

CODIFIED ORDINANCES OF SHEFFIELD VILLAGE

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE ONE - Street and Sidewalk Areas

- Chap. 910. Road Right-of-Way Regulations.
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CHAPTER 910

Road Right-of-Way Regulations

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910.01 SCOPE OF CHAPTER; DEFINITIONS.

- (a) Scope. The purpose and intent of this chapter is to:
- (1) Manage occupancy or use of the public right-of-way by service providers on competitively neutral basis;
 - (2) Conserve the limited physical capacity of the public right-of-way held in trust by the Village for the benefit of the public;

- (3) Administer the impact of access to the public right-of-way by service providers to promote efficiency, discourage uneconomic duplication of facilities, and lessen the public inconvenience arising out of uncoordinated work in the public right-of-way;
- (4) Promote cooperation among service providers and the Village in the use and occupation of the public right-of-way, to minimize public inconvenience during work in the public right-of-way, and to eliminate wasteful, unnecessary or unsightly duplication of facilities;
- (5) Assure that the Village fairly and responsibly protects the public health, safety and welfare;
- (6) Abate the public nuisance specifically determined to exist by the Village and created by the unregulated placement of above ground facilities and above ground facilities clusters in the public right-of-way that interfere with the safe and unobstructed use of the public right-of-way by traffic, pedestrians and adjoining and abutting property owners;
- (7) Enable the Village to discharge its public trust consistent with rapidly evolving federal and State regulatory policies, industry competition and technological development; and
- (8) Manage, regulate and administer the public right-of-way in the Village with regard to matters of local concern in the exercise of the Village's powers of local self-government granted by the Ohio Revised Code.

(b) Definitions: For the purpose, interpretation and enforcement of this chapter, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

- (1) "**Above Ground Facilities**" or "**AGF**" means that portion of a System located on and up to eight (8) feet above the surface of the public right-of-way outside of the public street but excluding Overhead Facilities.
- (2) "**Above Ground Facilities Cluster**" or "**AGF Cluster**" means a grouping of more than one (1) structure constituting Above Ground Facilities of a Service Provider on a shared concrete pad.
- (3) "**Above Ground Facilities Installation Permit**" or "**AGF Installation Permit**" means a permit issued under Section 910.06 of this chapter.
- (4) "**Administrator**" means the Village Administrator or the Administrator's designee.
- (5) "**Affiliate**" means a Person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another Person.
- (6) "**Capital Improvement**" means an addition made to enhance the value or extend the useful life of an existing System or Facilities, including Construction, Reconstruction, installation, rehabilitation, renovation, improvement, enlargement and extension of Facilities, but not including Ordinary Maintenance and New Service Connections.
- (7) "**Clerk-Treasurer**" means the Clerk-Treasurer of the Village of Sheffield.
- (8) "**Construct,**" "**Constructing**" or "**Construction**" means installing, repairing, replacing or removing any Facility, regardless of the methods employed, but not including Ordinary Maintenance.

- (9) **"Excavate," "Excavating" or "Excavation"** means cutting, sawing, breaking, drilling into, boring under, or otherwise altering any Public Street or sidewalk pavement, and/or digging, drilling into or boring under any unpaved portion of the public right-of-way, including any other work or activity which disturbs the existing surface or subsurface structure, composition, or soil compaction, for the purpose of carrying on any Construction activity.
- (10) **"Excess Capacity"** means the volume or capacity in any existing or future duct, conduit, manhole, or other Facility in the public right-of-way that is or will be available for use for additional Facilities as determined by the owner of the Facility.
- (11) **"Facilities" or "Facility"** means the plant, equipment and property, including but not limited to, cables, fibers, wires, pipes, conduits, ducts, pedestals, antennae, electronics, poles, pipes, mains, plant, equipment and other appurtenances located under, on or above the surface of the ground in the public right-of-way of the Village and used or to be used to operate a System to transmit, receive, distribute, provide or offer a Service.
- (12) **"Location and Design Manual" or "L&D Manual"** means the Location and Design Manual promulgated by the Ohio Department of Transportation, as it may be updated or revised from time to time.
- (13) **"New Service Connections"** means the physical connection made between a Service Provider's Facilities in the public right-of-way and private property for the purpose of providing new Service to a customer.
- (14) **"Occupancy," "Occupy" or "Use"** means, with respect to the public right-of-way, to place a tangible thing in the public right-of-way for any purpose, including, but not limited to, constructing, repairing, positioning, maintaining or operating lines, poles, pipes, conduits, ducts, equipment or other structures, appurtenances or facilities necessary to operate a system for the delivery of services.
- (15) **"Ordinary Maintenance"** means
- A. Construction commonly accomplished in or on an existing facility for the purpose of preventing deterioration or performance deficiencies, maintaining appearance, or securing original level of performance; or
 - B. Repair, upkeep, replacement or restoration of existing facilities located in the public right-of-way that does not include excavation of the public right-of-way and does not alter the size of the cabinet surrounding the existing facilities.
- (16) **"Other Ways"** means the highways, streets, alleys, utility easements or other right-of-way within the Village, but under the jurisdiction and control of a governmental entity other than the Village.
- (17) **"Overhead Facilities"** means utility poles that extend more than eight (8) feet above the surface of the public right-of-way and wires, cables and other equipment running between and on the poles more than eight (8) feet above the surface of the public right-of-way including the underground supports and foundations for the facilities.
- (18) **"Person"** means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies, trusts and individuals and includes their lessors, trustees and receivers.

- (19) **"Private Service Provider"** means any person who directly or indirectly owns, controls, operates or manages facilities within the public right-of-way used or to be used for the purpose of operating a system to transmit, receive, distribute or provide services between or among private buildings or facilities where there is no offer of service to the public.
- (20) **"Public Easement"** means any easement under the jurisdiction and control of the Village and acquired, established, dedicated or devoted for public purposes, including utility purposes.
- (21) **"Public Property"** means any real and personal property owned or controlled by the Village, other than the public right-of-way.
- (22) **"Public Right-of-Way"** means the surface of, and the space within, through, on, across, above or below, the paved or unpaved portion of any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement and any other land dedicated or otherwise designated for a compatible public use, which is controlled by the Village but excludes public property and private easements.
- (23) **"Public Service Provider"** means any person that directly or indirectly owns, controls, operates or manages facilities within the Village's public right-of-way, used or to be used for the purpose of operating a System offering service to the public within the Village or outside its boundaries.
- (24) **"Public Street"** means the paved portion of any street, road, boulevard, drive, highway, freeway, parkway, lane court, alley or other public right-of-way in which the Village has an interest in law or equity and which has been acquired, established, dedicated or devoted to street purposes, including curb lawns, amenity areas, and sidewalks.
- (25) **"PUCO" or "Public Utilities Commission of Ohio"** means the state administrative agency, or lawful successor, authorized to regulate and oversee certain public or private service providers and services in the state.
- (26) **"Reconstruct" or "Reconstruction"** means substantial physical change to or capital improvement of all or a portion of an existing system or facilities including a change in location, or additional locations, of facilities along the same right-of-way involving construction in public streets, utility easements, or public right-of-way.
- (27) **"Regulated Service Provider"** means a service provider operating under a tariff from the PUCO or a service provider owned by a political subdivision of the State.
- (28) **"Service"** means the offering of water, sewer, electric, gas, telephone, telecommunications, cable television, video service, information or other utility-like service for a fee directly to the public, or to the classes of users as to be effectively available to the public, regardless of the facilities used.
- (29) **"Service Provider"** means any public service provider and/or private service provider.
- (30) **"State"** means the State of Ohio.
- (31) **"Surplus Overhead Space"** means that portion of the usable overhead space on a utility pole that is or will be available for use by other service providers as determined by the owner of the pole, and which has the necessary clearance from the facilities of existing service providers using the pole, as required by the orders and regulations of PUCO and other applicable state and local orders or other applicable codes or regulations, to allow its use by a service provider for a pole attachment.

- (32) "**Surplus Underground Space**" means that portion of the usable underground space which has the necessary clearance from the underground facilities of existing service providers as determined by the Administrator in accordance with applicable codes and regulations to allow its use for additional underground facilities by a service provider.
- (33) "**System**" means a network of facilities for the transmission and/or distribution of a service.
- (34) "**Underground Facilities**" means that portion of a system located under the surface of the ground, excluding the underground foundations or supports for overhead facilities.
- (35) "**Usable Overhead Space**" means the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in the orders and regulations of the PUCO or other applicable codes or regulations.
- (36) "**Usable Underground Space**" means the space below the surface of the public right-of-way that is needed for the installation and maintenance of underground facilities by a service provider without interfering with occupancy of existing underground facilities by service providers in the public right-of-way as determined by the Administrator in accordance with applicable codes and regulations.
- (37) "**Utility Easement**" means any easement owned by a service provider and acquired, established, dedicated or devoted for the purpose of providing service to the public.
- (38) "**Video Service**" means the provision of video programming using equipment located at least in part in the public right-of-way, regardless of the technology used to deliver that programming.
- (39) "**Village**" means Sheffield Village, Ohio.
- (40) "**Village Property**" means and includes all real property owned by the Village, other than Public Streets and Public Easements as those terms are defined in this section, and all property held in a proprietary capacity by the Village. (Ord. 2545. Passed 9-26-16.)

910.02 REGISTRATION OF SERVICE PROVIDERS THAT OCCUPY OR USE THE PUBLIC RIGHT-OF-WAY FOR FACILITIES.

(a) Registration Required for Occupancy of Public Right-of-way. No service provider shall occupy or use the public right-of-way without registering with the Village prior to commencing to do so.

- (1) Initial registration presumed.
- (2) A service provider with existing facilities that lawfully occupy the public right-of-way on the effective date of this chapter shall be presumed to have initial registration with the Village for its existing facilities to occupy or use the public right-of-way.
- (3) Initial presumed registration for occupancy or use of the public right-of-way is limited to the service provider's existing facilities on the effective date of this chapter.
- (4) Any service provider with presumed initial registration to occupy or use the public right-of-way for existing facilities under this division shall comply with the applicable registration requirements under paragraph (a) of Section 910.03 within ninety (90) days of the effective date of this chapter.

(b) Registration to Occupy or Use Public Right-of-Way. The following Service Providers shall register with the Village to occupy or use the public right-of-way on a form provided by the Administrator.

Any service provider who:

- (1) Does not have an existing system or facilities that lawfully occupy the public right-of-way on the effective date of this chapter and desires to construct a system or facilities in the public right-of-way; or
- (2) Has initial presumed registration under division (b) of this section but is in planning; or
- (3) A capital improvement or reconstruction of existing facilities; or to construct an additional system anywhere in the Village.

(c) Registration Form. The form for service providers to register to occupy or use the public right-of-way under this section shall contain the following information:

- (1) The identity, legal status and federal tax identification number of the service provider, including all affiliates of the service provider that will use or occupy the public right-of-way or are in any way responsible for facilities in the public right-of-way;
- (2) The name, address, telephone number and e-mail address of the local officer, agent or employee responsible for the accuracy of the registration and available at all reasonable times to be notified in case of emergency;
- (3) A general description of the services provided or to be provided by the service provider over its system or facilities in the public right-of-way;
- (4) A description of the type of transmission medium used, or to be used, by the service provider to operate a system in the public right-of-way;
- (5) To the extent available, a description of the service provider's existing facilities in the public right-of-way that generally identifies the location and route of the facilities in detail acceptable to the Administrator after consultation with the service provider;
- (6) A preliminary construction schedule and proposed completion date for all capital improvements planned, as of the date of registration, for the twelve (12) month period following the date of registration;
- (7) If the service provider is not a regulated service provider, a description of the service provider's access and line extension policies;
- (8) Evidence that the service provider has complied, or will comply, with the insurance requirement and performance bond contained in this chapter;
- (9) Evidence that the service provider has received authorization from the State, as required by law, to operate a system and provide services in the Village;
- (10) Other and further information as may reasonably be requested by the Administrator related to the Village's capital improvement plan.

(d) Registration Confirmation. The Village shall confirm, in writing, a service provider's completed registration to occupy or use the public right-of-way within thirty (45) days of the date on which the registration form is filed with the Village.

- (1) Except to the extent prohibited by federal or state law, the Village may withhold or delay confirmation of a service provider's completed registration to occupy or use the public right-of-way based on the service provider's failure to possess the financial, technical and managerial resources necessary to protect the public health, safety and welfare, or for other reasons based on the health, safety and welfare of the Village and under Ohio law.

- (2) If the Village withholds or delays a service provider's registration to occupy or use the public right-of-way, the Village shall provide its reasons in writing for withholding or delaying registration, and shall provide any information that the service provider may reasonably request necessary for the service provider to obtain a completed registration to occupy or use the public right-of-way.

(e) Permit to Occupy. The Village's registration of a service provider to occupy or use the public right-of-way shall be in the form of a right-of-way occupancy certificate which shall specify the specific terms of the Village's registration for the service provider to occupy or use the public right-of-way.

(f) Service Provider Registration. Each service provider registering to occupy or use the public right-of-way shall pay a fee as determined by Village Council and shall be amended as needed upon review of the Clerk-Treasurer and the Administrator to reflect the current costs related to the registration process including engineering review and legal costs related to the registration process as provided in Section 910.07. See Section 910.09 for current fee schedule.

(g) Service Provider Insurance. Service providers must secure and maintain, at a minimum, the following liability insurance policies insuring both the service provider and the Village, and its elected and appointed officers, officials, agents, employees and representatives as additional insureds:

- (1) Comprehensive general liability insurance with limits not less than:
 - A. Five Million Dollars (\$5,000,000) for bodily injury or death to each person;
 - B. Five Million Dollars (\$5,000,000) for property damage resulting from any one (1) accident; and
 - C. Five Million Dollars (\$5,000,000) for all other types of liability.
- (2) Automobile liability for owned, non-owned and hired vehicles with a limit of Three Million Dollars (\$3,000,000) for each Person and Three Million Dollars (\$3,000,000) for each accident;
- (3) Workers' Compensation within statutory limits and employer's liability insurance with limits of not less than One Million Dollars (\$1,000,000);
- (4) Comprehensive form premises- operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than Three Million Dollars (\$3,000,000);
- (5) The liability insurance policies required by this section shall be maintained by the service provider at all times throughout the period of time during which the service provider is occupying or using the public right-of-way, or is engaged in the removal of its facilities;
- (6) Not less than thirty (30) days prior to the effective cancellation or termination date of a liability insurance policy required by this section, when the service provider has at least thirty (30) days' advance notice of cancellation or termination, or immediately upon receipt of notice if it has less than thirty (30) days' advance notice, the service provider shall obtain and furnish to the Village replacement insurance policies meeting the requirements of this section, without any lapse in coverage;

- (7) Upon written application to, and written approval by, the Clerk-Treasurer, a service provider with net capitalization of Ten Million Dollars (\$10,000,000) or more may be self-insured; except that all coverages for Workers' Compensation shall be in compliance with State law. No approval for self-insurance shall be given until the Clerk-Treasurer has made a complete review of the service provider's financial ability to provide the self-insurance. As part of the review process, the Clerk-Treasurer and Administrator may require, and the self-insurance applicant shall provide financial documents necessary to make a valid determination of the applicant's ability to meet the needs of this chapter;
- (8) Regulated service providers shall be exempt from certain provisions of this section provided that they notify the Clerk-Treasurer of the name and contact information of an officer or employee in the organization of the service provider who is responsible for receiving claims filed against the service provider for personal injury or property damage.

(h) General Indemnification. Each form for registering to occupy or use the public right-of-way, and each annual registration, shall include, to the extent permitted by law, the service provider's express undertaking to defend, indemnify and hold the Village and its elected and appointed officers, officials, employees, agents, representatives and subcontractors harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the service provider or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, reconstruction, installation, operation, maintenance, repair or removal of its system or facilities, and in providing or offering services over the facilities or system, whether the acts or omissions are authorized, allowed or prohibited by this chapter.
(Ord. 2545. Passed 9-26-16.)

910.03 INITIAL AND ANNUAL REGISTRATION OF EXISTING SERVICE PROVIDERS.

(a) Initial Registration. Any service provider with initial presumed registration to occupy or use the public right-of-way as provided in division (b) of Section 910.02 shall file an initial registration with the Village within ninety (90) days of the effective date of this chapter, on a form provided by the Administrator, which shall include the information in Section 910.02.

(b) Annual Registration Required. All service providers registered to occupy or use the public right-of-way shall register with the Village each calendar year between January 1 and January 31 on a form provided by the Administrator. Service providers who file an initial registration before January 1, 2016 need not file an annual registration for calendar year 2016.

(c) Purpose of Annual Registration. The purpose of the annual registration under subsection (b) hereof is to:

- (1) Compile, update and supplement the Village's database so that the Village has accurate and current information concerning the service providers that own or operate facilities, and/or provide services, in the public right-of-way;
- (2) Assist the Village in monitoring the usage of the public right-of-way in order to ensure that the public receives the maximum possible benefit from that use and the use is consistent with the best management and care of the public right-of-way;

- (3) Assist the Village in the collection and enforcement of any municipal taxes, franchise fees, compliance fees or charges that may be due the Village
- (4) Assist the Village in monitoring compliance with local, state and federal laws.

(d) Information Required for Annual Registration. Service Providers shall provide the following information with the annual registration under subsection (c) hereof:

- (1) Any changes to the information the Service Provider provided the Village in the Service Provider's previous registration;
- (2) Evidence that the service provider is in compliance with the insurance requirement under Section 910.02;
- (3) A preliminary Construction schedule and completion date for all Capital Improvements planned, as of the date of registration, for the twelve (12) months following the date of registration;
- (4) If the service provider is constructing a new system or reconstructing substantially all of its existing system, a general description of the services to be provided, transmission medium to be used, and the facilities to be utilized with the new or reconstructed system in detail acceptable to the Administrator and Village Engineer;
- (5) Such other information as the Administrator and Engineer may reasonably require related to the Village's capital improvement plan;
- (6) Facilities Maps. The Village shall have the right to access and review all the service provider's maps and/or as-built plans showing the location of its facilities in the public right-of-way, on ten (10) days' notice to the Service Provider;
- (7) Registration Fee. Each service provider registering to occupy or use the public right-of-way shall pay a fee as determined by Village Council and shall be amended as needed upon review of the Clerk-Treasurer and the Administrator to reflect the current costs related to the registration process including engineering review and legal costs related to the registration process as provided in Section 910.07. See Section 910.08 for current fee schedule. (Ord. 2545. Passed 9-26-16.)

910.04 GENERAL PUBLIC RIGHT-OF-WAY USE REGULATIONS.

(a) Public Right-of-Way Route. A completed initial and annual registration of a service provider to occupy or use the public right-of-way under Sections 910.02 and 910.03 shall apply to only the types of facilities and locations along the public right-of-way that were identified by the service provider in the registration form.

(b) Non-Exclusive Right to Occupy the Public Right-of-Way. Registration of a Service Provider granted under Sections 910.02 and 910.03 shall not confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the Village to operate a system for delivery of services or any other purposes.

(c) Rights Permitted. Registration of a service provider under Sections 910.02 and 910.03 shall not convey any right, title or interest in the public right-of-way.

(d) Maintenance of Facilities. Each service provider shall maintain its system and facilities in good and safe condition and in a manner that complies with all applicable federal, State and local requirements.

(e) Safety Procedures. A service provider or other person acting on its behalf shall use suitable barricades, flags, flaggers, lights, flares and other measures as necessary and under applicable State and local requirements for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of the work in or affecting such public right-of-way or property.

(f) Interference with the Public Rights-of-Way. No service provider may locate or maintain its facilities so as to unreasonably interfere with the use of the public right-of-way by the Village, the general public or by other persons authorized to use or be present in or on the public right-of-way. To the extent permitted by law, all facilities shall be moved by the service provider, temporarily or permanently, as determined by the Administrator and Engineer.

(g) Damage to Public and Private Property. No service provider or any person acting on the service provider's behalf shall take any action or permit any action to be done which may impair or damage any Village property, public right-of-way, other ways or other public or private property located in, on or adjacent thereto.

(h) Restoration of Public Right-of-Way, Other Ways and City Property. When a service provider, or any person acting on its behalf, does any work in or affecting any public right-of-way, other ways or Village property, it shall, after the work is completed and at its own expense, promptly remove any obstructions and restore such ways or property, within ten (10) to sixty (60) days, at the Administrators discretion, to as good a condition as existed before the work was undertaken, unless otherwise directed by the Village. If weather or other conditions do not permit the complete restoration required by this paragraph, the service provider shall temporarily restore the affected ways or property as directed by the Administrator, to the extent practical or feasible. Such temporary restoration shall be at the service provider's sole expense and the service provider shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent permanent restoration.

