - (l) **FINAL STABILIZATION:** All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 70% coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed.
 - (m) **LANDSCAPE ARCHITECT:** A Professional Landscape Architect registered in the State of Ohio.
 - (n) **LARGER COMMON PLAN OF DEVELOPMENT OR SALE:** A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
 - (o) **MAXIMUM EXTENT PRACTICABLE:** The level of pollutant reduction that site owners of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as the National Pollutant Discharge Elimination System (NPDES) Storm Water Phase II, must meet.
 - (p) **NPDES:** National Pollutant Discharge Elimination System. A regulatory

- program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.
- (q) **OHIO EPA NPDES GENERAL CONSTRUCTION PERMIT:** A permit issued by the Ohio Environmental Protection Agency to an applicant for the discharge of storm water from sites where construction activity is being conducted with discharges to subsequent receiving waters. (Permit Number OHC000002 as amended)
 - (r) **PARCEL:** A tract of land occupied or intended to be occupied by a use, building or group of buildings and their accessory uses and buildings as a unit, together with such open spaces and driveways as are provided and required. A parcel may contain more than one contiguous lot individually identified by a 'Permanent Parcel Number' assigned by the Village of Lakemore Fiscal Office.
 - (s) **PERSON:** Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof.
 - (t) **PHASING:** Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.
 - (u) **PROFESSIONAL ENGINEER / SURVEYOR:** A professional registered in the State of Ohio by the appropriate board.
 - (v) **QUALIFIED INDIVIDUAL:** Professional Engineers, Professional Surveyors, and Landscape Architects registered in the State of Ohio or a Certified Professional in Erosion and Sediment Control as recognized by CPESC Inc.
 - (w) **RAINWATER AND LAND DEVELOPMENT MANUAL (RWLD):** Issued by Ohio Department of Natural Resources. The RWLD Manual contains Ohio's minimum technical standards for post construction storm water quality and erosion and sediment control standards. The most current edition of these standards shall be applicable with this Chapter.
 - (x) **RUNOFF:** The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually conveyed to water resources or wetlands.
 - (y) **SEDIMENT:** The soils or other surface materials that are transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.
 - (z) **SEDIMENTATION:** The deposition or settling of sediment.
 - (aa) **SETBACK:** A designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. Soil disturbing activities in this area are restricted by this Chapter.

- (bb) **SOIL DISTURBING ACTIVITY:** Clearing, grubbing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.
- (cc) **SOIL ERODIBILITY:** The susceptibility of soil to erosion and the amount and rate of runoff, as measured under the standard unit plot condition. Soil erodibility factors are available in the Village of Lakemore Soil Survey.
- (dd) **VILLAGE OF LAKEMORE STORM WATER MANAGEMENT MANUAL:** the Village of Lakemore's storm water management requirements developed and updated by the County Engineer.
- (ee) **LAKEMORE SOIL & WATER CONSERVATION DISTRICT:** A subdivision of the State of Ohio organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as Lakemore SWCD.
- (ff) **STABILIZATION:** The use of BMPs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.
- (gg) **STREAM:** A surface water course with a well defined bed and bank, either natural or artificial, which confines and conducts continuous or periodical flowing water in such a way that terrestrial vegetation cannot establish roots within the channel. (ORC 6105.01)
- (hh) **STORM WATER POLLUTION PREVENTION PLAN (SWP3 or SWPPP):** The written document that sets forth the plans and practices to be used to meet the requirements of this Chapter.
- (ii) **STORM WATER POLLUTION PREVENTION PLAN CHEKLIST:** Details the minimum requirements of a SWP3 in the Village of Lakemore, available at the Lakemore SWCD office.
- (jj) **UNSTABLE SOILS:** A portion of land that is identified by the Village of Lakemore Engineer, Lakemore Building Standards and/or the Lakemore SWCD as prone to slipping, sloughing, or landslides, or is identified by the U.S. Department of Agriculture Natural Resource Conservation Service methodology as having a low soil strength.
- (kk) **WATER RESOURCE:** Any public or private body of water including lakes and ponds, as well as any brook, creek, river, or stream having banks, a defined bed, and a definite direction of flow, either continuously or intermittently flowing.
- (ll) **WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

- (mm) **WETLAND PROFESSIONAL:** An individual with training and experience in wetland delineation acceptable to the Army Corp of Engineers.