(i) Duty to Provide Information.

- (1) Within ten (10) days of a written request from the Administrator each service provider shall furnish the Village with documentation sufficient to show that the service provider has complied with all requirements of this chapter.
- (2) Within ten (10) days of a written request from the Administrator, each service provider shall make available for inspection by the Village at reasonable times all books, records, maps and other documents, maintained by the service provider with respect to its facilities in the public right-of-way.
- (3) A service provider operating under a tariff issued by the PUCO shall cooperate with the Village upon request of the Administrator for assistance with the "design ticket" process of the Ohio Utility Protection Service.

(j) Assignments or Transfers. Registration to occupy or use the public right-of-way may be, directly or indirectly, transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the service provider, by operation of law or otherwise, without consent of the Village, so long as:

- (1) The Village is notified of the proposed transfer on or before the date of transfer or upon approval of any jurisdictional agency, including the PUCO; and
- (2) The transferee shall fully comply with this chapter within sixty (60) days of the transfer, including, but not limited to, providing:
 - A. All information required by the registration to occupy or use the public right-of-way under Sections 910.02 and Section 910.03; and
 - B. Any other information reasonably required by the Administrator.

(k) Transactions Affecting Assignments or Transfers. Any transactions that singularly or collectively result in a change of twenty-five percent (25%) or more of the ownership or ultimate working control of a service provider, of the ownership or working control of the service provider's facility, or of control of the capacity or bandwidth of the service provider's system, facilities or substantial parts of the facility shall be considered an assignment or transfer under subsection (j) hereof. Transactions between affiliated entities are not exempt from subsection (j) hereof.

(l) Revocation of Registration. To the extent permitted by law, a service provider's registration to occupy or use the public right-of-way of the Village may be revoked for any one (1) of the following reasons;

- (1) Construction, reconstruction, installation, location, operation or excavation at an unauthorized location;
- (2) Construction, reconstruction, installation, location, operation or excavation in violation of Village safety and/or construction requirements;
- (3) Material misrepresentation or lack of candor by or on behalf of a service provider in any permit application or registration required by the Village;
- (4) Failure to relocate or remove facilities, or failure to restore the public right-of-way as required by this chapter;
- (5) Failure to pay fees, costs, taxes or compensation when and as due the Village;
- (6) Insolvency or bankruptcy of the service provider;
- (7) Violation of material provisions of this chapter.

(m) Notice and Duty to Cure. In the event that the Administrator believes that grounds exist for revocation of a service provider's registration to occupy or use the public right-of-way, the Administrator shall give the service provider written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the service provider a reasonable period of time not exceeding thirty (30) days to furnish evidence:

- (1) That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;
- (2) That rebuts the alleged violation or noncompliance; and/or
- (3) That it would be in the public interest to impose some penalty or sanction less than revocation.
- (4) It is within the Administrator's reasonable discretion to waive a portion or portions of this chapter where the requirements, in the Administrator's judgment, are not necessary or appropriate to protect the Village's interests and the purposes and intent of this chapter.

(n) Record Drawings. Within sixty (60) days after completion of Construction, registered service providers shall furnish the Village with the following information for facilities constructed for the service provider in detail acceptable to the Administrator based on consultation with the service provider;

- (1) The location, size, depth, grade, and route of any Underground Facilities, including proximity to other existing Facilities within the area excavated for the Construction;
- (2) The location, height and route of any Overhead Facilities, including pole attachments;
- (3) The location and position of any Above Ground Facilities and evidence of an AGF Installation Permit issued under Section 910.06 for the facilities. Information supplied under this section shall be submitted in an electronic format which is available to the service provider and acceptable to the Administrator.

(o) Field Identification. Commencing on January 1, 2017, service providers shall field identify in a readily available location by means of a mark or tag in a manner, form and at such time as is acceptable to the Administrator in accordance with national and state standards and regulations, all new or replacement Facilities constructed or installed at the surface of the public right-of-way and, in conjunction with public right-of-way improvements constructed by the Village, all existing facilities owned by a service provider and located on the surface of the portion of the public right-of-way to be improved by the Village.

(p) Restoration of Improvements. On completion of any construction work, registered service providers shall promptly repair any and all public right-of-way and provide property improvements, fixtures, structures and facilities which were damaged during the course of construction, restoring the same as nearly as practicable to its condition before the start of construction.

(q) Landscape Restoration.

- (1) All trees, landscaping and grounds removed, damaged or disturbed as a result of the construction, reconstruction, installation, maintenance, repair, replacement, or removal of facilities must be replaced or restored as nearly as may be practicable, to the condition existing prior to performance of work as determined by the Administrator, except to the extent that tree trimming is necessary to prevent the interference of tree branches with overhead facilities. If, in the opinion of the Administrator, any trees cannot be replaced or restored in the same location, an equal number of trees shall be planted in a location or locations determined by the Administrator.
- (2) All restoration work within the public right-of-way shall be done under landscape plans approved by the Administrator.

(r) Responsibility of Owner. The owner of the facilities to be constructed, reconstructed, installed, located, operated, maintained or repaired and, if different, the service provider, is responsible for performance of and compliance with all provisions of this section. (Ord. 2545. Passed 9-26-16.)

910.05 LOCATION, RELOCATION AND REMOVAL OF FACILITIES.

(a) Location of Facilities. All Facilities shall be Constructed, Reconstructed, installed and located under the following guidelines and requirements:

- (1) Facilities should be installed within an existing compatible underground duct or conduit whenever excess capacity exists within the facility;
- (2) A service provider registered to install overhead facilities should install its facilities on pole attachments to existing utility poles if surplus overhead space is available;
- (3) A service provider registered to install underground facilities should install its facilities in space the service provider currently occupies or in surplus underground space if available;

(b) Location of Facilities Above Ground. Except for an overhead facility as provided in this section, no AGF or AGF Clusters shall be located above ground in a public right-of-way without a AGF Installation Permit issued under Section 910.06.

(c) Location of Facilities Below Ground. No facilities shall be located underground in the public right-of-way without permits deemed applicable by the Administrator.

(d) Excess Capacity. To reduce excavation in the public right-of-way, it is the Village's goal to encourage service providers to share occupancy of underground conduit as well as to construct, whenever possible, excess conduit capacity for occupancy of future facilities in the public right-of-way. Therefore, if a service provider is constructing underground conduit in the public right-of-way for its own facilities, and the Village reasonably determines the construction is in an area in which other service providers would likely construct facilities in the future, the Village may require, to the extent permitted by law, the service provider to construct the conduit in the public right-of-way with excess capacity in the public right-of-way, provided the service provider shall be reimbursed for the use of the excess capacity by another service provider. The service provider may charge a reasonable market lease rate for occupancy of the additional conduit space as reimbursement. This section shall not apply where no practical operational, engineering or safety standards will support the need for excess capacity.

(e) Relocation or Removal of Facilities. Within thirty (30) days following written notice from the City and in accordance with law, a Service Provider shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any facilities in the public right-of-way whenever the Village shall have determined that such removal, relocation, change or alteration is reasonably necessary for:

- (1) The construction, reconstruction, repair, maintenance or installation of any Village public improvement in or on the public right-of-way; or
- (2) The operations of the Village or other governmental entity in or on the public right-of-way.

(f) Removal of Unauthorized Facilities.

- (1) Within thirty (30) days following written notice from the Village, and to the extent permitted by law any service provider or other person that owns, controls or maintains any unregistered system, facility or related appurtenances in the public right-of-way shall, at its own expense, remove those facilities or appurtenances from the public right-of-way of the Village or shall arrange to sell the system, facilities or appurtenances to the Village. After the thirty (30) days have expired, the Village may remove the facilities or appurtenances from the public right-of-way at the other party's expense. A system or facility is unauthorized and subject to removal in any of the following circumstances:

- A. If the system or facility was constructed, reconstructed, installed, operated, located or maintained without registering, except as otherwise provided by this chapter;
 - B. Upon abandonment of a facility in the public right-of-way of the Village, with the exception of underground facilities abandoned in a manner authorized and approved by the Village;
 - C. If the system or facility was constructed, reconstructed, installed, operated, located or maintained, or any excavation of a public right-of-way was performed, without prior issuance of a required permit from the Village, except as otherwise provided by this chapter;
 - D. If the system or facility was constructed, reconstructed, installed, operated, located or maintained, or any excavation of a public right-of-way was performed, at a location not identified in the Village's registration to occupy or use the public right-of-way; or
- (2) Emergency Removal or Relocation of Facilities. To the extent permitted by law, the Village retains the right and privilege to cut or move any facilities, or stop work on any construction, reconstruction, installation, operation or excavation, located in the public right-of-way of the Village, as the Village may determine to be necessary, appropriate or useful in response to any need to protect public health, safety or welfare; except to the extent that the Village's actions would cause a dangerous or potentially dangerous situation.
(Ord. 2545. Passed 9-26-16.)

910.06 AGF INSTALLATION PERMITS.

(a) Permit Required. No Service Provider shall install, place, replace or alter the size of Above Ground Facilities in the public right-of-way without first obtaining an AGF Installation permit issued by the Administrator under this section or in violation of the regulations for AGF and AGF Clusters in this section or Rules and Regulations promulgated by the Administrator under this section.

(b) Application Process. Applications for AGF Installation Permits shall be filed with the Administrator and shall contain the following information:

- (1) A detailed description of the AGF or AGF cluster, including the dimensions of each installation and the potential noise level resulting from the operation of the installation;
- (2) A site or landscape plan drawn to scale showing the proposed installation with elevation drawings acceptable to the Administrator, and photographs of the proposed location for the AGF before installation, including the dimensions of the existing street improvements in the proximate vicinity of the proposed AGF and the distance from the proposed AGF to existing buildings on the adjoining and abutting lots;
- (3) Mailing address labels of adjoining lots, abutting lots, and lots across the public right-of-way from the adjoining and abutting lots;
- (4) The identity of any existing AGF in the immediate area in which the AGF is proposed to be installed;
- (5) The identity, legal status, and federal tax identification number of the service provider for the AGF;

- (6) The name, address, telephone number, and e-mail address of the local officer, agent or employee responsible for the accuracy of the information contained in the application for the AGF application; and
- (7) A copy of the Graffiti Mitigation Plan prepared by the service provider.

(c) Permit Fee. Each service provider applying for an AGF Installation Permit shall pay a fee as determined by the Village Council and reviewed from time to time by the Clerk-Treasurer and the Administrator for its administrative costs related to processing of reviewing the permit application and issuing the permit as provided in Section 910.07. See Section 910.09 for current fee schedule

(d) Graffiti Mitigation Plans. The exterior of each AGF and AGF Cluster shall resist graffiti and be maintained in good condition and repair. Each service provider shall submit a Graffiti Mitigation Plan detailing how each AGF or AGF Cluster operated by the service provider shall be maintained free from graffiti and other defacements (i.e. stickers, posters). The Graffiti Mitigation Plan shall identify the resources dedicated to regularly inspecting and maintaining the facilities in good condition and repair. In addition, each Graffiti Mitigation Plan shall provide the name, mailing address, phone number and email address of a single point of contact responsible to resolve graffiti issues should they occur. The Graffiti Mitigation Plan should clearly state that AGF surfaces shall be maintained in good condition and repair following installation.

(e) AGF Regulations.

- (1) The placement of AGF and AGF clusters shall be approved by the Village Planning Commission and upheld by vote of Council, in the following areas:
 - A. Residential Districts;
 - B. Parks;
 - C. Public Land; and
 - D. Business Districts.
- (2) AGF and AGF Clusters, including any doors, shall maintain an unobstructed sidewalk width of six (6) feet to provide for unimpeded pedestrian and wheelchair passage, except where the existing sidewalk width is less than six (6) feet, and a minimum of two (2) feet unobstructed distance from the perimeter of the AGF or AGF Cluster to the roadway curb face and to the closest edge of the public sidewalk.
- (3) AGF and AGF Clusters shall be placed in compliance with the intersection sight distance requirements contained in the ODOT Location and Design Manual without the necessity of installing additional safety measures as provided in the L&D Manual. If the existing sight distance at an intersection does not meet the current standards in the L&D Manual, the AGF and AGF Clusters shall be placed at a location that will not reduce the existing sight distance from the intersection. AGF and AGF clusters shall be placed at a distance from drive-ways so as not to impair the sight distances for exiting vehicles as determined by the Director using the intersection sight distance requirements contained in the L&D Manual.
- (4) No AGF or AGF Cluster shall be installed:
 - A. Within five (5) feet of any fire hydrant;
 - B. Within five (5) feet of any driveway;

- C. Where there is a bus shelter at a bus stop, within five (5) feet forward and forty (40) feet back of the end of the shelter identified as serving a particular bus company of bus route and marking a designated bus stop;
- D. Within three (3) feet of any traffic sign;
- E. Within three (3) feet of any public utility pole, provided that
 1. All or a portion of an AGF may be placed on a public utility pole as part of an approved AGF Installation Permit and in accordance with other applicable laws and regulations for the placement of Facilities on utility poles; and
 2. Placement adjacent to a public utility pole shall be limited to one (1) side of the pole;
 3. Within an area designated for handicapped parking or a commercial loading or unloading zone; or
 4. Immediately in front of buildings, houses, structures, or public stairs such that it causes a violation of ADA guidelines for pedestrian passage between private property and the Public Rights-of-Way.

(f) Advertising. Advertising is prohibited on AGF and AGF Clusters.

(g) Removal. Service providers, at their cost and expense, shall remove any AGF and AGF Clusters that are abandoned, become obsolete, are unused for more than ninety (90) days or installed without an AGF Installation Permit issued under this section.

(h) Additional Regulations. The Administrator is charged with the enforcement of the provisions of this section and is hereby authorized to adopt, promulgate and enforce additional Rules and Regulations relating to AGF and AGF Clusters not in conflict with the provisions of this section, including the maximum or minimum dimensions of AGF or AGF Clusters, the color and finishes of any cabinets in which AGF or AGF Clusters are located, service provider identification on all AGF and AGF Clusters, landscaping considerations, permissible configuration of AGF Clusters, the maximum number of installations of AGF or AGF Clusters in public right-of-way, and the administration and enforcement of the provisions of this section. Rules and Regulations promulgated by the Administrator shall become effective upon publication. Failure or refusal to comply with any Rules and Regulations promulgated by the Administrator shall be deemed a violation of this section.

(i) Performance Bond.

- (1) To ensure the full and complete compliance with this section, prior to the issuance of an AGF Installation Permit, a service provider shall submit a performance bond in the amount of Fifty Thousand Dollars (\$50,000.00). In the alternative, a service provider may submit an umbrella bond in the amount of Fifty Thousand Dollars (\$50,000.00) which shall be deemed to have met the performance bond requirement of this section for the duration of the performance bond.
- (2) Before any claims may be made against a performance bond, the Administrator shall give written notice to the service provider:
 - A. Describing the act, default or failure to be remedied by reason of the service provider's act or default;

- B. Providing a reasonable opportunity for the service provider to first remedy the existing or ongoing default or failure;
- C. Providing a reasonable opportunity for the service provider to pay any monies due the Village before the Village makes a claim against the performance bond; and
- D. Stating that the service provider will be given an opportunity to review the act, default or failure described in the notice with the Administrator.

(j) Other Permits. A service provider that is issued an AGF installation permit issued under this section is subject to any additional permits including but not limited to Building, Electrical and Stormwater as required by the Village.

(k) Additional Penalty. In addition to any penalty imposed for a violation of this chapter under Section 910.99, the Administrator, following notice in writing to a service provider of the service provider's failure to comply with this section, shall not issue any new AGF installation permits to the service provider until such time as the violations of this section as detailed in the notice are corrected.
(Ord. 2545. Passed 9-26-16.)

910.07 RECOVERY OF VILLAGE COSTS.

(a) Purpose. It is the purpose of this section to provide for the recovery of all direct and indirect costs and expenses actually incurred by the Village and associated with the registration of a service provider's occupancy or use of the public right-of-way, the reviewing of applications for and issuing AGF installation permits, and related to the enforcement and administration of this chapter. All registration and permit applications shall pay a fee as determined by Village Council and shall be amended as needed upon review of the Clerk-Treasurer and the Administrator to reflect the current costs related to the registration process including engineering review and legal costs related to the registration process as provided in Section 910.07. See Section 910.09 for current fee schedule.

(b) Regulatory Fees and Compensation Not a Tax. The fees and costs provided for in this chapter are separate from, and additional to, any and all federal, State, and local taxes as may be levied, imposed or due from a service provider, its customers or subscribers, or on account of the lease, sale, delivery or transmission of services.
(Ord. 2545. Passed 9-26-16.)

910.08 MISCELLANEOUS PROVISIONS.

(a) Pre-emption by State and Federal Law. This chapter shall stand in full force and effect except as may be preempted by applicable State or Federal laws, rates, regulations, and orders. (Ord. 2545. Passed 9-26-16.)

910.09 FEE SCHEDULE.

Initial registration	\$125.00
Yearly renewal	\$125.00
Deposit for engineering review*	\$500.00
Deposit for legal review*	\$500.00

*Deposits of fees for Engineering and Legal review are estimates only. Any amounts in excess of original deposit are the responsibility of the applicant. No permits will be issued with any outstanding fees. (Ord. 2545. Passed 9-26-16.)

910.10 OTHER REMEDIES.

Nothing in this chapter shall be construed as limiting any judicial remedies that the Village may have, at law or in equity, for enforcement of this chapter.

(Ord. 2545. Passed 9-26-16.)

910.99 PENALTY.

Whosoever violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of not less than \$150.00. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 2545. Passed 9-26-16.)

CHAPTER 919
Street Excavations

919.01	Permit required.	919.04	Remedy of Village for noncompliance.
919.02	Deposit.	919.99	Penalty.
919.03	Standards and specifications.		

CROSS REFERENCES

Power to establish and care for streets - see Ohio R.C. 715.19, 717.01, 723.01
 Openings by Municipality - see Ohio R.C. 723.02
 Sprinkling- see Ohio R.C. 723.16 et seq.
 Surface treatment - see Ohio R.C. 723.23, 723.31
 Excavation liability - see Ohio R.C. 723.49 et seq.
 Changing established grade - see Ohio R.C. 727.07
 Digging, excavating and piling earth on streets - see Ohio R.C. 5589.10
 Excavations - see GEN. OFF. 525.03

919.01 PERMIT REQUIRED.

Any person, firm or corporation wishing to make an opening in any street within the Village shall make written application to the Village Administrator for a permit to open such street. (Ord. 2468. Passed 2-9-15.)

919.02 DEPOSIT.

The applicant shall deposit with his application the amount of fifty dollars (\$50.00) cash with the Village Administrator (or more if in the Village Administrator's opinion the opening would be such as to cost more than fifty dollars (\$50.00) to close and place in the original condition) to guarantee that the road or berm is placed in as good a condition as it was before the work began. (Ord. 2468. Passed 2-9-15.)

919.03 STANDARDS AND SPECIFICATIONS.

The work shall be done according to the following standards: After any pipes, conduits, drains or other underground structures are laid or any excavation is made in the roadway, the trenches or openings shall be properly backfilled with suitable material, the material shall be placed in courses not to exceed six (6) inches, loose measurement. Each course shall be thoroughly tamped or rolled, and shall be firm and uniform or backfilling may be made as directed by the Road Supervisor.

Material satisfactory to the Road Supervisor shall be used as the final course, so there will be a firm and solid surface. In no case shall the material so placed be allowed to project above or below the grade of the road as originally established. All surplus material shall be removed in a manner satisfactory to the Road Supervisor. The permit holder shall maintain the berm over the trench in a manner acceptable to the Road Supervisor for the period of one year.

If the work performed is under the pavement, it will be required that any portions removed in excavating or damaged in the progress of the work, with the exception of the road base and surface, shall be replaced in accordance with the above section. It is required that the permit holder notify the Road Supervisor of the day on which the opening of the pavement will be made, also the time of completion of the backfill.
(Ord. 2468. Passed 2-9-15.)

919.04 REMEDY OF VILLAGE FOR NONCOMPLIANCE.

If the work is not done in accordance with Section 919.03, the Village will complete the work and deduct from the bond the cost of such work or bill to the permittee the cost of such work in excess of the amount of the bond.
(Ord. 340. Passed 5-28-62.)

919.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense.