100.03 DISCLAIMER OF LIABILITY.

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

100.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

- (a) Where this Chapter is in conflict with other provisions of law, regulation, or ordinance, the most restrictive provisions shall prevail.
- (b) If any clause, section, or provision of this Chapter is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.
- (c) This Chapter shall not be construed as authorizing any person to maintain a private or public nuisance on their property, and compliance with the provisions of this Chapter shall not be a defense in any action to abate such a nuisance.
- (d) Failure of the Village of Lakemore 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 there from, and shall not result in the Village of Lakemore, its officers, employees, or agents being responsible for any condition or damage resulting there from.

100.05 REGULATED ACTIVITIES.

- (a) This Chapter requires that a Storm Water Pollution Prevention Plan (SWP3) be developed and implemented for all parcels of one (1) acre or more in the unincorporated areas of the Village of Lakemore and on which any regulated activity of Section 100.01(c) is proposed. For parcels less than one acre in size a SWP3 may not be required; however the owner shall comply with all other provisions of this ordinance.

100.06 APPLICATION PROCEDURES.

- (a) **SOIL DISTURBING ACTIVITIES SUBMITTING A STORM WATER POLLUTION PREVENTION PLAN:**

The applicant shall submit two (2) sets of the SWP3 and the applicable fees to the Lakemore SWCD and two (2) sets of the SWP3 to the Village of Lakemore Engineer as follows:

- (1) For subdivisions: After the approval of the preliminary plans and with submittal of the improvement plans.
 - (2) For other construction projects: 30 days prior to soil disturbing activity.
 - (3) For general clearing projects: 30 days prior to soil disturbing activity.
- (b) The Lakemore SWCD shall review the plans submitted pursuant to 100.06 (a) or (b) for conformance with current NPDES permit requirements and this Chapter and approve, or return with comments and recommendations for revisions. A plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised plan. An approved SWP3 shall serve as a permit to commence soil disturbing activities following a pre-construction meeting.
 - (c) Soil disturbing activities shall not begin, and final plat approvals will not be issued, without an approved SWP3.
 - (d) A pre-construction meeting must be held with the Lakemore SWCD inspector prior to earthwork activities. The applicant, contractor, and applicant's engineer should be in attendance at the pre-construction meeting.
 - (e) A SWP3 for individual sublots in a subdivision may not be approved unless the larger common plan of development or sale containing the subplot is in compliance with this Chapter.
 - (f) Approvals issued in accordance with this Chapter shall remain valid for two years. If regulations concerning erosion and sediment control or storm water quality change prior to the beginning of active construction, a new SWP3 may be requested.

100.07 STORM WATER POLLUTION PREVENTION PLAN.

- (a) The applicant shall submit a Storm Water Pollution Prevention Plan (SWP3) consistent with the requirements the most recent Ohio EPA NPDES General Construction Permit. For specific requirements of a SWP3 the designer shall refer to the NPDES Ohio general construction permit and the Lakemore SWCD SWP3 Check List. The SWP3 must address erosion and sediment control during construction as well as post construction water quality practices. Post construction practices must meet the requirements of the NPDES Ohio general construction permit and the Village of Lakemore Storm Water Management Manual.
- (b) The SWP3 shall be certified by a Qualified Individual.

- (c) The SWP3 shall incorporate measures as recommended by the most current edition of Rainwater and Land Development Manual as published by the Ohio Department of Natural Resources or other technical manuals approved by the Lakemore SWCD.
- (d) Trapping Efficiency: All sediment basins and traps must maintain a minimum 75% trapping efficiency throughout the construction period as determined by engineering calculations contained within the Lakemore County Water Quality and Trapping Efficiency Program. The approved program to determine trapping efficiency is available through the Lakemore SWCD.
- (e) Soils erodibility report:
The Lakemore SWCD may require the SWP3 to include a Soils Engineering Report based upon his/her determination that the conditions of the soils are unknown or unclear to the extent that additional information is required to protect against erosion. This report shall contain all the information listed below.
 - (1) Data regarding the nature and erodibility of existing soils.
 - (2) If applicable, data regarding the nature and erodibility of the soil to be placed on the site.
 - (3) Conclusions and recommendations for grading procedures.
 - (4) Conclusions and recommended designs for interim soil stabilization devices and measures, for permanent soil stabilization after construction is completed.

100.08 COMPLIANCE WITH LOCAL, STATE, AND FEDERAL REGULATIONS.

All submittals are required to show proof of compliance with all state and federal regulations. Approvals issued in accordance with this Chapter do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the U.S. Army Corps of Engineers, and other federal, state, and/or county agencies. If requirements vary, the most restrictive requirement shall prevail. These permits may include, but are not limited to, those listed below.