**CHAPTER 921
Driveways and Culverts**

921.01 Construction; determination of grade.	921.04 Notice to owner to clean culverts.
921.02 Material and dimensional requirements for driveway pipe and tiles.	921.05 Collection of costs.
921.03 Cleaning stopped culverts by Village.	921.06 Applications for grading, excavation and installation of tile; costs of pipe.
	921.99 Penalty.

CROSS REFERENCES

Piling earth on streets - see Ohio R.C. 5589.10
Parking in front of driveways - see TRAF. 351.03

921.01 CONSTRUCTION; DETERMINATION OF GRADE.

Any person desiring to build a driveway over any ditch or water drainage course, or install any other improvement, shall, before installing tile, pipe or other conduit, or other material, have the grade determined by the Village Engineer.
(Ord. 459. Passed 9-12-66.)

921.02 MATERIAL AND DIMENSIONAL REQUIREMENTS FOR DRIVEWAY PIPE AND TILES.

All driveway culverts shall be at least twenty-four feet in width and at least twelve inches in diameter and shall be constructed of reinforced concrete pipe Class III. Corrugated galvanized pipe may be used with the written consent of the Village Engineer in a case which he or she deems proper. The Engineer may, in a proper case, require a tile in excess of twenty-four feet in length and twelve inches in diameter if such is necessary to provide proper drainage.
(Ord. 762. Passed 7-28-77.)

921.03 CLEANING STOPPED CULVERTS BY VILLAGE.

The Village of Sheffield is hereby authorized to cause stopped driveway culverts to be cleared by the Village of Sheffield after written notice to the property owner by the Village Administrator as herein authorized.
(Ord. 2469. Passed 2-9-15.)

921.04 NOTICE TO OWNER TO CLEAN CULVERTS.

Before the Village cleans a stopped driveway culvert, it shall first serve written notice by first class mail upon the owner of the property, sent to the address carried on the duplicate of the Treasurer of Lorain County, allowing the owner a period of thirty days to clean the culvert.
(Ord. 459. Passed 9-12-66.)

921.05 COLLECTION OF COSTS.

In the event the Village is compelled, by the refusal or neglect of the owner, to clean the culvert, the cost of cleaning by the Village shall be assessed against the property owner by certifying the cost to the County Auditor to be collected by him or her at the same time as general property taxes are collected over a two-year period. (Ord. 459. Passed 9-12-66.)

921.06 APPLICATIONS FOR GRADING, EXCAVATION AND INSTALLATION OF TILE; COSTS OF PIPE.

(a) The Clerk-Treasurer is hereby authorized to receive applications from any Village property owner for the Service Department to set a grade for, excavate, provide and install tile in, and cover with the earth which was excavated therefrom, ditches fronting along the property owner's property and adjacent to public highways or streets within the Village.

(b) When application is made for the project provided for in subsection (a) hereof, and proper financial arrangements are made for the payment of such work, the Clerk-Treasurer shall inform the Service Department of the application, and the Service Department is hereby ordered and authorized to perform the work of excavating the ditch, purchasing and installing the tile and filling the ditch with the earth removed therefrom, according to a grade established by the Village Engineer and according to specifications established by the Engineer, provided that in the event that the earth removed from the excavation is not adequate or suitable to completely cover the ditch, then the necessary fill dirt and labor to fill in the ditch completely must be provided at the property owner's expense, unless, at the time, the Village can supply acceptable fill at no expense to the Village.

(c) The cost to the property owner for a twelve-inch pipe is hereby established at twelve dollars (\$12.00) per running foot of tile installed, which shall be paid to the Clerk-Treasurer prior to installation. If larger pipe is required, as determined by the Village Engineer, the additional cost for the pipe will be added to the twelve dollar (\$12.00) per running foot cost. (Ord. 1427. Passed 10-9-95.)

921.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 923
State Highways

923.01 Maintenance; signs.

CROSS REFERENCES

Ohio Department of Transportation function as to highways and roads -
see Ohio R.C. 5501.11

Through streets - see TRAF. 313.02

Divided roadways - see TRAF. 331.31

Weight limits on State routes - see TRAF. 339.01

923.01 MAINTENANCE; SIGNS.

(a) It is hereby declared to be in the public interest that the consent of the Village be, and such consent hereby is, given to the Ohio Department of Transportation for said Department to maintain the travelled portions of, apply standard longitudinal pavement markings to, erect regulatory and warning signs, plow snow and place abrasives for ice control on, State highways in the Village in accordance with the standard practices of said Department.

(b) The Clerk-Treasurer is hereby directed to furnish the Ohio Director of Transportation and the Board of County Commissioners with a certified copy of this section immediately upon the taking effect thereof.

(Ord. 1329. Passed 4-11-94.)

TITLE THREE - Utilities

- Chap. 939. Water.
 Chap. 941. Sewers.
 Chap. 943. Storm Water Management System.
 Chap. 945. Post-Construction Water Quality Runoff.
 Chap. 949. Construction Site Soil Erosion Control.

CHAPTER 939
Water

939.01	Emergency service to and from Avon.	939.04	Water service termination.
939.02	Rates.	939.05	Water service fees generally.
939.03	Payment for water and sewer usage; delinquency; remedy for nonpayment.	939.06	Minimum size of mains.
		939.07	Backflow prevention device inspection and testing.
		939.99	Penalty.

CROSS REFERENCES

- Water pollution - see Ohio R.C. 715.08, 743.25
 Tampering with water hydrants, pipes or meters; unauthorized connections - see Ohio R. C. 4933.22
 Alteration or diversion of watercourses - see GEN. OFF. 521.14

939.01 EMERGENCY SERVICE TO AND FROM AVON.

(a) The Village Administrator is hereby directed and authorized to permit the Water Department of the City of Avon, Ohio, to connect its main to the water main of the Village of Sheffield for the purpose of providing water to the City of Avon in periods of emergency only, one of the conditions being that the City of Avon will also provide water to the Village of Sheffield in emergency periods.

(b) All services rendered to the City of Avon must be in conformity with the terms of a contract between the Village of Sheffield and the City of Elyria wherein the City of Elyria agrees to sell water to the Village.

(c) The City of Avon shall pay, for any water used, the rates established for users of the water in Sheffield plus a surcharge of ten percent, such water used to be measured by a meter placed at the union of the two mains. (Ord. 505. Passed 10-28-68.)

939.02 RATES.

The following schedule of water user charges is hereby adopted for use by residents and others of local water supply:

The following rates will be effective July 1, 2016:

Minimum charge for (up to 7,000 gallons)	\$35.82
Next 8,000 gallons	\$5.17 per thousand gallons
Next 15,000 gallons	\$4.49 per thousand gallons
Next 30,000 gallons	\$3.53 per thousand gallons
Next 40,000 gallons	\$3.10 per thousand gallons
Over 100,000 gallons	\$2.95 per thousand gallons

The following schedule of minimum water user charges by meter size is hereby adopted for the use:

Minimum Quarterly Charges:

3/4" meter =	\$35.82
1" meter =	\$42.93
1-1/2" meter =	\$85.85
2" meter =	\$149.60
3" meter =	\$299.20
4" meter =	\$467.50

For meter size larger than 4" is at 4" minimum plus 10% each increase in size.
(Ord. 2536. Passed 7-11-16.)

939.03 PAYMENT FOR WATER AND SEWER USAGE; DELINQUENCY; REMEDY FOR NONPAYMENT.

(a) Charges for water consumed, and also for sewer usage, shall become due and payable on the first day of every calendar month. All payments shall be made to the Utilities Department at the Sheffield Village Hall or at any other additional place designated by the Clerk-Treasurer or Village Council. Specific dates for particular account locations will be furnished by the Clerk-Treasurer upon request. All bills must be paid by the fifteenth day of the month. The failure to pay water charges ninety days in arrears within a period of fifteen days after the same become due and payable shall result in the shutting off of the water at the curb cock pursuant to Section 939.04. Upon receipt of payment of all delinquent charges and payment of a restoration fee of ten dollars (\$10.00) water service will be restored.

(b) Charges for water consumed, and also for sewer usage, pursuant to this chapter are hereby made a lien upon the premises where the consumption and/or sewer usage occurred. If the same are not paid within ninety days after they are due and payable, such charges shall be certified to the County Auditor. The Auditor shall place the charges on the tax duplicate with the interest and penalties allowed by law and the same shall be collected as other Municipal taxes are collected.

(c) The owner of any real estate premises installing or maintaining water service and/or sewer usage service shall be ultimately liable for all water and/or sewer charges incurred for service at said premises.

(d) The owner of any real estate premises, by installing or maintaining water and/or sewer usage service from the Village of Sheffield, is deemed to assent to all rights, regulations and ordinances of the Village of Sheffield pertaining to such water service and/or sewer usage service.
(Ord. 1705. Passed 7-12-99.)

939.04 WATER SERVICE TERMINATION.

(a) Definitions. The following definitions apply whenever said terms appear in this section.

- (1) "Village" means the Village of Sheffield, including the Village of Sheffield's Utilities Department.
- (2) "Consumer" means any person who is the ultimate user of water utility services provided by the Village.
- (3) "Customer" means any person who enters into a contractual agreement with the Village to receive or to pay for utility services provided by the Village. Customers may, but need not, be consumers of the services provided under such a contractual agreement.
- (4) "Consumer Benefitted Unit" means any service address in which the customer who is contractually liable for utility services furnished that address does not reside.
- (5) "Customer Benefitted Unit" means any service address in which the customer contractually liable for utility services furnished that address resides. (Ord. 1716. Passed 6-28-99.)
- (6) "Billing Address" means the address at which the customer contractually liable for utility services furnished to a service address receives billings from the Village. Billing addresses may, but need not, be the address at which said services are received. (Ord. 2478. Passed 3-23-15.)
- (7) "Service Address" means any individual address at which water utility services are furnished a consumer or customer benefitted unit. The singular may include the plural. All service addresses will be individually metered. The addressee shall be the owner or legally authorized agent of the owner of the premises.

(b) Water Service Termination. Water service to customer or consumer benefitted units may be terminated by the Village only for the following reasons:

- (1) Nonpayment by customer for water service to the service address affected;
- (2) Emergencies and repairs;
- (3) At customer request, provided that any termination shall be done only in compliance with Village voluntary termination procedures on file with the Utilities Department;
- (4) Meter tampering, theft of service, or fraud;
- (5) Violation of the Village Plumbing Code;
- (6) Condemnation and finding that the premises are unfit for human habitation and vacated as provided in Section 1349.02 of the Codified Ordinances of the Village of Sheffield;
- (7) Abandonment of the premises;
- (8) Refusal to permit the Utilities Department to have access to the premises to read the meter or to inspect water equipment.

(c) Notice. Unless the notice requirement is dispensed with as provided below, written notice of a proposed termination of water service must be sent by the Village at least 14 days prior to the date of proposed termination and shall contain the following facts:

- (1) Name of customer, address, service address affected, account number;
- (2) Date of proposed termination if account is not paid, or hearing requested, or a separate account established;
- (3) Reason for proposed termination, the amount claimed to be due; location and hours at which payment can be made; minimum payment which, tendered at or before termination, is necessary to avoid termination;
- (4) Notice that any individual consumer of services may avoid termination by:
 - A. Paying the current month's charges;
 - B. Paying the standard residential deposit required to initiate water service, except that if the consumer is indigent the deposit may be made in a reasonable number of installments; and
 - C. Assuming responsibility for payment of future charges, if that individual consumer does not owe an outstanding bill to the Utility Billing Office for an account established in that consumer's name, or if any such bill is paid or satisfactory payment arrangements are made at that time;
- (5) Notice that a customer or consumer of water services has the right to a hearing to contest the reasons for the proposed termination, and that if a hearing is requested, the termination will not take place until such hearing process is completed;
- (6) Title, address, telephone number and hours to contact the Utilities Department for request of a hearing, payment alternatives or special consideration in hardship cases, or to assume responsibility for future utility charges. This information will appear in all capital letters at the bottom of the notice, after the words, "FINAL NOTICE - IF YOU HAVE ANY QUESTION OR DISPUTE ABOUT THIS BILL CALL (INSERT INFORMATION)."

In the event any service address affected by termination is a consumer benefitted unit, notice of termination of service shall be delivered to each service address so affected, in addition to delivery to the customer.

(d) Emergencies and Repairs. Termination of service may occur without prior notice if emergency circumstances involve imminent danger to persons or property. If the Service Director determines there is a threat of contamination of the public water supply or a threat to the health of the public, termination will be immediate, until all hazards are eliminated.

Water service may be temporarily suspended for repairs on a non-emergency basis. A suspension request must be completed by the customer contractually obligated to pay for service at the address. If such address is a consumer benefitted unit, the suspension request must be signed by an adult consumer residing at such address or the address is vacant as verified by the Utilities Department.

(e) Voluntary Termination. All requests for termination of water service or a customer's contractual responsibility for service shall be made at the Utilities Department in writing on a Voluntary Termination form. If such request for termination is to a benefitted unit other than the customer's benefitted unit, termination will not occur until each affected address is verified by the Utilities Department as being vacant. The customer requesting the termination must grant access to the premises to the Utilities Department for the purpose of conduction an investigation at the time of termination. The Village shall restore service immediately upon demand of any adult consumer at any service address so affected, without charge, if this voluntary termination provision was not complied with or if the Village's verification of vacancy was in error.

(f) The Village Administrator shall establish a termination procedure that shall provide for written documentation of the time, date, customer identification and reason for termination. Such procedure shall be available for public inspection at the Service Department during the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday.

(g) The Village Administrator shall establish a Hearing Procedure for any person who has a dispute about:

- (1) Application for service.
- (2) Termination or proposed termination of services.
- (3) Billing and/or payment issues.
- (4) Requirements for obtaining or maintaining water service.

Such hearing procedure shall be available for public inspection at the Service Department during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.
(Ord. 2478. Passed 3-23-15.)

939.05 WATER SERVICE FEES GENERALLY.

There is hereby levied a Water Service Fee charged for each connection made to the Water Distribution system and paid into the Water Fund, the funds from which shall be used for water operation and maintenance, debt reduction, and/or capital outlay only.

Water Meter Size	System Water Service Fee for Connections to the Water Distribution Improvements
3/4"	\$1,045.00
1"	\$1,125.00
1 1/2"	\$1,540.00
2"	\$1,685.00
3"	\$3,310.00
4"	\$4,610.00

- (a) Applicants shall present calculations for meter size prepared by a professional engineer which shall conform to prevailing industry standards.
- (b) Detached single-family residential users shall be charged for a 3/4" meter at minimum.
- (c) For the purposes of this section, "connection" means a unit of property from which there emanates the quantity of water ordinarily consumed by the occupancy of a residential building by a single family of ordinary size. The following percentages shall be used to determine the cost of Water Service Fee for connections of property other than single-family residential property. The Village Administrator shall determine the proper Water Service Fees for other than a common "connection" using the following chart. Where multi-tenant or special use occurs, the following calculations shall be used to determine the fee for those connections. The following list is not intended to be inclusive and may be changed from time to time to reflect special uses and current costs to the Village of Sheffield.

Nursing/Convalescent Homes	25% of 3/4" tap fee per unit
Laundries (Self-Service)	12% of 3/4" tap fee per washer
Multi-Family Residences	58% of 3/4" tap fee per unit
Hotels	12% of 3/4" tap fee per unit
Hospitals	

- (d) At no time shall the amount for Water Service Fee be less than the full charge for one "connection".
- (e) The Mayor, along with Village Council with affirmation by simple majority, may reduce the Water Service Fee required above when requested by a governmental user in connection with governmental-owned facilities, but in no event, shall any Water Service Fee be so reduced lower than 50% of the fees required by this section.
- (f) Annual Adjustment of Fees. The Water Service Fees referred to in this section for 3/4", 1", 1-1/2", 2", 3" and larger meters shall be adjusted by the Clerk-Treasurer and the Village Administrator yearly using the Cleveland Construction Cost index figure published in July of the current year. All other Water Service Fees are subject to annual adjustment based on a yearly review conducted by the Village Administrator and the Clerk-Treasurer.
(Ord. 2548. Passed 10-24-16.)

939.06 MINIMUM SIZE OF MAINS.

(a) To insure an adequate water supply for fire protection in the Village of Sheffield, no person shall install any water main that is less than eight inches in diameter on a public or private street in the Village of Sheffield. This has been a long standing policy in the approval process in regards to subdivisions.

(b) Distance between fire hydrants shall be determined by the Service Department and the Village Engineer, but in no case shall such distance be greater than 500 feet.
(Ord. 1116. Passed 2-12-90.)

939.07 BACKFLOW PREVENTION DEVICE INSPECTION AND TESTING.

(a) All backflow prevention devices shall be inspected and tested each year by qualified personnel approved by the supplier of water to conduct such tests. Inhabitants of premises on which such devices are located shall permit such qualified personnel to enter their premises to conduct the test during reasonable hours.

(b) The cost for testing backflow devices shall be \$50.00 per test each year and shall be paid at the time of the test by the owner or the person occupying the premises on which the backflow prevention device is located.

(c) Violations:

- (1) The supplier of water shall deny or discontinue, after reasonable notice to the occupant, the water service to a premises if a required backflow prevention device is not installed, tested and maintained in a manner acceptable to the supplier of water.

- (2) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects to the satisfaction of the supplier of water.
(Ord. 1831. Passed 5-14-01.)

939.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 941
Sewers

941.01	User charges.	941.10	Use of fees.
941.02	Adoption of regulations.	941.11	Extension of service main to permittee's property.
941.03	Billing.	941.12	Fees for multiple and individual users.
941.04	Sewer Fund.	941.13	Connections to the French Creek
941.05	Tap-ins; permit required.		Sewer; permits; fees.
941.06	Use of risers.	941.99	Penalty.
941.07	Plans and specifications.		
941.08	Permit issuance; fees.		
941.09	Fee payment arrangements.		

CROSS REFERENCES

Compulsory sewer connections - see Ohio R.C. 729.06
 Management and control of sewerage system - see Ohio R.C. 729.50
 Untreated sewage - see Ohio R.C. 3701.59
 Interference with sewage flow - see Ohio R.C. 4933.24

941.01 USER CHARGES.

The following schedule of sewer user charges is hereby adopted for the use by residents and others of local sewers and/or the interceptor sewers and disposal plant of the French Creek Waste Water Treatment Plant Facility effective October 1, 2014.

(a)	<u>Base Charge.</u>	\$3.50 per month
(b)	<u>Volume Charge:</u>	
	(1) Domestic Class	\$5.62 per 1,000 gal. of water used
	(2) Commercial Class	\$5.42 per 1,000 gal. of water used
	(3) Industrial Class	\$5.42 per 1,000 gal. of water used
(c)	<u>Strength Surcharge:</u>	
	(1) Biochemical Oxygen	\$40.65 per 100 pounds
	(2) Suspended Solids	\$6.00 per 100 pounds
	(3) Phosphorus	\$160.17 per 100 pounds
(d)	<u>Annual Industrial Waste Surveillance Charge:</u>	\$1,200.00
(e)	<u>Administrative Charge - Village:</u>	\$1.95 per month.

(Ord. 2445. Passed 7-14-14.)

941.02 ADOPTION OF REGULATIONS.

The Sewer Service Charge Regulation and the Sewer Use Regulation of 1975, as adopted by the State Water Development Authority, French Creek District, are hereby adopted for the Village, insofar as they are applicable.

(Ord. 717. Passed 4-12-76.)

941.03 BUILDING.

The sewer user charge provided for in this chapter shall be billed to the user on a statement which includes the water user charge. The amount paid shall be credited first to the sewer user charge, and any balance shall be credited to the water user charge. (Ord. 906. Passed 1-10-83.)

941.04 SEWER FUND.

The proceeds from the collection of the sewer user charge shall be placed in a separate account, and the funds in that account may be used to pay the sewer user charge placed on the Village by the City of North Ridgeville to that City or to its designee, and to reimburse other funds of the Village for administrative costs which were charged to other funds and which are properly payable by the Sewer Fund. (Ord. 906. Passed 10-11-76.)

941.05 TAP-INS; PERMIT REQUIRED.

(a) Council is hereby authorized to issue permits to tap into the interceptor sewer of the North Ridgeville French Creek Waste Water Treatment Plant Facility, an agency of the State Water Development Authority, located on Abbe Road between a point at the southerly corporate limits, northerly along Abbe Road to its intersection with French Creek and then easterly along French Creek to the easterly corporate limits, upon application for a tap-in by the property owner or his or her authorized agent, the payment of a fee provided for herein, and approval of the Authority to tap into the interceptor sewer. Evidence that approval will be given by the Authority, simultaneously with approval by the Village, will be acceptable, conditioned upon compliance with all the provisions of this chapter. No person shall make such a tap-in without first obtaining a permit therefor as provided in this chapter. (Ord. 730. Passed 10-11-76.)

(b) Before any building in the Village can be connected, directly or indirectly, to any sewer tributary to the French Creek Waste Water Treatment Plant, payment of a tap-in fee must be made to the Village. This tap-in fee will be charged in addition to those fees and charges required to be paid to the City of North Ridgeville as the owner/operator of the French Creek Waste Water Treatment Plant. (Ord. 2361. Passed 12-10-12.)

(c) Sanitary Sewer Tap-In Fees Generally. There is hereby levied a sewer tap-in charge for each tap-in made to the sanitary sewerage system paid into the Sewer Fund, the funds from which shall be used for sewer operation and maintenance, debt reduction, and/or capital outlay.

Water Meter Size	System Tap-In Charge for Connections to the Sewer Improvements
3/4"	\$2,256.00
1"	\$2,256.00
1 1/2"	\$3,610.00
2"	\$3,610.00
3"	\$11,182.00
4"	\$11,182.00
6"	\$22,365.00

- (1) Applicants shall present calculations for meter size prepared by a professional engineer which shall conform to prevailing industry standards.
- (2) Detached single-family residential users shall be charged for a 3/4" tap minimum.
- (3) For the purposes of this section, "connection" means a unit of property from which there emanates the quantity of sanitary sewage ordinarily arising from the occupancy of a residential building by a single family of ordinary size. The following percentages shall be used to determine the cost of sanitary sewer connections of property other than single-family residential property. The Village Administrator shall determine the proper Sanitary Sewer tap-in charges for other than a common "connection" using the following chart. Where multi-tenant or special use occurs, the following calculations shall be used to determine the fee for those connections. The following list is not intended to be inclusive and may be changed from time to time to reflect special uses and current costs to the Village of Sheffield.

Nursing/Convalescent Homes	25% of 3/4" tap fee per unit
Laundries (Self-Service)	12% of 3/4" tap fee per washer
Multi-family residences	58% of 3/4" tap fee per unit
Hotels	12% of 3/4" tap fee per unit
Hospitals	

- (4) At no time shall the fee for sanitary sewer tap-in be less than the full charge for one "connection".
- (5) Nothing herein shall be construed to eliminate the separate tap-in fees due directly to the City of North Ridgeville (French Creek Wastewater District).
- (6) The Mayor, along with Village Council with affirmation by simple majority, may reduce the tap-in fee required above when requested by a governmental user in connection with governmental-owned facilities, but in no event shall any tap-in fees so reduced be lower than 50% of the fees required by this section.
- (7) Annual Adjustment of Fees. The sanitary sewer tap-in fees referred to in this section for 3/4", 1", 1 1/2" and 2" inch taps shall be adjusted by the Clerk-Treasurer and the Village Administrator yearly using the Cleveland Construction Cost index figure published in July. All other tap-in fees are subject to annual adjustment based on a yearly review conducted by the Village Administrator and the Clerk-Treasurer.
(Ord. 2522. Passed 1-25-16.)

(d) The fees listed in the table above shall be increased at the beginning of each calendar year based upon the Engineering New Record - 20 Cities Construction Cost Percent Increase for the previous year.

(e) The Mayor, with Council approval of a simple majority of the Village Council, may reduce the tap-in fee required above when requested by a governmental user in connection with governmentally-owned facilities, but in no event shall any tap-in fees so reduced be lower than 35% of the schedule fee. (Ord. 2361. Passed 12-10-12.)

941.06 USE OF RISERS.

In all cases where risers were installed at the property line at the time of construction of the interceptor sewer, the riser shall be used. (Ord. 730. Passed 10-11-76.)

941.07 PLANS AND SPECIFICATIONS.

(a) In all cases where application is made for a tap-in for a single residence or unit to a riser which was installed at the time of construction of the interceptor sewer, or directly to the interceptor sewer in a case where no riser exists, or otherwise, plans shall be submitted to the Village Engineer showing the way in which the tap will be made, and no permit may be issued until the Engineer has approved such plans, has endorsed thereon in writing the fact of his or her approval and has filed such approved plans with the Clerk-Treasurer, who shall present the plans to Council at or before the time it acts upon the issuance of the permit.

(b) In the case of an application for a permit to tap into a riser installed at the time of the construction of the interceptor sewer, or directly into the interceptor sewer, or into a manhole, or into a lateral or local sewer, for two or more residences or units to be served, either at the time of the tap-in or in the future, such application shall be submitted with detailed plans and specifications which show the actual tap-in and future tap-ins and which show lateral or local sewers in conformity with the requirements of the Subdivision Regulations or other ordinances of the Village. No permit shall be issued until the Engineer has approved such detailed plans and specifications and has endorsed thereon in writing the fact of his or her approval and has filed such approved plans with the Clerk-Treasurer, who shall present the plans to Council at or before the time it acts upon the issuance of the permit. (Ord. 730. Passed 10-11-76.)

941.08 PERMIT ISSUANCE; FEES.

A permit to use the interceptor sewer may be issued by Council when proof is furnished that all the requirements of the State Water Development Authority relative to tap-ins have been met, upon compliance with all the requirements of the Village, promulgated by either ordinance or regulation, upon certification by the Village Engineer that the usual and prevailing engineering standards have been met in the proposed installation and upon payment to the Village of the following fees:

- (a) Three hundred dollars (\$300.00) as a readiness to serve fee which is to be levied by and paid to the Village; and
 - (b) One thousand four hundred dollars (\$1,400.00) as a fee to be levied by the City of North Ridgeville and paid to the Village as agent for the City, to be remitted to the City; and
 - (c) Fifty cents (\$0.50) per linear foot of sewer pipe inspection by a video camera as a fee to be levied by the Village and paid into the Village Sewer Fund.
- (Ord. 1807. Passed 10-23-00.)

941.09 FEE PAYMENT ARRANGEMENTS.

The fees provided for in Section 941.08, in the aggregate of over two thousand fifty dollars (\$2,050), shall be paid to the Clerk-Treasurer or collected over a period of eight years as follows:

- (a) Cash in full shall be paid at the time of the issuance of the permit for all newly constructed buildings. For existing buildings, the applicant shall have the options set forth below.
- (b) A partial cash payment of at least five hundred dollars (\$500.00), and payments of at least one-eighth of the balance extended over a period not to exceed eight years, shall be paid for buildings existing on the date of the passage of this section, or March 1, 1976, whichever is earlier.

- (c) The amount not paid in cash shall be certified to the County Auditor to be collected by him or her with real estate taxes, as a special assessment procedure, over a period of eight years. The payments shall be made over an eight-year period or as otherwise directed by Council. (Ord. 730. Passed 10-11-76.)

941.10 USE OF FEES.

The proceeds from the fees collected in payment of the tap-ins provided for in this chapter, pursuant to Section 941.08, shall be placed in a special fund to be used only for the following purposes:

- (a) To pay any expenses incident to the making of the tap-ins for inspections, engineering or otherwise, which expenses are incurred by the Village as a direct result of the tap-in to the interceptor sewer, including the cost of making the sewer available to the user at his or her property line;
- (b) To pay the share of the Village, if any, of special assessments levied to finance the construction of sanitary sewers anywhere within the Village;
- (c) To pay the part of a special assessment for sanitary sewers anywhere in the Village in excess of the amount which can legally be assessed against the property owner;
- (d) To pay the cost of any other portion of the system which benefits the residents of the Village and which cannot otherwise be paid for legally or without causing an undue hardship on owners of property within the Village, when the cost is incurred in connection with the construction, installation, maintenance or operation of the sanitary sewers within the Village; and
- (e) To pay to the State Water Development Authority the fee levied against the Village by the Authority in the manner heretofore agreed upon by the Village and the Authority. (Ord. 730. Passed 10-11-76.)

941.11 EXTENSION OF SERVICE MAIN TO PERMITTEE'S PROPERTY.

The Village will, upon the payment of the fees provided for in Section 941.08, and upon the issuance of a permit by Council, bring the service main to the permit holder's property in a manner to be determined by Council. (Ord. 730. Passed 10-11-76.)

941.12 FEES FOR MULTIPLE AND INDIVIDUAL USERS.

A fee of two thousand and fifty dollars (\$2,050) shall be levied for each tap into the interceptor sewer when such tap will be used by multiple users. (Ord. 730. Passed 10-11-76.)

941.13 CONNECTIONS TO THE FRENCH CREEK SEWER; PERMITS; FEES.

(a) No person shall connect or cause to be connected any building or other structure either directly or indirectly to the French Creek Sewer for the purpose of discharging sanitary sewage or industrial waste without first obtaining from the Clerk-Treasurer a permit and paying the charges provided for in subsections (b) and (c) hereof and any applicable additional charges determined in accordance with any other ordinance of the Village.

(b) The Clerk-Treasurer shall not issue a permit until the applicant therefor shall have paid the charge imposed by Section 939.05, which is intended to reimburse the Village for the reasonable expenses of inspection and other administrative costs relating to the making of connections to the Village's sanitary sewer system.

(c) Where a connection is to be made to the French Creek Sewer and the property to be connected has not been identified in Res. 355, passed July 25, 1994, as one to be specially assessed for the French Creek Sewer, the Clerk-Treasurer shall not issue a permit until the applicant therefor shall have paid, in addition to the applicable charge specified in subsection (b) hereof, a connection charge calculated by multiplying the number of acres in the parcel of property to be connected (including portions of acres to the nearest one-hundredth of an acre) by seven hundred thirty-eight dollars (\$738.00) and adding to that sum an amount determined by multiplying the number of feet of the parcel of property to be connected which are fronting on a street (to the nearest one-hundredth of a foot) by nineteen dollars and sixty-seven cents (\$19.67). No more than one structure shall be served from any connection made pursuant to this section. In making the calculations for the charge imposed by this subsection, an applicant may, in writing, request that the Clerk-Treasurer exclude from the calculation of the charge required to be paid by this section any portion of the acreage or frontage which cannot be used because of its topography or because of Federal or State environmental restrictions, or which has existing service from a sanitary sewer of the Village. The Clerk-Treasurer may request the applicant to supply satisfactory documentation to support the requested exclusion and need not issue the permit to connect to the French Creek Sewer until that documentation is satisfactory to the Clerk-Treasurer and all changes required by this section have been delivered to the Clerk-Treasurer. In the case of any parcel, the frontage of which is more than twenty-five percent greater than the width of the lot at the midpoint of its depth, the frontage of the lot shall be deemed to be one-half of the sum of its frontage and its width at the midpoint of its depth.

(d) The charges, as determined pursuant to subsection (c) hereof, shall be increased by an amount equal to four percent of the initial charge on January 1, 1997, and on January 1 of each year thereafter. The incremental charges as set forth in this subsection are designed to offset inflationary increase in costs to construct the tributary sewer which, but for connection to the French Creek Sewer, would have served the parcel.

(e) The connection charges provided for in subsections (a) through (d) hereof must be paid in cash, or by a cashier's, bank official's or certified check, payable to the Village, at the time the permit is applied for.

(f) All moneys collected by the Village as charges pursuant to the provisions of this section shall be deposited in a separate account in the Sewer Fund to be used to offset a portion of the costs of constructing sanitary sewers that are tributary to the French Creek Sewer, which costs cannot be specially assessed because parcels have been permitted to connect to the French Creek Sewer, provided that if moneys collected pursuant to this section have not been so used by December 31, 2000, then such moneys may be used for any lawful purpose.
(Ord. 1433. Passed 11-13-95.)

941.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(Ord. 730. Passed 10-11-76.)

CHAPTER 943
Storm Water Management System

943.01	Purpose and objective.	943.06	Storm Water only accounts.
943.02	Definitions.	943.07	Billing and terms of payment.
943.03	Necessity of charges.	943.08	Collection.
943.04	Powers of the Village Administrator.	943.09	Adjustments.
943.05	Rate structure.	943.10	Right to appeal.
		943.11	Storm Water Management Board.

CROSS REFERENCES

Power to enact - Article XVIII §4 - Ohio Constitution
Powers of Village Administrator - §735.273 O.R.C.

943.01 PURPOSE AND OBJECTIVE.

Chapter 943 establishes a storm water utility, storm water rates, and service charges. Monies collected from these charges are to be utilized solely for the management of storm water.

- (a) The Storm Water Management System shall promote the public health, safety and welfare and provide for the safe and efficient capture of storm water runoff; mitigation of the damaging effects of storm water runoff; address the planning, design, regulations, education, coordination, construction, operation, maintenance, inspection; and enforce activities related to storm water. The System shall be used to establish just and equitable rates and charges to be paid to the Village for the use of such services. (Ord. 1990. Passed 11-22-04.)

943.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply. Words used in the singular shall include the plural, and the plural the singular. Words used in the present tense shall include the future tense. The word “shall” is mandatory and not discretionary. The word “may” is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use.

- (1) “Abatement” means any action taken to remedy, correct or eliminate a condition with, associated with or impacting a drainage system.
- (2) “Adjustment” means a modification in a non-residential customer’s storm water service fee for certain activities that impact storm water runoff or impacts the Village’s cost for providing storm water management.
- (3) “Agricultural Property” is considered to be residential property and assigned one (1) ERU for billing purposes.
- (4) “Apartment/Condominium Property” is considered to be a lot or parcel of real estate on which is situated a building containing three (3) or more single family dwelling units.
- (5) “Approved Plans” shall mean plans approved according to the permits and plan review which will govern all improvements made within the Village of Sheffield, Ohio that require storm water facilities or changes or alterations to existing storm water facilities.
- (6) “Code” means the Codified Ordinances of the Village of Sheffield, Ohio.
- (7) “Combined Sewer” is a pipe or conduit primarily designed to convey sanitary sewage and secondarily intended to convey storm water.
- (8) “Detention” is described as the temporary storage of storm water runoff in a basin, pond, or other structure to control the peak discharge rates by holding the storm water for a period of time and slowly releasing the storm water into existing systems.
- (9) “Detention Facility” means a facility by means of a single control point, which provides temporary storage of storm water runoff in ponds, parking lots, depressed areas, rooftops, underground storage, etc. for future release, and used to delay and attenuate flow.
- (10) “Equivalent Residential Unit” is a value equal to 2,500 square feet of measured impervious area and is equal to the average amount of impervious area of residential properties within the Village of Sheffield.
- (11) “Exempt Property” means public right of ways, public streets, public alleys and public properties owned by the Village of Sheffield.
- (12) “Facilities” means various storm water and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, catch basins, channels, outlets, retention/detention basins, and other components.
- (13) “Impervious Area” means an area that has been paved and/or covered with buildings and materials that do not allow natural infiltration, which includes but are not limited to, concrete, asphalt, rooftops, etc.
- (14) “Infiltration” is defined as a complex process of allowing runoff to penetrate the ground surface and flow through the upper soil surface.

- (15) “Non-residential Properties” are all properties not encompassed by the definition of Residential and shall be defined as Non-residential. Non-residential properties will include:
- A. Apartment and Condominium properties;
 - B. Manufactured Home Parks;
 - C. Commercial properties;
 - D. Industrial property;
 - E. Institutional property;
 - F. Churches;
 - G. Schools;
 - H. Any other property not mentioned in this or the list of residential properties.
- (16) “NPDES” means the National Pollutant Discharge Elimination System.
- (17) “NPDES Permit” means a permit issued to the Village of Sheffield, Ohio pursuant to Section 402 of the Clean Water Act.
- (18) “Owner” means the person who holds actual, not merely equitable title to the property. Executors, administrators or estates, and persons who hold property in trust shall be considered owners.
- (19) “Peak Discharge” or “Peak Flow” is the maximum rate of flow of water passing a given point during or after a rainfall event.
- (20) “Private Storm Water Facilities” are defined as various storm water and drainage works not under the control or ownership of the Village or other governmental agencies.
- (21) “Public Storm Water Facilities” are defined as various storm water and drainage works under the control and/or ownership of the Village or other governmental agencies.
- (22) “Residential Property” means all single family properties and duplexes within the Village of Sheffield.
- (23) “Retention” means the holding of storm water runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration, or emergency bypass.
- (24) “Retention Facility” means a facility, which provides storage of storm water runoff and is designed to eliminate subsequent surface discharges.
- (25) “Square Feet of Impervious Area” means, for the purpose of assigning an ERU number to a parcel of land, the square feet of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square feet, without regard for topographic features of the enclosed surface.
- (26) “Storm Water” means storm water runoff from storm events, snowmelt runoff, and surface runoff and drainage.
- (27) “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.
- (28) “Storm Water Service Charge” is defined as a charge billed to users of the Village’s storm water collection system.
- (29) “Storm Water System” means all man-made facilities, structures, and natural watercourses owned by the Village of Sheffield, used for collection and conducting storm water to, through, and from drainage areas to the point of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, catch basins, swales, culverts, streets, curbs, gutters, and pumping stations. (Ord. 1990. Passed 11-22-04.)

943.03 NECESSITY OF CHARGES.

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. (Ord. 1990. Passed 11-22-04.)

943.04 POWERS OF THE VILLAGE ADMINISTRATOR.

Storm water service charges levied pursuant to this chapter shall be billed and collected by the Utilities Department. The Village Administrator shall make and enforce such rules and regulations as deemed necessary for the safe, economical, and efficient management and protection of the Village's storm water system; for the construction and use of storm sewers and connections to the storm water systems consistent with policies established by the Village Council; and for the regulation, collection, rebating and refunding of such storm water charges. The Village Administrator shall track work activities and expenses related to storm water management (street sweeping and catch basin cleaning, repair, etc.) and compare them to the measurable goals and shall report to the Village Council as to the financial status of the Storm Water Utility Fund through monthly statements generated by the Clerk-Treasurer's Office. (Ord. 1990. Passed 11-22-04.)

943.05 RATE STRUCTURE.

(a) A storm water service charge shall be billed to the owner of each and every lot and parcel of land within the Village that contains impervious area and contributes directly or indirectly to the storm water system of the Village. This charge is necessary to pay for the repair, replacement, planning, design, regulations, education, coordination, improvement, operation, inspection, maintenance, and enforcement of the existing and future storm water system. This charge is not related to water and/or sewer service and applies whether or not the property is occupied.

(b) All properties having impervious area within the Village of Sheffield will be assigned an Equivalent Residential Unit (ERU) or a multiple thereof, with all properties having any impervious area receiving at least one (1) ERU as follows:

- (1) All residential properties, as defined, will be assigned one (1) ERU. A flat rate will apply to all residential properties.
- (2) All non-residential properties, as defined, will be assigned an ERU multiple based upon the properties' individually measured impervious area (in square feet) divided by 2,500 square feet (1 ERU) but in no event less than one (1) ERU. This division will be calculated to the first decimal place and rounded accordingly. (Ord. 1990. Passed 11-22-04.)
- (3) The storm water charge shall be \$3.50 per month per Equivalent Residential Unit (ERU). (Ord. 2119. Passed 4-28-08.)

943.06 STORM WATER ONLY ACCOUNTS.

Storm water only accounts are properties that do not utilize water and/or sanitary sewer services but do contain impervious area or hard surfaces and contributes directly or indirectly to the Village's storm water system as determined by the Village Administrator. A copy of every permit issued by the Village for new construction that does not utilize water and/or sanitary sewer services shall be sent to the Village Administrator for a determination of whether or not storm water service charges apply. (Ord. 1990. Passed 11-22-04.)

943.07 BILLING AND TERMS OF PAYMENT.

(a) The Storm water charges established under this Chapter shall be due and payable to the Village of Sheffield on the date noted on the bill provided by the Village of Sheffield.

(b) In the event the amount billed for storm water service is not paid in full on or before the due date on the bill, an amount equal to five percent (5%) of the amount billed shall be due and payable in addition to the total amount noted on the bill including, but not limited to, arrearages, administrative charges, deposits, deferments and local charges.
(Ord. 1990. Passed 11-22-04.)

943.08 COLLECTION.

When charges for storm water service are not paid when due, the Village Administrator may:

- (a) Terminate water service to the property pursuant to existing written policy;
- (b) Forward the account for collection by an outside collection agency;
- (c) Transfer the delinquency to any other property owned by the account holder that receives service;
- (d) Bring an action at law for the collection of the delinquent amount;
- (e) Certify the charges, together with any penalties, to the County Auditor, who shall place the certified amount on the real property tax duplicate of the property served directly or indirectly by the storm water system of the Village. The amount certified shall be a lien on the property served from the date placed on the list and duplicate and shall be collected in the same manner as other taxes, except that, notwithstanding Section 323.15 of the Revised Code, a County Treasurer shall accept a payment in such amount when separately tendered as payment for the full amount of such unpaid storm water charges and associated penalties.
(Ord. 1990. Passed 11-22-04.)