- (a) Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI) number from Ohio EPA, a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.
- (b) Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking

number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this Chapter.

- (c) Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands Permit is not applicable. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this Chapter.
- (d) Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, public notice, or project approval, if an Individual Permit is required for the development project. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:
 - (1) A statement from a qualified wetland professional who has determined that Section 404 of the Clean Water Act is not applicable.
 - (2) A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this Chapter.
- (e) Ohio Dam Safety Law: Proof of compliance shall be a copy of the Ohio Department of Natural Resources Division of Water permit application tracking number, a copy of the project approval letter from the Ohio Department of Natural Resources Division of Water, or a letter from the applicant's engineer certifying and explaining why the Ohio Dam Safety Law is not applicable.
- (f) Riparian Setbacks: Proof of compliance shall be a copy of the Lakemore SWCD approval letter, and or zoning certificate from those entities which have adopted the legislation. Riparian setbacks must be shown on the SWP3.

PERFORMANCE STANDARDS.

- (a) The SWP3 must contain a description and location of all appropriate BMPs for each construction operation. Prior to the start of grading and within seven days from the start of grubbing the applicant must implement such controls. The SWP3 must clearly describe for each major construction activity the appropriate control measures; the general sequence during the construction process under which the measures will be implemented; and the person(s) responsible for implementation. The time frame for SWP3 implementation shall be consistent with the current Ohio EPA NPDES Construction permit. No project subject to this Chapter shall commence without a SWP3 or approved by the Lakemore SWCD. No project subject to this Chapter shall commence without a pre-construction meeting being held with the Lakemore SWCD. It will be the applicant's responsibility to contact the SWCD.
- (a) The applicant shall inform all contractors and subcontractors not otherwise defined as "operators" as defined in the Ohio EPA's NPDES Permit, who will be involved in the implementation of the SWP3 of the terms and conditions of the SWP3. The applicant shall maintain a written document containing the signatures of all contractors and subcontractors involved in the implementation of the SWP3 as proof acknowledging that they have reviewed and understand the conditions and responsibilities of the SWP3. The written document shall be created and signatures shall be obtained prior to commencement of work on the construction site. A copy shall be provided to the Lakemore SWCD prior to commencing with the project.
- (b) All projects regardless of the area of disturbance must utilize BMP's to minimize erosion and off site sedimentation. The controls shall include the following minimum components:
 - (1) DURING ACTIVE CONSTRUCTION
 - A. NON-STRUCTURAL PRESERVATION MEASURES:

The applicant must make use of practices that preserve the existing natural condition to the maximum extent practicable. Such practices may include preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing of construction operations in order to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing or grubbing practices.
 - 1. Stream protection. The requirements of the Riparian Setbacks of the Village of Lakemore shall be followed.

2. Wetland Protection. The setback requirements of the Village of Lakemore Subdivision Regulations shall be followed in addition to state and federal regulations.
- B. **EROSION CONTROL PRACTICES:** The applicant must make use of erosion controls that are capable of providing cover over 70% of disturbed soils. A description of control practices designed to restabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 must provide specifications for stabilization of all disturbed areas of the site and provide guidance as to which method of stabilization will be employed for any time of the year. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction operations, the use of construction entrances, and the use of alternative ground cover.
- C. **RUNOFF CONTROL PRACTICES.** The applicant must make use of measures that control the flow of runoff from disturbed areas so as to prevent erosion. Such practices may include rock check dams, pipe slope drains, diversions to direct flow away from exposed soils and protective grading practices. These practices shall divert runoff away from disturbed areas and steep slopes where practicable.
- D. **SEDIMENT CONTROL PRACTICES.** The applicant must install structural practices that shall store runoff, allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than 7 days. Such practices may include, among others: sediment settling ponds, silt fences, storm drain inlet protection, and earth diversion dikes or channels which direct runoff to a sediment settling pond. All sediment control practices must be capable of ponding or filtering runoff in order to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless used in conjunction with a sediment settling pond.
- E. **NON-SEDIMENT POLLUTANT CONTROLS:** No solid or liquid waste, including building materials and concrete wash out water shall be discharged in storm water runoff.

The applicant must implement site best management practices to prevent toxic materials, hazardous materials, or other debris from entering water resources or wetlands.