943.09 ADJUSTMENTS.

In the event the amount of impervious area on a non-residential property is increased above that assigned by the Village Administrator, an adjustment may be made to the ERU multiplier assigned to the property to properly reflect the amount of impervious area. The new ERU multiplier shall be billed from the date on which the department mails a notification of the change to the owner of the property and shall not be stayed by an appeal. If the Village Administrator finds that it has been under-billing a non-residential property as a result of the increase in impervious area, the owner may be charged for the difference between the amount actually billed and the amount that should have been billed for a period of time not to exceed one year prior to the date of the mailing of the notification to the owner that an adjustment is being made to the property's ERU multiplier. (Ord. 1990. Passed 11-22-04.)

943.10 RIGHT TO APPEAL.

(a) A non-residential property owner may challenge the ERU multiplier assigned the property by filing an appeal with the Village Administrator for adjustment thereof, stating in writing the grounds for the appeal. The Administrator shall cause the appropriate investigation thereof and report the findings to the property owner. The Administrator shall consider the appeal and determine whether an adjustment of the ERU multiplier for any such lot or parcel is necessary, and adjust such ERU multiplier if appropriate.

(b) If the property owner is not satisfied with the findings, an administrative hearing may be requested in writing by the property owner to the Village Administrator. At the hearing, the property owner, the Administrator and Village Engineer may present evidence to the Storm Water Management Board. After consideration, the Board shall issue a written decision to the parties. This written decision shall be the final decision of the Administrator.
(Ord. 1990. Passed 11-22-04.)

943.11 STORM WATER MANAGEMENT BOARD.

(a) A Storm Water Management Board is an advisory panel for the Village of Sheffield which shall concern itself with questions dealing with the implications of the NPDES Storm Water Phase II program and make recommendations to the Village Administrator. The Storm Water Management Board shall consist of seven (7) members. The members shall include the Village Administrator, Village Engineer, and five (5) members appointed by the Mayor. A minimum of one of the five members appointed by the Mayor shall be on Village Council. Appointed members shall serve three (3) years staggered terms with the first term being a one - 1 year term, two - 2 year terms and two - 3 year terms. In the event that a vacancy occurs during the term of any member, their successor shall be appointed for the unexpired portion of the term.
(Ord. 2014. Passed 2-28-05.)

- (b) The Storm Water Management Board shall:
- (1) Work with the Legislative Authority to develop a five-year plan to address all areas of concern relating to storm water requirements and a ten-year implementation plan as the resolution of all areas of concern relating to storm water management.
 - (2) Work with the Legislative Authority to develop a Capital Improvement Plan that will allow for equipment and capital projects to address areas of concern related to the Storm Water Management Plan.
 - (3) Hold regular public meetings in which open discussions regarding the operation, maintenance, and repair of the existing storm water system to include future expansion in the area of concern. (Meetings shall be held a minimum of once per year.)
- (c) The Storm Water Management Board shall also review the following:
- (1) Review the nature and condition of the Village's storm water drainage system, including problems involving the illicit discharge of pollutants to the Village's storm water removal system, and make recommendations on control measures suitable for the Village;
 - (2) Review the status and results of the Village's current runoff control measures from construction and post-construction sites and recommend regulation for any required improved control for contaminated construction site runoff;
 - (3) Review the mapping of the entire drainage system and location of all storm sewers under the control of the Village;
 - (4) Review complaint handling, document follow-up and render final decisions in regards to Section 943.10, Right to Appeal contained herein;
 - (5) Set measurable performance goals related to water quality and storm water activities; (Ord. 1990. Passed 11-22-04.)

CHAPTER 945
Post-Construction Water Quality Runoff

EDITOR'S NOTE: The Post-Construction Water Quality Plan will be coordinated and combined with the Riparian and Wetland Setback Plan and the Construction Site Conservation Plan that are developed for the same site.

<p>945.01 Intent.</p> <p>945.02 Disclaimer of liability and definitions.</p> <p>945.03 Conflicts, severability, nuisances and responsibility.</p> <p>945.04 Scope.</p> <p>945.05 Post-construction water quality control plan.</p> <p>945.06 Easements.</p> <p>945.07 Maintenance.</p>	<p>945.08 Minimum standards.</p> <p>945.09 Alternative actions.</p> <p>945.10 Compliance with other rules and regulations.</p> <p>945.11 Violations.</p> <p>945.12 Penalties.</p> <p>945.13 Developer's agreement.</p> <p>945.14 Application procedures for post-construction water quality plans.</p>
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945.01 INTENT.

The intent of this chapter is to:

- (a) Allow development while reducing damage to receiving water resources and drainage systems that may be caused by new development or redevelopment activities.
- (b) Protect and maintain the receiving stream's physical, chemical, biological characteristics and stream functions.
- (c) Provide perpetual management of storm water runoff quality and quantity.
- (d) Establish consistent technically feasible and operationally practical standards to achieve a level of storm water quantity and quality control that will minimize damage to public and private property and degradation of water resources, and will promote and maintain the health, safety, and welfare of the residents of the Community.
- (e) Control storm water runoff resulting from soil disturbing activities.
- (f) Preserve, to the maximum extent practicable (MEP), the natural drainage characteristics of the building site.

- (g) Preserve, to the maximum extent practicable (MEP), natural infiltration and groundwater recharge, and maintain subsurface flow that replenishes water resources, wetlands, and wells.
- (h) Assure that storm water quality controls are incorporated into site planning and design at the earliest possible stage.
- (i) Reduce the need for costly treatment and mitigation for the damage to and loss of water resources that are the result of inadequate storm water quality control.
- (j) Reduce the long-term expense of remedial projects needed to address problems caused by inadequate storm water quality control.
- (k) Require the incorporation of water quality protection that encourages and promotes habitat preservation into the construction of storm water management practices.
- (l) Ensure that all storm water quality practices are properly designed, constructed, and maintained. (Ord. 2165. Passed 11-24-08.)
- (m) To incorporate enhanced practices to address (reduce) the discharge of TMDL-specified pollutants from the Village of Sheffield. The current TMDL (Total Maximum Daily Load) identifier table for the Village of Sheffield can be found on the OEPA website. (Ord. 2555. Passed 1-9-17.)

945.02 DISCLAIMER OF LIABILITY AND DEFINITIONS.

(a) Neither submission of a plan under the provisions herein, nor compliance with the provisions of these regulations, shall relieve any person or entity from responsibility for damage to any person or property that is otherwise imposed by law.

(b) Definitions. For purpose of this regulation, the following terms shall have the meaning herein indicated:

- (1) **ABBREVIATED STORMWATER POLLUTION PREVENTION PLAN (ABBREVIATED SWP3):** The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.
- (2) **ACRE:** A measurement of area equaling 43,560 square feet.
- (3) **ADMINISTRATOR:** The person or entity having the responsibility and duty of administering and ensuring compliance with this regulation.
- (4) **BEST MANAGEMENT PRACTICES (BMPs): Also STORMWATER CONTROL MEASURE (SCM).** Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices (both structural and non-structural) 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.
- (5) **COMMENCEMENT OF CONSTRUCTION:** The initial disturbance of soils associated with clearing, grubbing, grading, placement of fill, or excavating activities or other construction activities.
- (6) **COMMUNITY:** Throughout this regulation, this shall refer to the Village of Sheffield, its designated representatives, boards or commissions.
- (7) **CONCENTRATED STORMWATER RUNOFF:** Any stormwater runoff that flows through a drainage pipe, ditch, diversion or other discrete conveyance channel.
- (8) **CONSTRUCTION ENTRANCE:** The permitted points of ingress and egress to development areas regulated under this regulation.

- (9) **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.
- (10) **DEWATERING VOLUME:** See current Ohio Rainwater and Land Development Manual.
- (11) **DISCHARGE:** The addition of any pollutant to surface waters of the state from a point source.
- (12) **DISTURBANCE:** Any clearing, grading, excavating, filling, or other alteration of land surface where natural or man-made cover is destroyed in a manner that exposes the underlying soils.
- (13) **DISTURBED AREA:** An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities such as grading, excavating, or filling.
- (14) **DRAINAGE:**
A. The area of land contributing surface water to a specific point.
B. The removal of excess surface water or groundwater from land by surface of subsurface drains.
- (15) **DRAINAGE WATERSHED:**
A. The area of land contributing surface water to a specific point or BMP. This includes any off-site drainage.
B. The removal of excess surface water or groundwater from land by surface or subsurface drains. For the purpose of this regulation the total contributing drainage area to a BMP, i.e., the "watershed" directed to the practice. This includes offsite contributing drainage.
- (16) **DRAINAGE WAY:** A natural or manmade channel, ditch, or waterway that conveys surface water in a concentrated manner by gravity.
- (17) **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.
- (18) **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.
- (19) **EROSION AND SEDIMENT CONTROL PLAN:** The written document meeting the requirements of this regulation which sets forth the plans and practices to be used to minimize soil erosion and prevent offsite disposal of soil sediment by containing sediment on-site or bypassing sediment-laden runoff through a sediment control measure during and after land development.
- (20) **FINAL STABILIZATION:** All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 80% coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed. In addition, all temporary erosion and sediment control practices are removed and disposed of and all trapped sediment is permanently stabilized to prevent further erosion. Final stabilization also requires the installation of permanent (post-construction) stormwater control measures (SCMs).
- (21) **GRADING:** The excavating, filling, or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

- (22) **GRUBBING:** Removing or grinding of roots, stumps and other unwanted material below existing grade.
- (23) **IMPERVIOUS:** That which does not allow infiltration.
- (24) **LANDSCAPE ARCHITECT:** A Professional Landscape Architect registered in the State of Ohio.
- (25) **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.
- (26) **MAXIMUM EXTENT PRACTICABLE (MEP):** 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 NPDES Stormwater Phase II, must meet. The technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in storm water discharges that was established by the Clean Water Act §402(p). A discussion of MEP as it applies to small MS4s is found in 40 CFR 122.34.
- (27) **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are:
- A. Owned or operated by the federal government, state, municipality, township, county, district, or other public body (created by or pursuant to state or federal law) including a special district under state law such as a sewer district, flood control district or drainage districts, or similar entity, or a designated and approved management agency under Section 208 of the Federal Water Pollution Control Act that discharges into surface waters of the state; and
 - B. Designed or used for collecting or conveying solely storm water; and
 - C. Which is not a combined sewer; and
 - D. Which is not a part of a publicly owned treatment works.
- (28) **NPDES: NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES):** 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. The national program for issuing, modifying, revoking and reissuing, termination, monitoring and enforcing permits and enforcing pretreatment requirements, under sections 307, 402, 318, 405 under the Clean Water Act.
- (29) **OPERATOR:** Any party associated with a construction project that meets either of the following two criteria:
- A. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications;
 - B. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with A Stormwater Pollution Prevention Plan (SWP3) for the site or other permit conditions (e.g. they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

- (30) **SITE OWNER OR OPERATOR:** The owner or operator of any "facility or activity" subject to regulation under the NPDES program.
- (31) **SUBDIVISIONS, MAJOR AND MINOR:** See Ohio Administrative Code 711.001 for definition.
- (32) **PARCEL:** Means 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 Lorain County Auditor's Office.
- (33) **PERCENT IMPERVIOUSNESS:** The impervious area created divided by the total area of the project site.
- (34) **PERMANENT STABILIZATION:** Establishment of permanent vegetation, decorative landscape mulching, matting, sod, rip rap, and landscaping techniques to provide permanent erosion control May 2016 6 on areas where construction operations are complete or where no further disturbance is expected for at least one year.
- (35) **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.
- (36) **PHASING:** Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.
- (37) **POINT SOURCE:** Any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or the floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.
- (38) **PRE-CONSTRUCTION MEETING:** A meeting between the Village of Sheffield and all principle parties, prior to the start of any construction, at a site that requires a Stormwater Pollution Prevention Plan.
- (39) **PRE-WINTER STABILIZATION MEETING:** A meeting between the Village representatives and all principal parties, prior to October 1, in order to plan winter erosion and sediment controls for a site that requires a Stormwater Pollution Prevention Plan.
- (40) **PROFESSIONAL ENGINEER:** A Professional Engineer registered in the State of Ohio.
- (41) **QUALIFIED INSPECTION PERSONNEL:** A person knowledgeable in the principles and practice of erosion and sediment controls, who possesses the skills to assess all conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any sediment and erosion control measure selected to control the quality of stormwater discharges from the construction activity.
- (42) **RAINWATER AND LAND DEVELOPMENT:** Ohio's standards for stormwater management, land development, and urban stream protection. The most current edition of these standards shall be used with this regulation.

- (43) **RIPARIAN AREA:** The transition area between flowing water and terrestrial (land) ecosystems composed of trees, shrubs and surrounding vegetation which serve to stabilize erodible soil, improve both surface and ground water quality, increase stream shading and enhance wildlife habitat.
- (44) **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.
- (45) **RUNOFF COEFFICIENT:** The fraction of rainfall that will appear at the conveyance as runoff.
- (46) **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.
- (47) **SEDIMENTATION:** The deposition or settling of sediment.
- (48) **SEDIMENT SETTLING POND:** A sediment trap, sediment basin or permanent basin that has been temporarily modified for sediment control, as described in the latest edition of Rainwater and Land Development.
- (49) **SEDIMENT STORAGE VOLUME:** See current edition of Rainwater and Land Development.
- (50) **SETBACK:** A designated transition area around water resources and wetlands that is left in a natural, usually vegetated, state to protect the water resources and wetlands from runoff pollution. Soil disturbing activities in this area are restricted by this regulation.
- (51) **SOIL DISTURBING ACTIVITY:** Clearing, grading, excavating, filling, grubbing or stump removal that occurs during clearing or timber activities, 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.
- (52) **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.
- (53) **STEEP SLOPES:** Slopes that are 15 percent or greater in grade.
- (54) **STORMWATER POLLUTION PREVENTION PLAN (SWP3):** The written document that sets forth the plans and practices to be used to meet the requirements of these sections.
- (55) **STORMWATER:** Stormwater runoff, snow melt and surface runoff and drainage.
- (56) **SURFACE OUTLET:** A dewatering device that only draws water from the surface of the water.
- (57) **SURFACE WATERS OF THE STATE:** Also Water Resource or Water Body. Any streams, lakes, reservoirs, pond, marshes, wetlands, or other waterways situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.
- (58) **TEMPORARY STABILIZATION:** The establishment of temporary vegetation, mulching, geotextiles, sod, preservation of existing vegetation, and other techniques capable of quickly establishing cover over disturbed areas to provide erosion control between construction operations.

- (59) **TOPSOIL:** The upper layer of the soil that is usually darker in color and richer in organic matter and nutrients than subsoil.
- (60) **TOTAL MAXIMUM DAILY LOAD:** The sum of the existing and/or projected point source, nonpoint source, and background loads for a pollutant to a specified watershed, water resource or wetland, or water resource or wetland segment. A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into the water and still ensure attainment and maintenance of water quality standard.
- (61) **UNSTABLE SOILS:** A portion of land that is identified by the Village of Sheffield Engineer 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.
- (62) **WATER QUALITY VOLUME (WQv):** The volume of stormwater runoff which must be captured and treated prior to discharge from the developed site after construction is complete. WQv is based on the expected runoff generated by the mean storm precipitation volume from post-construction site conditions at which rapidly diminishing returns in the number of runoff events captured begins to occur.
- (63) **WATER RESOURCE Also SURFACE WATER OF THE STATE:** Any public or private body of water; including wetlands; the area within the ordinary high water level of lakes and ponds; as well as the area within the ordinary high water level of any brook, creek, river, or stream having a defined bed and bank (either natural or artificial) which confines and conducts continuous or intermittent flow. Any stream, lake, reservoir, pond, marsh, wetland, or waterway situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included. **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.
- (64) **WATERSHED:** The total drainage area contributing runoff to a single point.
- (65) **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 (40 CFR 232, as amended).
(Ord. 2555. Passed 1-9-17.)

945.03 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this section imposes a greater restriction upon land than is imposed or required by other Community provisions of law, ordinance, contract or deed, the provisions of this chapter shall prevail.

(b) If a court of competent jurisdiction declares any clause, section, or provision of these regulations invalid or unconstitutional, the validity of the remainder shall not be affected thereby.

(c) These regulations shall not be construed as authorizing any person to maintain a private or public nuisance on their property. Compliance with the provisions of this regulation shall not be a defense in any action to abate such nuisance.

(d) Failure of the Community to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the Community, its officers, employees, or agents being responsible for any condition or damage resulting therefrom. (Ord. 2165. Passed 11-24-08.)

945.04 SCOPE.

This chapter applies to development areas having new or relocated projects involving highways, underground cables, pipelines, subdivisions, industrial projects, commercial projects, building activities on farms, redevelopment of urban areas and all other land uses not specifically exempted. This chapter does not apply to:

- (a) Land-disturbing activities related to producing agricultural crops or silviculture operations regulated by the Ohio Agricultural Sediment Pollution Abatement Rules (1501: 15-3-01 to 1501: 15-3-09 of the Ohio Administrative Code) and existing at the time of passage of this regulation.
- (b) Strip mining operations regulated by Chapter 1513 of the Ohio Revised Code and existing at the time of passage of this regulation.
- (c) Surface mining operations regulated by Chapter 1514 of the Ohio Revised Code and existing at the time of passage of this regulation.
- (d) Linear construction projects, (e.g., pipeline or utility line installation), which do not result in the installation of impervious surface and are independent of other construction projects (not part of a larger common plan of development or sale). However, linear construction projects must be designed to minimize the number of stream crossings and the width of disturbance.
- (e) Municipal maintenance projects deemed in the best interest of the Village of Sheffield.
- (f) Transportation projects that are subject to industry specific Ohio EPA Rules are exempt from these rules.
- (g) It is not the role of the community to point out each and every part of the rules and how to implement them on the individual job sites. It is the project owner's responsibility to be proactive in meeting the intent, purpose and requirements of these regulations. (Ord. 2165. Passed 11-24-08.)

945.05 POST-CONSTRUCTION WATER QUALITY CONTROL PLAN.

In order to control Post-Construction water quality damage and damage to public and private lands, the owner of each development area shall be responsible for developing a Post-Construction Storm Water Management Plan.

- (a) This plan will be combined with the Construction Site Conservation Plan and the Riparian Setback and Wetland Setback Plans that are also developed for the site.
- (b) This plan will contain a description of controls appropriate for each construction operation covered by these regulations, and the operator will implement such controls in a timely manner.
- (c) The BMPs used to satisfy the conditions of these regulations shall meet the standards and specifications in the current edition of the Ohio Rain Water and Land Development manual, ODOT Post-Construction storm water standards, or other manual that is acceptable to the Village Administrator or Ohio EPA.
- (d) The plan must make use of the practices that preserve the existing natural condition to the Maximum Extent Practicable (MEP).

- (e) To meet the Post-Construction requirements of this regulation, the Post-Construction Water Quality Plan must contain a description of the Post-Construction Best Management Practices (BMPs) that will be installed during construction for the site and the rationale for their selection. The rationale must address the anticipated impacts on the channel and floodplain morphology, hydrology, and water quality.
- (f) This plan will identify the person or entity responsible for continued maintenance of all vegetative and/or mechanical BMPs for both the construction and Post-Construction phases of the development.
- (g) Long-term maintenance requirements and schedules of all BMPs for both the construction and Post-Construction phases of the development will be identified.
- (h) This plan will contain long-term maintenance inspection schedules, including the printed name and contact point of the Post-Construction landowner (e.g., president of the homeowners association, store manager, apartment complex manager, etc.).
- (i) This plan will identify the person or entity financially responsible for maintaining the permanent inspection and maintenance of permanent storm water conveyance and storage structures and other conservation practices.
- (j) The method of ensuring that funding will be available to conduct the long-term maintenance and inspections of all permanent storm water, soil erosion and sediment control and water quality practices will be identified.
- (k) The Post-Construction Plan will also contain the following information depending on the size of the development sites:
 - (1) Development sites smaller than five acres. A development site that will disturb one (1) or more, but less than five (5) acres of land and is not a part of a larger common plan of development or sale which will disturb five or more acres of land shall identify:
 - A. Storm Water Issues. A statement as to how the decreased storm water quality that will be caused by the planned development project will be handled
 - B. Description of Measures. A description of the BMPs that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed.
 - C. Upland Areas. Structural measures placed on upland areas to the degree attainable.
 - D. Map. A map of the entire site showing the overall development.
 - E. Riparian and/or Wetland Setback. All riparian and wetland setback areas will be identified on the plans. They will also be marked in the field prior to the start of construction.
 - F. BMPs. Best Management Practices used in the Post-Construction Water Quality Plan may include but are not limited to:
 - 1. Permanent Storm Water Detention ponds that provide extended detention of the water volume.
 - 2. Flow attenuation by use of open vegetated swales and natural depressions.
 - 3. Onsite infiltration of runoff.
 - 4. Sequential systems that combine several practices.
 - 5. Permanent conservation easements, preferably with the easement being held by a third party with no vested interest in ever seeing the property developed.

6. Natural Channel Design for drainageways.
 7. Bioengineering in drainageways.
 8. Recreating floodplains.
 9. Chemical and biological filters in storm sewer inlets.
 10. Sand Filters.
 11. Allowing roof water from buildings to run across lawn areas to remove pollutants.
 12. On-site sewage disposals system replacement or conversion to sanitary sewers.
 13. Low Impact Development Design.
 14. Countryside Development Design meeting the criteria of the Western Reserve Resource Conservation and Development Area.
 15. Aquatic benches in Retention Basins and ponds.
- G. Technical Basis. The plans will contain a rational statement utilized to select the BMPs used to control pollution and to maintain and protect water quality.
- (2) Development sites 5 acres or larger. A development site that disturbs five (5) or more acres of land or will disturb less than five (5) acres, but is a part of a larger common plan of development or sale, which will disturb five (5) or more acres of land shall identify:
- A. Storm Water Detention. The Post-Construction BMP(s) chosen must be able to detain storm water runoff for protection of the stream channels, stream erosion control, and improved water quality.
 - B. Structural BMPs. Structural (designed) Post-Construction storm water treatment practices shall be incorporated into the permanent drainage system for the site.
 - C. Properly Sized BMPs. The BMP(s) chosen must be sized to treat the water quality volume (WQv) and ensure compliance with Ohio's Water Quality Standards in OAC Chapter 3745-1. The WQv shall be equivalent to the volume of runoff from a 0.75-inch rainfall and shall be determined according to one of the two following methods:
 1. Through a site hydrologic study approved by the local municipal permitting authority that uses continuous hydrologic simulation and local long-term hourly precipitation records or
 2. Using the following equation:

$$WQv = C * P * A / 12$$
 where:
 WQv = water quality volume in acre-feet
 C = runoff coefficient appropriate for storms less than 1 inch (see Table 1)
 P = 0.75 inch precipitation depth
 A = area draining into the BMP in acres

Table 1 Runoff Coefficients Based on the Type of Land Use

Land Use	Runoff Coefficient
Industrial and Commercial	0.8
High Density Residential (> 8 dwellings/acre)	0.5
Medium Density Residential (4 to 8 dwellings/acre)	0.4
Low Density Residential (< 4 dwellings/acre)	0.3
Open Space and Recreational Areas	0.2

- D. Where the land use will be mixed, the runoff coefficient should be calculated using a weighted average. For example, if 60% of the contributing drainage area to the storm water treatment structure is Low Density Residential, 30% is High Density Residential, and 10% is Open Space, the runoff coefficient is calculated as follows $(0.6)(0.3) + (0.3)(0.5) + (0.1)(0.2) = 0.35$.
- E. An additional volume equal to 20 percent of the WQv shall be incorporated into the BMP for sediment storage and/or reduced infiltration capacity. The BMPs will be designed according to the methodology included in the Ohio Rainwater and Land Development manual, ODOT Post-Construction storm water standards, or other manual that is acceptable to Ohio EPA.
- F. BMPs shall be designed such that the drain time is long enough to provide treatment, but short enough to provide storage available for successive rainfall events as described in Table 2 below:
(Ord. 2165. Passed 11-24-08.)

Table 2: Target Draw Down (Drain) Times for Structural Post-Construction Treatment Control Practices

Best Management Practice	Drain Time of WQv
Permeable Pavement - Infiltration	48 hours
Permeable Pavement - Extended Detention	48 hours
Infiltration Basin or Trench	48 hours
Vegetated Swale and Filter Strip	24 hours
Extended Detention Basin (Dry Basins)	48 hours
Retention Basins (Wet Basins)*	24 hours
Constructed Wetlands (above permanent pool)	24 hours
Media Filtration, Bioretention	24 hours

- * Provide both a permanent pool and an extended detention volume above the permanent pool, each sized at 0.75* WQv.
- * Shorter drawdown times may be acceptable as long as design criteria in Rainwater and Land Development guide have been met. (Ord. 2555. Passed 1-9-17.)

- G. The owner may request approval from the Village to use alternative structural Post-Construction BMPs if the owner can demonstrate, in a way that is acceptable to Ohio EPA rules and regulations that the alternative BMPs are equivalent in effectiveness to those listed in Table 2 above. The use of alternative or vendor supplied Post-Construction BMPs should be limited to redevelopment projects where justification is provided that the traditional BMPs in Table 2 are technically and economically infeasible.
- H. Construction activities shall be exempt from this condition if it can be demonstrated that the WQv is provided within an existing structural Post-Construction BMP that is part of a larger common plan of development or sale or if structural Post-Construction BMPs are addressed in a regional or local storm water management plan.
- I. For redevelopment projects (i.e., developments on previously developed property), Post-Construction practices shall either ensure a 20 percent net reduction of the site impervious area, provide for treatment of at least 20 percent of the WQv, or a combination of the two.
- J. Site Description:
 1. The prior land uses of the site.
 2. The nature and type of construction activity (e.g., low density residential, shopping mall, highway, etc.)
 3. Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavating, filling or grading, including off-site borrow, fill or spoil areas and off-site utility installation areas)

4. Amount of the impervious area and percent imperviousness created by the construction activity
(Ord. 2165. Passed 11-24-08.)
 5. Name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water and the major river watersheds in which it is located.
 6. For discharges to a municipal separate storm sewer system (MS4), the point of discharge to the MS4 and the location where the MS4 ultimately discharges to a water resource shall be indicated.
 7. List TMDLs applicable for the site and demonstrate that appropriate BMPs or stormwater control measures (SCMs) have been selected to address these TMDLs. A current TMDL listing for the corresponding watershed can be obtained by accessing the Northeast Ohio Stormwater Training Council website.
(Ord. 2555. Passed 1-9-17.)
- K. A vicinity sketch locating:
1. The development area.
 2. The larger common plan of development or sale.
 3. All pertinent surrounding natural features within 200 feet of the development site including, but not limited to:
 4. Water resources such as wetlands, springs, lakes, ponds, rivers and streams (including intermittent streams with a defined bed and bank).
 5. Conservation easements.
 6. Other sensitive natural resources and areas receiving runoff from the development.
- L. The existing and proposed topography shown in the appropriate contour intervals as determined by the community engineer (generally one-foot contours are used).
- M. The location and description of existing and proposed drainage patterns and facilities, including any allied drainage facilities beyond the development area and the larger common plan of development or sale.
- N. Existing and proposed watershed boundary lines, direction of flow and watershed acreage.
- O. The person or entity responsible for continued maintenance of all permanent vegetative and/or mechanical Post-Construction water quality conservation practices (BMPs).
- P. The location of any existing or planned riparian and/or wetland setback areas on the property.
(Ord. 2165. Passed 11-24-08.)

945.06 EASEMENTS.

Future access to all permanent vegetative and/or mechanical Post-Construction water quality conservation practices (BMPs) and other areas, as required by the Village, shall be secured by means of easements.

- (a) The easements shall be recorded in the name of Sheffield Village and, in single-family residential developments, the homeowners association.

- (b) Such easements shall be not less than twenty-five (25) feet in width, in addition to the width of the ditch, channel, or other facility it is to serve. Further, an easement of this type shall be provided on one (1) side of the flood control or storm drainage ditch, channel, or similar-type facility.
- (c) Access along the initial drainage system shall be by means of easements. Such easements shall be not less than twenty-five (25) feet in width, with a minimum ten (10) foot width on either side of the centerline.
- (d) Access adjacent to storage facilities shall consist of a twenty-five (25) foot easement in the case of detention (dry) basins, and a twenty-five (25) foot easement with a twenty-five (25) foot level bench in the case of retention (wet) basins, measured from the top of the bank, and shall include the storage facility itself.
- (e) Easements for the emergency flow ways shall be a minimum of twenty-five (25) feet in width, or larger if required.
- (f) Flood control or storm drainage easements containing underground facilities shall have a minimum width of twenty-five (25) feet.
- (g) The easements shall be restricted against the planting within said easement of trees, shrubbery or plantings with woody growth characteristics, and against the construction therein of buildings, accessory buildings, fences, walls or any other obstructions to the free flow of storm water and the movement of inspectors and maintenance equipment and also restricted against the changing of final grade from that described by the grading plan. (Ord. 2165. Passed 11-24-08.)

945.07 MAINTENANCE.

Any portion of the permanent Post-Construction water quality management systems, including on-site and off-site treatment/storage facilities that are constructed by the owner, will be continuously maintained into perpetuity.

- (a) Detail drawings and maintenance plans must be provided for all Post-Construction Best Management Practices (BMPs).
- (b) Maintenance plans must ensure that pollutants collected within structural Post-Construction BMP practices are disposed of in accordance with local, state and federal guidelines.
- (c) Maintenance plans shall be provided by the permittee to both the Village Administrator and the Post-Construction operator of the BMP (including homeowner associations) upon completion of construction activities and prior to the final approval for the completed construction.
- (d) Single-Family Residential Developments. A Homeowners' Association shall be created and placed in title of the affected lands and shall be continuously responsible for Post-Construction maintenance and inspections into perpetuity unless such maintenance and inspections become officially accepted by Sheffield Village.
- (e) Multi-Family, Commercial and Industrial Developments. The plans will clearly state that the owner of the property shall be continuously responsible for Post-Construction maintenance and inspections into perpetuity.
- (f) Maintenance Design. Low maintenance requirements are a priority in the design and construction of all facilities. Multi-use facilities incorporating assets such as aesthetics and recreation may be incorporated into the design of the drainage facilities. All permanent drainage, soil erosion, sediment control, water quality management systems and BMPs, including on-site and off-site structures and vegetation that are constructed or planted, must be inspected and maintained into perpetuity by the responsible party designated in the plans and the requirements of this chapter. Inspections and maintenance will be incorporated periodically throughout the year to ensure that the facilities are properly operational.

- (g) Perpetual Maintenance Inspections. One (1) inspection with a written report will be performed each year. The written report will be given to the Village Administrator by May 1st of each and every year after the Best Management Practice (BMP) has been completed.
- (1) Structures that require a permit from the Ohio Division of Water. A written and stamped report from a professional engineer on the status of all structural BMPs that require a permit from the Ohio Department of Natural Resources (ODNR) Division of Water. This applies to all BMPs that require a permit either at the time of construction or fall under the jurisdiction of ODNR Division of Water at any time after construction is completed.
 - (2) Easements. A written report from an inspector on the status of all storm water management easements for each project shall be submitted to the Village Administrator by May 1st of each year into perpetuity. These reports will document if restricted plantings, fences and structures are on the easement and will identify the location of the noted easement restriction violations.
 - (3) Best Management Practices (BMPs) that do not have a high risk for loss of life, bodily injury, or damage to structures or infrastructure related to imminent failure. A written and stamped report from a professional engineer, landscape architect or Certified Professional in Erosion and Sediment Control (CPESC) on the status of permanent soil erosion, sediment control, water quality management systems and the status of the related easements shall be submitted to the Village Administrator by May 1st of each year into perpetuity.
 - (4) BMPs that have a potential loss of Life. A written and stamped report covering the status of all BMPs that have a potential for loss of life, bodily injury, or damage to structures or infrastructure will be prepared by a professional engineer or other individual possessing a valid state license that authorizes them to design the same type of BMP for construction.
(Ord. 2165. Passed 11-24-08.)

945.08 MINIMUM STANDARDS.

In order to control pollution of water resources, the owner or person responsible for the development area shall use conservation planning and practices to maintain the level of conservation established in the following standards.

- (a) Standards and Specifications. Post-Construction runoff practices used to satisfy these standards shall meet the standards and specifications in the current edition of the "Rainwater and Land Development" manual, NRCS Field Office Technical Guide for the local county, or the Ohio EPA, which ever is most stringent.
- (b) Water Quality Basins.
 - (1) Pool geometry. The minimum length-to-width ratio for the pond is 3:1 (the length will be three (3) times the width).
 - (2) Riser in embankment. The riser shall be located within the embankment for purposes of maintenance access. Access to the riser will be by manholes.
 - (3) Water drains. Each retention basin shall have a drainpipe that can completely drain the pond. The drain shall have an elbow within the pond to prevent sediment deposition from plugging the drain.

- (4) Adjustable gate valves. Both the Water Quality and the Storm Water Management Basin drains shall have adjustable gate valves. Valves shall be located inside of the riser at a point where they will remain dry and can be operated in a safe and convenient manner. During the annual inspections the valves shall be fully opened and closed at least once, and the certifying official shall attest to this on the inspection form. To prevent vandalism, the handwheel shall be chained to a ringbolt or manhole step.
- (5) Principal spillway. Each principal spillway shall be designed in accordance with the Natural Resources Conservation Service (NRCS) standards and specifications for the office serving the local county. Each principal spillway shall have the capacity to pass the 100 year design storm flows. The inlet or riser size for the pipe drops shall be designed so that the flow through the structure goes from weir flow control to pipe flow control without going into orifice control in the riser. The crest elevation of the primary spillway shall be no less than one foot below the emergency spillway crest. Premium joint pipe is required and a removable trash rack shall be installed at each location. Anti-seep collars shall be provided for all pipe conduits through an embankment.
- (6) Emergency spillway. An emergency spillway shall be provided on each Water Quality and Storm Water Management basin. Emergency spillways shall convey flood flows safely past the embankment, and shall be designed in accordance with NRCS standards and specifications for the office serving the local county. Emergency spillways shall have a 100-year design storm capacity.
- (7) Embankments. Each dam embankment shall be designed in accordance with the NRCS standards and specifications for the office serving the county that the project is located in. Anti-seep collars shall be provided for all pipe conduits through an embankment.
- (8) Safety features.
 - A. The primary spillway opening shall not permit access to the public and other non-maintenance personnel.
 - B. The perimeter of all water pool areas that are deeper than three (3) feet shall be surrounded by benches that meet the following:
 1. A safety bench, with a maximum slope of 3%, which extends outward, on dry land, from the shoreline. This bench will be a minimum of 25 feet wide to provide for the safety of individuals and maintenance vehicles that are adjacent to the water pool. The safety bench may be landscaped, without the use of structures, to prevent access to the water pool.
 2. Side slopes between the safety bench and the aquatic bench shall not be steeper than 3:1 (3 feet horizontal for every 1 foot vertical).
 3. An aquatic bench that extends inward from the shoreline far enough to ensure public safety and has a maximum depth of 15 inches below the normal water surface elevations. The aquatic bench may be landscaped to prevent access to the deeper water pool. The aquatic bench may also be incorporated into the Post-Construction Water Quality Plan.
 4. Side slopes beyond the aquatic bench and below the permanent water level shall not be steeper than 2:1 (2 feet horizontal for every 1 foot vertical).

5. The contours of the pond will be designed and managed to eliminate drop-offs and other hazards. Side slopes getting to the pond shall not exceed 3:1 and shall terminate on a safety bench.
- (9) Water quality basin. If a Water Quality Basin is needed and can not be incorporated into an existing or planned Detention or Retention Basin then a separate Water Quality Basin will need to be planned, designed, constructed and maintained into perpetuity.
- (10) Water Quality Basins will not be constructed in any permanent or intermittent stream channel.
- (11) Flexibility. These standards are general guidelines and shall not limit the right of the Sheffield Village to impose at any time additional and/or more stringent requirements nor shall the standards limit the right of Sheffield Village to waive, in writing, individual requirements.
(Ord. 2165. Passed 11-24-08.)

945.09 ALTERNATIVE ACTIONS.

Where Sheffield Village determines that site constraints exist in a manner that compromises the intent of this chapter to improve the management of storm water runoff as established in this chapter, practical alternatives may be used to result in an improvement of water quality and/or a reduction of storm water runoff. Such alternatives must be in keeping with the intent and likely cost of those measures that would otherwise be required to meet the objectives of this section. When possible, all practical alternatives shall be implemented within the drainage area of the proposed development project. Practical alternatives can include, but are not limited to:

- (a) Implementation of off-site storm water management practices.
- (b) Watershed or stream restoration.
- (c) Retrofitting of an existing storm water management practice.
- (d) Other practices approved by Sheffield Village in keeping with the intent of this chapter. (Ord. 2165. Passed 11-24-08.)

945.10 COMPLIANCE WITH OTHER RULES AND REGULATIONS.

(a) Ohio Dam Safety Laws. The provisions of the Ohio Dam Safety Laws shall be followed. Proof of compliance with the Ohio Dam Safety Law administered by the ODNR Division of Water shall be, but is not limited to, a copy of the ODNR Division of Water permit number or a copy of the project approval letter from the ODNR Division of Water or a letter from the site owner explaining why the Ohio Dam Safety Law is not applicable. The written proof will be provided to the Village Engineer before a construction permit will be issued.

(b) NPDES Permits. The provisions of the National Pollutant Discharge Elimination System (NPDES) Permits for construction activity, by the Ohio EPA, shall be followed. Proof of compliance shall be, but is not limited to, a copy of the Ohio EPA NPDES Permit number or a letter from the site owner explaining why the NPDES Permit is not applicable. The written proof will be provided to the Village Administrator before a construction permit will be issued.

(c) Federal and State Wetland Permits. The provisions of the U.S. Army Corps of Engineers dredge and fill permits for federally-protected wetlands shall be followed. The provisions of Ohio EPA's Isolated Wetlands Permits shall also be followed. Wetlands and other waters of the United States shall be delineated by protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of the application of these regulations. Written proof of compliance with both permit programs will be provided to the Village Engineer before a construction permit will be issued. Proof of compliance shall be, but is not limited to, the following:

- (1) A copy of the U.S. Army Corps of Engineers Individual Permit, if required for the project, showing project approval and any restrictions that apply to site activities; or
- (2) A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit; or
- (3) A letter from a qualified professional employed by the landowner who has surveyed the site and found no wetlands or other waters of the United States. Such a letter shall be noted on site plans submitted to the Sheffield Village Building Department. (Ord. 2165. Passed 11-24-08.)

945.11 VIOLATIONS.

No person shall violate, or cause, or knowingly permit to be violated, any of the provisions of these regulations, or fail to comply with any such provisions or with any lawful requirements of any public authority made pursuant to these regulations, or knowingly use or cause or permit the use of any lands in violation of these regulations or in violation of any permit granted under these regulations. (Ord. 2165. Passed 11-24-08.)

945.12 PENALTIES.

(a) Whoever violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the first degree and shall be fined no more than one thousand dollars (\$1,000) or imprisoned for no more than one hundred eighty (180) days, or both, for each offense.

(b) A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(c) Upon notice from the Village Administrator, or designated representative, that work is being performed contrary to this regulation, such work shall immediately stop. Such notice shall be in writing and shall be given to the owner or person responsible for the development area, or person performing the work, and shall state the conditions under which such work may be resumed; provided, however, in instances where immediate action is deemed necessary for public safety or the public interest, the Village Administrator may require that work be stopped upon verbal order pending issuance of the written order.

(d) The imposition of any other penalties provided herein shall not preclude Sheffield Village, by or through its Law Director and/or any of his or her assistants, 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 regulation or other applicable laws, or ordinances, rules or regulations or the orders of the Sheffield Village. (Ord. 2165. Passed 11-24-08.)

945.13 DEVELOPER'S AGREEMENT.

(a) All permanent storm water, soil erosion, sediment control and water quality practices not specifically waived by the Sheffield Village shall be constructed prior to the granting of the Final Plat Approval. Upon the request of the owner, the Sheffield Village may defer the construction or installation of a permanent storm water, soil erosion, sediment control or water quality practice prior to the approval of the final plat where, in the Village Engineer's judgment, such proper construction or installation is not immediately necessary for the protection of the public health and safety; and where the prior installation or construction of such improvement would constitute an undue hardship on the owner because in the case of new vegetation or weather

conditions, or because in the case of concrete, building construction could cause cracking and excessive wear and tear on new structures. In such event, a developer's agreement executed between the owner and Sheffield Village shall be required. Improvements shall be properly constructed or installed within an agreed specified time, but not to exceed six (6) months after the filing of such final plat.