- F. **COMPLIANCE WITH OTHER REQUIREMENTS.** The SWP3 shall be consistent with applicable state and/or local waste disposal, sanitary sewer, or septic system regulations, including provisions prohibiting waste disposal by open burning, and shall provide for the proper disposal of contaminated soils located within the development area.
- G. **TRENCH AND GROUND WATER CONTROL.** There shall be no sediment-laden or turbid discharges to water resources or wetlands resulting from dewatering activities. If trench or ground water contains sediment, it must pass through a sediment-settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag or comparable practice. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.
- H. **APPLICANT INSPECTIONS.** An initial inspection of all erosion and sediment control practices shall be conducted by a qualified individual to certify that the installations comply with the approved SWP3. All controls on the site shall be inspected by the applicant's agent at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. The applicant shall assign a qualified individual to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate, or whether additional control measures are required. Internal inspections and documentation of corrective actions taken must be made available upon request.
- I. **MAINTENANCE.** The SWP3 shall be designed to minimize maintenance requirements. All control practices shall be maintained and repaired as needed to ensure continued performance of their intended function until

final stabilization. All sediment control practices must be maintained in a functional condition until all up slope areas they control reach final stabilization. The applicant shall provide a description of maintenance procedures needed to ensure the continued performance of control practices and shall ensure a responsible party and adequate funding to conduct this maintenance, all as determined by the Lakemore SWCD.

1. When inspections reveal the need for repair, replacement, or installation of erosion and sediment control BMPs, the following procedures shall be followed:
 - i. When practices require repair or maintenance. If an inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.
 - ii. When practices fail to provide their intended function. If an inspection reveals that a control practice fails to perform its intended function as detailed in the SWP3 and that another, more appropriate control practice is required, the SWP3 must be amended and the new control practice must be installed within ten (10) days of the inspection.
 - iii. When practices depicted on the SWP3 are not installed. If an inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within ten (10) days from the date of the inspection. If the internal inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.

J. FINAL STABILIZATION. All soil disturbing activities are complete and a uniform perennial vegetative cover

with a density of 70 percent coverage for the area has been established on all unpaved areas and areas not covered by permanent structures. In addition, all temporary erosion and sediment control practices have been removed and disposed of in an acceptable manner.

(2) **POST CONSTRUCTION WATER QUALITY PRACTICES**

A. NON-STRUCTURAL WATER QUALITY PRACTICES:

Non-structural post construction best management practices include preservation, planning, or procedures that direct development away from water resources or limit creation of impervious surfaces. Practices such as conservation easements, riparian and wetland setbacks, and conservation subdivision design are all non-structural controls.

1. All non-structural water quality practices must be protected from disturbance through the construction phase of the project.
2. All non-structural water quality practices must be protected in perpetuity through the use of appropriate legal tools. All easement or conservation areas must appear on the final plat and be disclosed to potential buyers.

B. STRUCTURAL WATER QUALITY PRACTICES:

Structural post construction best management practices are permanent features constructed to provide treatment of storm water runoff either through storage, filtration, or infiltration.

1. All structural water quality practices must be established prior to the completion of the project. Structural water quality practices should be made functional once the disturbed areas on site are stabilized. If detention/retention facilities were used for sediment control during development sediments must be removed prior to the basin being used for post construction storm water quality.
2. Maintenance. The post construction water quality practice must be maintained in perpetuity by those parties identified in the SWP3 or the Storm Water Management Maintenance Agreement.

100.10 FEES.

A Storm Water Pollution Prevention Plan and Abbreviated Storm Water Pollution Plan review, filing, and inspection fee is part of a complete submittal. Fees are required to be submitted to the Lakemore SWCD before the review process begins. The Lakemore SWCD shall provide a current fee schedule upon request.

100.11 BOND.

If a Storm Water Pollution Prevention Plan or is required by this Chapter, then a performance and maintenance bond shall be posted according to the Lakemore County Subdivision Regulations. No project will be released from Bond if there is failure to comply with an approved SWP3.

100.12 ENFORCEMENT.

- (a) All development areas will be subject to inspections by the Lakemore SWCD to ensure compliance with the approved SWP3 or Abbreviated SWP3.
- (b) After each external inspection the Lakemore SWCD may prepare and distribute a status report to the applicant.
- (c) If an external inspection determines that operations are being conducted in violation of the approved SWP3 or Abbreviated SWP3 the Lakemore SWCD may take action as detailed in Section 100.14 of this Chapter.

100.13 VIOLATIONS.

- (a) No person shall violate or cause or knowingly permit to be violated any of the provisions of this Chapter, or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this Chapter, or knowingly use or cause or permit the use of any lands in violation of this Chapter or in violation of any permit granted under this Chapter.
- (b) If the SWCD determines that a violation of this Chapter has occurred, the owner and developer will be notified of deficiencies or non-compliance in writing by mail. If within 21 days after receipt of the letter, the owner or developer has not rectified the deficiency the deficiency or non-compliance shall be reported to the Summit County Prosecutor for immediate enforcement. Lakemore SWCD inspections do not relinquish the responsibility of the owner to comply with Ohio EPA NPDES inspection requirements. If the SWCD determines that a violation of the rules adopted under this section exists, the SWCD shall issue an immediate stop work order if the violator failed to obtain any

federal, state, or local permit necessary for sediment and erosion control, earth movement, clearing, or cut and fill activity. In addition, if the SWCD determines such a rule violation exists, regardless of whether or not the violator has obtained the proper permits, the SWCD shall authorize the issuance of a notice of violation.

- (c) Upon notice, the Summit County Prosecuting Attorney may suspend any active soil disturbing activity and may require immediate erosion and sediment control measures whenever he or she determines that such activity is not meeting the intent of this Chapter. Such notice shall be in writing, shall be given to the applicant, and shall state the conditions under which work may be resumed. In instances, however, where the Prosecuting Attorney and/or designee finds that immediate action is necessary for public safety or the public interest, he or she may require that work be stopped upon verbal order pending issuance of the written notice. If, after a period of not less than thirty (30) days has elapsed following the issuance of the notice of violation, the violation continues, the SWCD shall issue a second notice of violation. Except as provided in division (f) of this section, if, after a period of not less than fifteen (15) days has elapsed following the issuance of the second notice of violation, the violation continues, the SWCD shall issue a stop work order after first obtaining the written approval of the Summit County Prosecutor if, in the opinion of the Prosecutor, the violation is egregious.
- (d) Once a stop work order is issued, the SCWD shall request, in writing, the Summit County Prosecutor to seek an injunction or other appropriate relief in the Summit County Court of Common Pleas to abate excessive erosion or sedimentation and secure compliance with the rules adopted under this section.
- (e) If the Prosecutor seeks an injunction or other appropriate relief, then, in granting relief, the Summit County Court of Common Pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred (\$100) or more than five hundred (\$500) dollars. Each day of violation of a rule or stop work order issued under this section shall be considered a separate violation subject to a civil fine.
- (f) No stop work order shall be issued under this section against any public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the County or the chief of the Division of Soil and Water Conservation in the Ohio Department of Natural Resources.
- (g) Notwithstanding division (b)-(f) of this section, if the Village Executive determines that a violation of any rule adopted or administrative order issued under this section exists, the Executive may request, in writing,

the Summit County Prosecutor to seek an injunction or other appropriate relief in the Summit County Court of Common Pleas to abate excessive erosion or sedimentation and secure compliance with the rules or order. In granting relief, the Court may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred dollars. Each day of violation of a rule adopted or administrative order issued under this section shall be considered a separate violation subject to a civil fine.

- (h) The Village of Lakemore Planning Commission may deny the issuance of any further plat approvals for the property in question until the site is brought into compliance with this Chapter.
- (i) The Village of Lakemore Department of Building Standards may suspend the issuance of occupancy certificates within developments that are not in compliance with this Chapter.
- (j) The Village of Lakemore Engineer's Office may suspend the inspection of site improvements and / or refuse the release of Bonds on developments that are not in compliance with this Chapter.

100.14 APPEALS.

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the Village of Lakemore in relation to this Chapter may appeal to the Technical Advisory Board of the Village of Lakemore Planning Commission Soil and Water Conservation District Board of Supervisors. A final appeal The aggrieved party may appeal the decision of the Technical Advisory Board of the Village of Lakemore Planning Commission Soil and Water District Board of Supervisors to the Court of Common Pleas. Written notice of appeal shall be served on the Village of Lakemore and a copy shall be provided to the Lakemore SWCD.

100.15 PENALTY.

- (a) Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this Chapter is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (b) The imposition of any other penalties provided herein shall not preclude the Village of Lakemore from instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful

development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this Chapter or any other applicable laws."

100.15 SCWD AGREEMENT.

The Village Executive is hereby authorized to negotiate an agreement with the Lakemore SCWD on behalf of the Village to ensure the Lakemore SCWD performs its duties in accordance with this Chapter. County Council's authorization is required prior to the execution or amendment of such agreement."