(b) The owner will provide a maintenance guarantee for all permanent improvements, soil erosion, and sediment control and water quality practices.

- (1) The guarantee. The guarantee of both performance and maintenance will be in the form of a Developer's agreement with an Escrow Account. The Escrow Account will be used by Sheffield Village to complete any guaranteed construction or removal of improvements or temporary and permanent soil erosion, sediment control and water quality practices that are not adequately completed, maintained or removed by the owner in a timely manner, as determined. The Escrow Account will be in the total amount of both the performance guarantee and the maintenance guarantee.
 - A. An amount determined by the Village Engineer shall be deposited with the Sheffield Village Building Department prior to review by the Village Engineer to cover professional services.
 - B. An amount determined by the Village Law Director shall be deposited with the Sheffield Village Building Department to cover professional services.
 - C. No soil disturbing activities shall be permitted until a Developer's agreement is in force.
 - D. No project subject to this regulation shall commence without the Soil Erosion and Sediment Control, and Storm Water Management, and Water Quality Plans having been approved by the Village Administrator.
- (2) Performance guarantee. The furnishing of a performance guarantee will be maintained in an amount of not less than 120% of the estimate approved by the Village Engineer, of installation of the deferred improvements.
- (3) Maintenance guarantee. The maintenance guarantee shall be maintained for a period of not less than (two) 2 years after final acceptance of the storm water, soil erosion, sediment control, and water quality practices in an amount equal to 20% of the estimate approved by the Village Engineer, of the construction and, where necessary, removal of such practices.
- (4) Time extension. The Village Administrator may extend the time allowed for the installation of the improvements for which the performance guarantee has been provided with the receipt of a written request from the owner.
- (5) Completion. Upon completion of the construction of improvements or temporary and/or permanent, soil erosion, sediment control, and water quality practices and the removal of the temporary soil erosion, sediment control, and water quality practices for which the performance guarantee has been provided the owner shall notify the Village Administrator of this fact.
- (6) Inspection. Sheffield Village will not release the Escrow Account until the Village Engineer has inspected the site to ensure that the guaranteed item(s) have been completed and/or removed.

- (7) Release. The Construction Maintenance Guarantee shall not be released by Sheffield Village until all temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and any trapped sediment has been stabilized.
(Ord. 2165. Passed 11-24-08.)

945.14 APPLICATION PROCEDURES FOR POST-CONSTRUCTION WATER QUALITY PLANS.

(a) This plan will be combined with the Soil Erosion and Sediment Control, Storm Water Management, Riparian Setback and Wetland Setback Plans that have also been developed for the site.

(b) Plans developed by the site owners and approved by Sheffield Village in accordance with this regulation do not relieve the site owner of responsibility for obtaining all other necessary permits and/or approvals from federal, state, and county departments. If requirements vary, the most stringent requirement shall be followed.

(c) Plans submitted to the Village Engineer for, review and approval, shall be accompanied by other required permits and documentation relevant to the project, including but not limited to the US Army Corps Of Engineers, Ohio EPA, ODNR Division of Water and Ohio EPA NPDES Permit for Construction Activities

(d) Five (5) sets of the plans and necessary data required by this regulation shall be submitted to the Village Engineer as follows:

- (1) Format.
 - A. Text material will be on 8.5 by 11 inch paper.
 - B. Drawings will be on paper sized no larger than 24 inch by 36 inches.
 - C. One (1) complete set of Electronic drawings in PDF format.
- (2) Construction projects.
 - A. At the preliminary plan approval request the preliminary plans shall show all of the following existing and planned features: streams, water bodies, wetlands, riparian and wetland setback areas permanent BMPs, storm water management detention and retention basins.
 - B. At the Improvement plan approval request.
- (3) For general clearing projects. Thirty (30) working days prior to any soil-disturbing activities.
- (4) Permits list. A list of all the permits that will be needed from federal, state and local agencies.
- (5) Long-term maintenance.
 - A. The requirements and schedules of all permanent vegetative and/or mechanical Post-Construction water quality conservation BMPs.
 - B. Long-term maintenance inspection schedules for all permanent vegetative and/or mechanical Post-Construction water quality conservation BMPs.
 - C. The person or entity financially responsible for inspecting and maintaining all permanent vegetative and/or mechanical Post-Construction water quality conservation BMPs.

- D. The method of ensuring that funding will be available to conduct the long-term maintenance and inspections of all permanent vegetative and/or mechanical Post-Construction water quality conservation BMPs.
- E. The Village Engineer shall review the plans, and shall approve or return these with comments and recommendations for revisions, within thirty (30) working days after receipt of the plan as described above. A plan rejected because of deficiencies shall receive a report stating specific problems and the procedures for filing a revised plan. At the time of receipt of a revised plan another thirty (30) day review period shall begin.
- F. Approved plans shall remain valid for one (1) year from the date of approval. After one (1) year the plan(s) approval automatically expires.
- G. No soil-disturbing activity shall begin before all necessary local, state and federal permits have been granted to the owner or operator.
- H. The Village Administrator or designated assignee, will do construction inspections until the site is stabilized. The construction will not be considered completed until the Village Administrator has conducted the Post-Construction inspections.
(Ord. 2165. Passed 11-24-08.)

CHAPTER 949
Construction Site Soil Erosion Control

949.01 Purpose.	949.09 Compliance with other rules and regulations.
949.02 Disclaimer of liability.	949.10 Violations.
949.03 Conflicts, severability, nuisances and responsibility.	949.11 Construction and maintenance guarantee.
949.04 Scope.	949.12 Application procedures for Construction Conservation Plans (CCP).
949.05 Construction Site Conservation Plan.	949.13 Definitions.
949.06 Development Sites 1 (one) acre in size or larger.	949.99 Penalty.
949.07 Minimum standards.	
949.08 Stream channel and floodplain erosion design criteria.	

CROSS REFERENCES

Storm water management - see S.U. & P.S. Ch. 943

Post-construction water quality runoff - see S.U. & P.S. Ch. 945

949.01 PURPOSE.

The intent of this regulation is to establish consistent technically feasible and operationally practical standards to achieve a level of storm water management, and erosion and sediment control that will minimize damage to public and private property and the degradation of water resources, and will promote and maintain the health, safety, and welfare of the residents of the Community.

This regulation further intends, but is not limited, to:

- (a) Control storm water runoff resulting from soil disturbing activities.
- (b) Assure that development site owners control the volume and rate of storm water runoff originating from their property so that surface water and ground water are protected, soil erosion is controlled, and flooding potential is not increased.
- (c) Preserve to the maximum extent practicable the natural drainage characteristics of the building site and minimize the need to construct, repair, and replace enclosed storm drain systems.
- (d) Assure that storm water controls are incorporated into site planning and design at the earliest possible stage.
- (e) Prevent unnecessary stripping of vegetation and loss of soil, especially adjacent to water resources and wetlands.

- (f) Reduce the need for costly maintenance and repairs to roads, embankments, sewage systems, ditches, water resources, wetlands, and storm water management practices that are the result of inadequate soil erosion, sediment and storm water control.
- (g) Require the construction of storm water management practices that serve multiple purposes including flood control, soil erosion and sediment control, and require water quality protection; and encourage such practices that promote recreation and habitat preservation.
(Ord. 2413. Passed 7-22-13.)

949.02 DISCLAIMER OF LIABILITY.

Neither submission of a plan under the provisions herein, nor compliance with the provisions of these regulations, shall relieve any person or entity from responsibility for damage to any person or property that is otherwise imposed by law.
(Ord. 2413. Passed 7-22-13.)

949.03 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this chapter imposes a greater restriction upon land than is imposed or required by other Village of Sheffield provisions of law, ordinance, contract or deed, the provisions of this chapter shall prevail.

(b) If a court of competent jurisdiction declares any clause, section, or provision of these regulations invalid or unconstitutional, the validity of the remainder shall not be affected thereby.

(c) These regulations shall not be construed as authorizing any person to maintain a private or public nuisance on their property. Compliance with the provisions of this regulation shall not be a defense in any action to abate such nuisance.

(d) Failure of the Village of Sheffield to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the Village of Sheffield, its officers, employees, or agents being responsible for any condition or damage resulting therefrom. (Ord. 2413. Passed 7-22-13.)

949.04 SCOPE.

This chapter applies to development areas having new or relocated projects involving highways, underground cables, pipelines, subdivisions, industrial projects, commercial projects, building activities on farms, redevelopment of urban areas and all other land uses not specifically exempted. This chapter does not apply to:

- (a) Land disturbing activities related to producing agricultural crops or Silviculture operations regulated by the Ohio Agricultural Sediment Pollution Abatement Rules (1501: 15-3-01 to 1501: 15-3-09 of the Ohio Administrative Code) and existing at the time of passage of this regulation.
- (b) Strip mining operations regulated by Chapter 1513 of the Ohio Revised Code and existing at the time of passage of this regulation.
- (c) Surface mining operations regulated by Chapter 1514 of the Ohio Revised Code and existing at the time of passage of this regulation.

- (d) Linear construction projects, (e.g., Pipeline or utility line installation) which do not result in the installation of impervious surface and are independent of other construction projects (not part of a larger common plan of development or sale). However, linear construction projects must be designed to minimize the number of stream crossings and the width of the disturbance.
- (e) Municipal maintenance projects deemed in the best interest of the Village of Sheffield.
- (f) Transportation projects that are subject to industry specific Ohio EPA rules are exempt from these rules.
- (g) It is not the role of the Village of Sheffield to point out each and every part of the rules and how to implement them on the individual job sites. It is the project owner's responsibility to be proactive in meeting the intent, purpose and requirements of these regulations.
(Ord. 2413. Passed 7-22-13.)

949.05 CONSTRUCTION SITE CONSERVATION PLAN.

In order to control storm water damage and sediment pollution of water resources, wetlands, riparian areas, other natural areas, and public and private lands, the owner of each development area shall be responsible for developing a comprehensive Construction Site Conservation Plan. This plan will address storm water management (volume and peak rate of runoff), soil erosion, sediment and other wastes control. This plan must contain a description of controls appropriate for each construction operation covered by these regulations, and the operator must implement the planned controls in a timely manner. The plan and BMPs used to satisfy the conditions of these regulations shall meet the standards and specifications in the current edition of the Ohio Rain Water and Land Development manual. The plan must make use of the practices that preserve the existing natural condition to the Maximum Extent Practicable. The plan shall identify the subcontractors engaged in activities that could impact storm water runoff. The Construction Site Conservation Plan shall contain signatures from all of the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the Construction Site Conservation Plan.

- (a) Redevelopment Exemption: Owners of development sites that were created by demolishing an older existing structure can request, in writing, that the Village Administrator exempt them from the storm water issues if the total soil surface area being made impermeable is the same or less than the total soil surface area that was impermeable due to the structure(s) being torn down and removed.
- (b) Riparian and Wetland Setbacks: All riparian and wetland setback areas will be identified in the plan and in the field before construction starts.
- (c) Soil Erosion and Sediment Issues: A sketch of the entire development site must be submitted that identifies the location of:
 - (1) All existing and planned impervious areas, storm water inlets, drainage swales, wetlands, streams, conservation easements and other natural features to be saved and protected on the property.
 - (2) All existing and planned temporary and permanent conservation practices for the site. Residential lots shall include at a minimum the following:
 - A. Soil erosion and sediment control BMPs, and;
 - B. Construction Entrance, and;
 - C. Temporary Grass Seeding with 2 tons per acre of straw mulch, and;
 - D. Storm Drain Inlet Protection around every storm yard inlet on the site or accepting drainage from the site, and;

- E. Silt Fence protection for any stream located on or close to the site and lacking an adequate vegetative buffer, and;
 - F. Silt Fence to prevent sediment discharge into street storm sewer inlets where no centralized sediment control exists for the drainage area that includes the lot, and;
 - G. Construction fence to protect any conservation easements, riparian setbacks and wetland setbacks from encroachment by construction activities.
- (d) The schedule for the use of Temporary Seeding developed according to the Temporary Seeding Table contained in the Minimum Standards Section of this chapter must be included. The location of construction material stockpile areas, if such have been approved by the Community Engineer, with a description of the Soil Erosion and Sediment Controls to be maintained on the stockpile area prior to, during, and after the area is used for stockpiling.
(Ord. 2413. Passed 7-22-13.)

949.06 DEVELOPMENT SITES 1 (ONE) ACRE IN SIZE OR LARGER.

All developments that have a larger common plan of development or sale equal to or larger than one (1) acre in size of disturbed area are subject to this chapter and shall follow all of the requirements set forth in this chapter.

- (a) Description of the Plan of Construction: The following information shall be included in the Construction Site Conservation Plan:
- (1) Site Description:
 - A. A description of the prior land uses of the site.
 - B. A description of the nature and type of construction activity (e.g., low density residential, shopping mall, highway, etc.).
 - C. A description of the total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavating, filling or grading, including off-site borrow, fill or spoil areas and off-site utility installation areas).
 - D. An estimate of the impervious area and percent imperviousness created by the construction activity.
 - E. The types of soils within, or affected by, the development area, and the location of all highly erodible or unstable soils as determined by the most current edition of the soil survey of the County, by the Natural Resources Conservation Service (NRCS),
 - F. The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water and the major river watersheds in which it is located.
 - (2) A vicinity sketch locating:
 - A. The larger common plan of development or sale
 - B. The development area
 - C. All pertinent surrounding natural features within 200 feet of the development site including, but not limited to:
 - 1. Water resources such as wetlands, springs, lakes, ponds, rivers and streams (including intermittent streams with a defined bed and bank)
 - 2. Conservation Easements
 - 3. Other sensitive natural resources
 - 4. The sensitive areas receiving runoff from the development

- D. All off-site borrow or spoil areas
 - E. All off-site utility installation areas that are related to the planned project
- (3) The existing and proposed topography shown in the appropriate contour intervals as approved (generally one-foot contours are used).
 - (4) The location and description of existing and proposed drainage patterns and facilities, including any allied drainage facilities beyond the development area and the larger common plan of development or sale.
 - (5) Existing and proposed watershed boundary lines, direction of flow and watershed acreage.
 - (6) The person or entity responsible for continued maintenance of all vegetative and/or mechanical BMPs for both the construction and post-construction phases of the development.
 - (7) Long-term maintenance requirements and schedules of all BMPs for both the construction and post-construction phases of the development.
 - (8) Long-term maintenance inspection schedules.
 - (9) The person or entity financially responsible for conducting the inspections of, and the maintenance of, permanent storm water conveyance and storage structures and all other conservation practices.
 - (10) The method of ensuring that funding will be available to conduct the long-term maintenance and inspections of all permanent storm water, soil erosion and sediment control and water quality practices.
 - (11) The location of any existing or planned riparian and/or wetland setback areas on the property.
 - (12) The plan must clearly describe, for each major construction activity, the appropriate BMPs and the general timing (or sequence) during the construction process of when the measures will be implemented; and, who (which contractor) will be responsible for implementation (e.g., Contractor A will clear, grub and install perimeter controls and Contractor B will maintain perimeter controls until final stabilization; Contractor C will conduct and document the scheduled inspections.)
- (b) Construction Site Conservation Plan Elements: The Construction Site Conservation Plan shall include, at a minimum, the following information:
- (1) The Construction Site Conservation Plan shall include a map showing the location of:
 - A. The limits of earth disturbing activity including excavations, filling, grading or clearing.
 - B. Drainage patterns during major phases of construction.
 - C. The location of each proposed soil erosion and sediment control BMP, including:
 - 1. Permanent soil erosion control practices to be left in place after construction operations have been completed (e.g. level spreaders, permanent erosion control matting, gabions, rock lined channels, etc.),
 - 2. Areas likely to require temporary stabilization during the course of site development,
 - 3. Designated construction entrances where vehicles will access the construction site,
 - 4. In-stream activities including stream crossings,

5. Areas designated for the storage or disposal of solid, sanitary and toxic wastes,
 6. Dumpsters,
 7. Cement truck washout,
 8. Fuel tanks
 9. BMPs that divert runoff away from disturbed areas and steep slopes where practicable including rock check dams, pipe slope drains, diversions to direct flow away from exposed soils, and protective grading practices,
 10. Sediment settling ponds drawn to scale.
- D. Existing and proposed locations of buildings, roads, parking facilities and utilities.
 - E. Boundaries of wetlands and stream channels the owner intends to fill or relocate for which the owner is seeking approval from the U.S. Army Corps of Engineers and/or Ohio EPA.
- (2) The Construction Site Conservation Plan shall include a list of soil erosion and sediment control BMPs being used and the standards and specifications, including detailed drawings, for each BMP. This list shall include:
- A. Methods of controlling the flow of runoff from disturbed areas so as to prevent or minimize erosion.
 - B. Identification of the Structural Practices to be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. A description shall be included of how each selected control will store runoff so as to let sediments settle out and/or divert flows away from exposed soils or act to limit runoff from exposed areas.
 - C. Identification for each Structural Practice of its size, detail drawings, maintenance requirements and design calculations.
 - D. The type and amount of plant seed, live plants, fertilizer, agricultural ground limestone and mulch to be used. Specification of soil testing requirements for fertility and lime requirements will be included. Specification for the use of perennial grass seed will also be included.
 - E. Settling ponds will be identified with basic dimensions and the calculations for size and volume.
 - F. Detailed drawings and installation requirements of all other structural control BMPs.
 - G. Any other soil erosion and sediment control related BMPs and items that are required by the Village of Sheffield.
 - H. For developments where the overall plan does not call for centralized sediment control capable of controlling multiple individual lots, a detail drawing of a project specific typical individual lot showing standard individual lot soil erosion and sediment control practices and the sequence and timing of BMP installation for the individual lots. This does not remove or eliminate the responsibility to designate and install specific soil erosion and sediment control practices for the storm water discharges.

- (3) The Construction Site Conservation Plan shall include the scheduling, phasing, and coordination of construction operations and erosion and sediment control BMPs, including vegetative plantings and mulch.
- (c) The Construction Site Conservation Plan shall include a description of the Storm Water Management (SWM) practices to be used on the site. The SWM element of the Plan shall include, at a minimum, the following:
 - (1) A map showing the location, drawn to scale, of permanent SWM conveyance, detention and retention structures, other SWM control structures and the SWM easements.
 - (2) A general description of the SWM strategy proposed to meet this chapter.
 - (3) Design calculations for all permanent SWM conveyance, detention and retention structures, and other SWM control structures.
 - (4) Any other SWM related items required by the Village of Sheffield.
(Ord. 2413. Passed 7-22-13.)

949.07 MINIMUM STANDARDS.

In order to control sediment pollution of water resources, the owner or person responsible for the development area shall use conservation planning and practices to maintain the level of conservation established in the following standards.

- (a) The plan shall include measures that control the flow of runoff from disturbed areas so as to prevent soil erosion from occurring.
- (b) Structural Practices shall be used to control erosion and trap sediment from areas remaining disturbed for more than 14 days.
- (c) Sediment Barriers: Sheet flow runoff from denuded areas shall be intercepted by Silt Fence or Diversions to protect adjacent properties and water resources from sediment. Where intended to provide sediment control, Silt Fence shall be placed on a level contour. The relationship between the maximum drainage areas to Silt Fence for a particular slope is shown in the table below (placing silt fence in a parallel series does not extend the size of the drainage area).

Table 1: Silt Fence Applicability

Maximum drainage area (in acres) to 100 linear feet of Silt Fence	Range of slope for a particular drainage area (in percent)
0.5	< 2%
0.25	> 2% but < 20%
0.125	> 20% but < 50%

This does not preclude the use of other sediment barriers designed to control sheet flow runoff. The total runoff flow treated by a sediment barrier shall not exceed the design capacity for that sediment barrier. Straw Bale Barriers are not acceptable.

- (d) **Storm Water Diversion Practices:** Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes where practicable. Such practices, which include Swales, Dikes or Berms, Pipe Slope Drains and Diversions, may receive storm water runoff from areas up to ten (10) acres. Storm water diversion practices alone are not considered a sediment control practice unless those are used in conjunction with a sediment settling pond.
- (e) All sediment control practices must be capable of ponding runoff in order to be considered functional.
- (f) Clearing and Grubbing will be done in two (2) or more phases. The first phase will include only those locations necessary to install the perimeter soil erosion, sediment and storm water control BMPs. After the perimeter controls are in place and functioning, the remaining phase(s) of clearing and grubbing may continue.
- (g) **Timing of Sediment Trapping Practices:** Sediment control practices shall be functional throughout all phases of up slope earth disturbing activity. Settling facilities, perimeter controls and other practices intended to trap sediment shall be implemented prior to grading and within seven (7) days from the start of grubbing. They shall continue to function until the up slope development area is permanently restabilized. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns.
- (h) **Stabilization of Denuded Areas:** Disturbed areas must be stabilized as specified in the tables below, or according to the Ohio EPA NPDES Storm Water Permit Rules, whichever is most restrictive

Table 2: Permanent Stabilization

Area requiring permanent stabilization	Time frame to apply erosion controls
Any areas that will lie dormant for one (1) year or more	Within seven (7) days of the most recent disturbance
Any areas within fifty (50) feet of a stream and at final grade	Within two (2) days of reaching final grade
Any other areas at final grade	Within seven (7) days of reaching final grade within that area

Table 3: Temporary Stabilization

Area requiring temporary stabilization	Time frame to apply erosion controls
Any disturbed areas within fifty (50) feet of a stream and not at final grade	Within two (2) days of the most recent disturbance if the area will remain idle for fourteen (14) days or more
Disturbed areas that will be dormant for more than 21 days but less than one (1) year and not within fifty (50) feet of a stream	Within seven (7) days of the most recent disturbance within the area.
Residential subdivisions for disturbance which has occurred on building lots	Within 7 days of the most recent disturbance if housing unit construction on the lot is not scheduled to begin within 14 days of the disturbance. In any case, Temporary or Permanent Stabilization will be properly installed, pursuant to the most recent edition of the Ohio Rainwater and Land Development manual, before the second building permit is issued.
Non-residential subdivisions and commercial developments	Within 7 days of the most recent disturbance if further construction activity will not occur within 14 days of the disturbance. Where vegetative stabilization techniques may cause structural instability or are otherwise prohibited, alternative stabilization techniques must be employed.
Disturbed areas that will be idle over winter	Prior to the onset of winter weather

Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed.

- (i) Sediment Settling Ponds: A sediment settling pond is required for any one of the following conditions:
- Concentrated storm water runoff (e.g., storm sewer or ditch);
 - Runoff from drainage areas, which exceed the design capacity of silt fence or other sediment barriers;
 - Runoff from drainage areas that exceed the design capacity of inlet protection; or runoff from common drainage locations with 10 or more acres of disturbed land.
- (1) Alternative controls can be used if the owner can show, in writing, that the Ohio EPA approved the use of alternatives that the owner demonstrated to be equivalent in effectiveness to a sediment settling pond.

- A. Where storm sewer drainage areas include 10 or more acres disturbed at one time, a temporary (or permanent) sediment settling pond must be provided until final stabilization of the site. In single-family residential construction, final stabilization is after the houses are built and permanent landscaping is done.
 - 1. It is recommended that for drainage locations of less than 10 acres, smaller sediment settling basins and/or sediment traps be used.
 - B. Each facility's storage capacity shall be no less than 1800 cubic feet of dewatering zone area per acre of total contributing drainage area and 1000 cubic feet per disturbed acre of sediment storage zone area. The storage volume will be measured from the bottom of the basin to the top of the primary (principle) spillway.
 - C. Permanent storm water management ponds that are designed to trap sediment during construction shall be designed to provide for a slow release of sediment-laden water. The draw down time must be at least 48 hours, or meet the criteria in the Ohio Rainwater and Land Development manual whichever is most stringent.
 - D. The design configuration between inlet(s) and the outlet of settling ponds must provide at least two units of length for each one unit of width ($> 2:1$ length to width ratio); a length to width ratio of 4:1 is recommended.
 - E. The depth of the dewatering zone of the sediment settling pond must be less than or equal to five (5) feet.
 - F. Sediment must be removed from the sediment settling ponds when the design capacity has been reduced by 40%.
 - G. Public safety, especially as it relates to children, must be considered in the design. Alternative sediment controls must be used where site limitations would preclude a safe design.
 - H. Temporary sediment settling ponds will not be constructed in any stream channel.
- (j) Storm Sewer Inlet Protection:
- (1) All storm sewer inlets that accept water runoff from the development area shall be protected so that sediment-laden water will not enter the storm sewer, unless the storm drain system drains to a Sediment Settling Pond. In areas where construction will be ongoing, such as subdivisions, the storm sewer protection shall be maintained until all up slope areas reach final stabilization.
 - (2) All inlets receiving runoff from drainage areas of one or more acres will require a sediment settling pond.
 - (3) At the end of this period the site owner shall hydraulically clean the storm sewers to the satisfaction of the Village Administrator. All sediments shall be removed from the system and shall not be flushed downstream.
- (k) Storm Sewer & Other Drainage Outlets: All storm sewers, footer drains, roof gutter drains and all other drains will be outletted at the bottom of the slope. The slope below the outlet will be able to control the water being drained through the storm sewer or other drains without causing erosion of the stream or channel banks or channel bottom or other areas that the water is outletted on.

- (l) Working Near, Or Crossing Streams and Wetlands:
- (1) Construction vehicles shall avoid water resources, wetlands, riparian areas, and their setbacks. If construction vehicles must cross these areas during construction, an approved temporary crossing shall be constructed. Streams, including intermittent streams with a defined bed and banks, shall be restabilized immediately after in-channel work is completed, interrupted, or stopped. Erodible materials will not be used in making stream crossings.
 - (2) No soil, rock, debris, or any other material shall be dumped or placed into a water resource or into such proximity that it may slough, slip, or erode into a water resource unless such dumping or placing is authorized by the approving authority and, when applicable, the U.S. Army Corps of Engineers and Ohio EPA, for such purposes as, but not limited to, constructing bridges, culverts, and erosion or sediment control structures.
 - (3) If construction activities disturb areas adjacent to streams, structural practices shall be designed and implemented on site to protect the adjacent streams from the impacts of sediment runoff.
 - (4) No temporary or permanent sediment controls will be constructed in a stream channel.
 - (5) Streams and wetland setbacks required by the community will be implemented. As a minimum a setback of 25 feet, as measured from the ordinary high water mark of the surface water, will be maintained in its natural state as a permanent buffer.
- (m) Construction Entrance:
- (1) Measures shall be taken to prevent soil transport onto public roads, or surfaces where runoff is not checked by sediment controls.
 - (2) Stone with geotextile construction entrance(s) shall be implemented as required by the Village Administrator and the Ohio EPA. These will be planned and installed according to the requirements in the most recent edition of the Ohio Rainwater and Land Development manual.
 - (3) Where soil is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day, or more frequently, in order to ensure public safety. Soil shall be removed from paved surfaces by shoveling or sweeping. Street washing shall be allowed only after shoveling or sweeping has removed most of the sediment and street sewer inlet protection is properly installed unless end of sewer sediment ponds exist and are properly functioning.
 - (4) Erodible material ramps in streets will not be used to enable equipment to cross curbs. Non-erosive materials (e.g. wood and stone) can be used.
- (n) Unstable Soils:
- (1) Unstable soils will be as determined by the local county Soil Survey or by a detailed soils report.
 - (2) Unstable soils prone to slipping or land sliding shall not be graded, excavated, filled or have loads imposed upon them unless the work is performed in accordance with a qualified professional engineer's recommendations to correct, eliminate, or adequately address the problems.
- (o) Cut And Fill Slopes: Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion and slippage. Consideration shall be given to the length and steepness of the slope, soil type, up slope drainage area, groundwater conditions and slope stabilization. The minimum final unreinforced soil slopes will have a horizontal to vertical ratio of 2:1 (the horizontal will be two (2) times the vertical).

- (p) Stabilization of Outfalls and Channels: Outfalls and constructed or modified channels shall be designed and constructed to withstand the expected velocity of flow from the planned post-development frequency storm without eroding. The planned post-construction velocity and flow shall include the entire contributing watershed. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide non-erosive velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.
- (q) Establishment of Permanent Vegetation: A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until ground cover is achieved has 80% vegetative density over the entire disturbed area and provides adequate cover, and is mature enough to satisfactorily control soil erosion and survive adverse weather conditions.
- (r) Disposition of Temporary Practices: All temporary soil erosion and sediment control practices shall be disposed of immediately after final site stabilization is achieved or after the temporary practices are no longer needed. Trapped sediment shall be permanently stabilized to prevent further erosion. The Construction Maintenance Guarantee shall not be released by the Village of Sheffield until all temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and any trapped sediment has been stabilized.
- (s) Underground Utility Construction: The construction of underground utility lines, pipes, etc. shall be subject to the following criteria:
- (1) Trenches shall remain open for no more than five days.
 - (2) There shall be no turbid discharges to surface waters 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 or to waters of the State.
 - (3) When discharging clean ground water care must be taken to ensure that it does not become pollutant laden by crossing over disturbed soils or other pollutant sources.
- (t) Inspections:
- (1) If inspections or other information indicates a control has been used inappropriately or incorrectly or it has failed, it must be replaced or modified for the site conditions.
 - (2) The owner of the development area shall have the site inspected for soil erosion, sediment control and other environmental concerns every seven (7) calendar days, and within twenty-four (24) hours of a 0.5 inch or greater rainfall event until the Village of Sheffield certifies the site as being stable. The certification does not relieve the permittee from meeting the Ohio EPA NPDES inspection requirements.

- (3) The inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions (e.g., the site is covered with snow, ice, or the ground is frozen.) A waiver of inspection requirements is available until one month before thawing conditions are expected to result in a discharge if all of the following conditions are met: the project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month); land disturbance activities have been suspended; and the beginning and ending dates of the waiver period are documented. Once a definable area has been fully stabilized, you may mark this on your plans and no further inspection requirements apply to that portion of the site.
 - A. Following each inspection, a checklist must be completed and signed by the qualified inspection personnel representative. At a minimum, the inspection report must include:
 - the inspection date
 - names, titles, and qualifications of personnel making the inspection
 - weather information for the period since the last inspection including the timing,
 - duration, and depth of any storms
 - weather information and a description of any discharges occurring at the time of the inspection
 - location(s) of discharges of sediment or other pollutants from the site
 - location(s) of BMPs that need to be maintained
 - location(s) of BMPs that failed to operate as designed or proved inadequate for a particular situation
 - location(s) where additional BMPs are needed that did not exist at the time of the inspection
 - corrective action required including any necessary changes to the Comprehensive Storm Water Management Plan and implementation dates.
- (4) The inspection log will include the date and actions taken to correct problems noted in past inspection logs.
- (5) If the construction site is subject to Ohio EPA's National Pollutant Discharge Elimination System (NPDES) permit for construction activity, a copy of all of the required inspection sheets will be submitted to the Village Administrator within three (3) working days of the date that the inspection was conducted.
- (6) Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system.
- (7) Erosion and sediment controls identified in the Storm Water Pollution Prevention Plan shall be observed to ensure that they are operating correctly.
- (8) Discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters.
- (9) Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.

- (10) Sensitive areas including riparian and wetland setbacks shall be observed to ensure that the area remains well marked and undisturbed.
 - (11) If the inspection reveals that a control practice is in need of repair or maintenance, with the exception of sediment settling ponds, 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.
 - (12) If any inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the Construction Site Conservation Plan must be amended and the new control practice must be installed within 10 days of the inspection.
 - (13) If the inspection reveals that a control practice has not been implemented in the time required by this ordinance it must be installed within ten (10) days from the date of inspection.
 - (14) If the inspection reveals that a planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.
- (u) Control of Materials and Debris: Site management practices shall be implemented to prevent toxic materials, hazardous materials, or other debris from entering the Village of Sheffield and State's water resources or wetlands. These practices shall include, but are not limited to, the following:
- (1) A covered dumpster shall be made available for the proper disposal of construction site waste materials, garbage, plaster, drywall, grout, gypsum and etc. A second covered dumpster will be provided for the proper disposal of toxic and hazardous wastes.
 - (2) The washing of excess concrete material into a street, catch basin, or other public facility or natural resource shall not occur. A designated area for concrete washouts shall be made available and used for all concrete washouts.
 - (3) All fuel tanks and drums shall be stored in a marked storage area. A dike shall be constructed around this storage area with a minimum capacity equal to 110% of the volume of the largest container in the storage area. All additional requirements of the local fire authority must be followed. If the fuel tanks have a self-contained "dike," the plug will be kept in the "dike" tank at all times.
 - (4) Any toxic or hazardous wastes and/or contaminated soils must be disposed of according to all applicable environmental laws and statutes. Local health districts and Ohio EPA can provide guidance on these issues.
 - (5) On a site with a prior industrial landuse or a site that is contaminated with gasoline, fuel oil, hydrocarbon based chemicals or other Ohio EPA regulated contaminants, the storm water is considered wastewater. A permit from Ohio EPA is required to address these sites.
 - (6) Proper permits shall be obtained for development projects on solid waste landfill sites.
 - (7) Paint, paint washing liquids, excess paints and other paint wastes are considered solid wastes and shall be disposed of in accordance with applicable state regulations. Appropriate handling of these wastes shall occur at the site so as to prevent the discharge of these wastes into surface or ground waters.

- A. Water based paint washing liquids and small quantities of excess water based paints may be disposed of by flushing down a connected sanitary sewer but may not be disposed of in an on-lot disposal system.
 - B. All other paints, paint thinners, and paint cleaning materials will be disposed of in the site's hazardous waste disposal dumpster.
- (8) Restroom facilities will be provided for site workers at all times that workers are present on the site and during all phases of the construction.
 - (9) All required permits from appropriate federal, state, or local agencies are required to develop land with a previous industrial or commercial use or another use that may have led to soil contamination by a regulated pollutant.
- (v) Pre-winter Stabilization: If the development area will, or is planned to remain, active through the winter months, the owner of the development area shall hold a Pre-Winter Stabilization Meeting. The meeting will be held before October 1st. The owner shall invite the operator, developer, engineer, contractor, the Village of Sheffield and any other interested party to the meeting.
- (w) Storm Water Basins:
 - (1) Pool Geometry: The minimum length-to-width ratio for the pond is 3:1 (the length will be three (3) times the width).
 - (2) Riser in Embankment: The riser shall be located within the embankment for purposes of maintenance access. Access to the riser will be by manholes.
 - (3) Water Drains: Each retention basin shall have a drainpipe that can completely drain the pond. The drain shall have an elbow within the pond to prevent sediment deposition from plugging the drain.
 - (4) Adjustable Gate Valves: Both the storm water management and water quality basin drains shall have adjustable gate valves. Valves shall be located inside the riser at a point where they will remain dry and can be operated in a safe and convenient manner. During the annual inspections the valves shall be fully opened and closed at least once, and the certifying official shall attest to this on the inspection form. To prevent vandalism, the handwheel shall be chained to a ringbolt or manhole step.
 - (5) Principal Spillway: Each principal spillway shall be designed in accordance with the NRCS standards and specifications for the office serving the county. Each principal spillway shall have the capacity to pass the 100-year design storm flow. The inlet or riser size for the pipe drops shall be designed so that the flow through the structure goes from weir flow control to pipe flow control without going into orifice control in the riser. The crest elevation of the primary spillway shall be no less than one foot below the emergency spillway crest. Premium joint pipe is required and a removable trash rack shall be installed at each location. Anti-seep collars shall be provided for all pipe conduits through an embankment.
 - (6) Emergency Spillway: An emergency spillway shall be provided on each storm water management basin. Emergency spillways shall convey flood flows safely past the embankment, and shall be designed in accordance with NRCS standards and specifications for the office serving the local county. Emergency spillways shall have a 100-year design storm capacity unless exempted in writing by the Community Engineer.

- (7) Embankments: Each dam embankment shall be designed in accordance with the NRCS standards and specifications for the office serving the county that the project is located in. Anti-seep collars shall be provided for all pipe conduits through an embankment.
- (8) Safety Features:
- A. The primary spillway opening shall not permit access to the public and other non-maintenance personnel.
 - B. The perimeter of all water pool areas that are deeper than three (3) feet shall be surrounded by benches that meet the following:
 - 1. A safety bench, with a maximum slope of 3%, which extends outward, on dry land, from the shoreline. This bench will be a minimum of 25 feet wide to provide for the safety of individuals and maintenance vehicles that are adjacent to the water pool. The safety bench may be landscaped, without the use of structures, to prevent access to the water pool.
 - 2. Side slopes between the safety bench and the aquatic bench shall not be steeper than 3:1 (3 feet horizontal for every 1 foot vertical).
 - 3. An aquatic bench that extends inward from the shoreline far enough to ensure public safety and has a maximum depth of 15 inches below the normal water surface elevations. The aquatic bench may be landscaped to prevent access to the deeper water pool.
 - 4. Side slopes beyond the aquatic bench and below the permanent water level shall not be steeper than 2:1 (2 feet horizontal for every 1 foot vertical).
 - 5. The contours of the pond will be designed and managed to eliminate drop-offs and other hazards.
 - 6. Side slopes getting to the pond shall not exceed 3:1 and shall terminate on a safety bench.
 - 7. Soil erosion and sediment control practices used to satisfy these standards shall meet the standards and specifications in the current edition of the Ohio Rainwater and Land Development manual, NRCS Field Office Technical Guide for the local county or the Ohio EPA, whichever is most stringent.
- (x) These standards are general guidelines and shall not limit the right of the Village Administrator to impose at any time additional, more stringent requirements, nor shall the standards limit the right of the Village Administrator to waive, in writing, individual requirements.
- (y) Soil limitations shall be determined by using the current edition of the county soil survey written by the NRCS, USDA.
- (z) Methods for controlling increases in storm water runoff peaks and volumes may include, but are not limited to:
- (1) Retarding flow velocities by increasing friction; for example, grassed road ditches rather than paved street gutters where practical, discharging roof water to vegetated areas, or grass and rock-lined drainage channels.
 - (2) Grading and use of grade control structures to provide a level of control in flow paths and stream gradients.

- (3) Induced infiltration of increased storm water runoff into soil, where practical; for example, constructing special infiltration areas where soils are suitable, retaining topsoil for all areas to be vegetated, or providing good infiltration areas with proper emergency overflow facilities.
- (4) Provisions for detention and retention, for example, permanent retention ponds and lakes, dry detention basins, and subsurface detention tanks. (Ord. 2413. Passed 7-22-13.)

949.08 STREAM CHANNEL AND FLOODPLAIN EROSION DESIGN CRITERIA.

(a) **Runoff Rate:** The peak runoff rate from the development area shall not be greater after development than it was before development. The applicant shall provide calculations proving no increase in the runoff rates from the one (1), two (2), five (5), ten (10), twenty-five (25), fifty (50) and one hundred (100) year storms.

(b) **Runoff Volume:** Increases in the runoff volume shall be offset by further restricting runoff rates. Based on the increase in runoff volume, the applicant shall determine the critical storm for the development area. The runoff rate from the critical storm shall be restricted to the one (1) year pre-development storm runoff rate. The critical storm shall be calculated as follows:

- (1) Determine the total volume of runoff from a one-year frequency, twenty-four hour storm, occurring on the development area before and after development.
- (2) From the volumes in paragraph (1) determine the percent of increase in volume of runoff due to development according to the equation $(Q \text{ after} / Q \text{ before}) \times 100$ and, using this percentage, select the critical storm from this table:

Table 4: Critical Storm Selection

The Percentage Increase In Volume of Runoff is:		
Equal To Or Greater Than	And Less Than	The 24-Hour "Critical Storm" For Discharge Will Be
0	10	1 Year
10	20	2 Years
20	50	5 Years
50	100	10 Years
100	250	25 Years
250	500	50 Years
500	---	100 Years

(c) Detention Or Retention Basin Exemption For Redevelopment Or For Expansion Of Existing Facilities:

- (1) For any development regulated by this chapter, the construction of a detention or retention basin may not be required for the development if the post-development peak discharge for a 100 year frequency 24 hour storm increases the existing peak discharge by one (1) cubic foot per second or less using the TR-55 method of calculation or other method approved. The Village Administrator can waive this requirement if existing storm sewers and drainage structures can safely handle the expected increase in flow.
- (2) Only one (1) exemption will be allowed per parcel. Any subsequent expansion must provide for detention or retention and must include the previously exempted area.

(d) Where the Village of Sheffield determines that site constraints exist in a manner that compromises the intent of this chapter to improve the management of storm water runoff as established in this section, practical alternatives may be used to result in an improvement of water quality and/or a reduction of storm water runoff. Such alternatives must be in keeping with the intent and likely cost of those measures that would otherwise be required to meet the objectives of this section. When possible, all practical alternatives shall be implemented within the drainage area of the proposed development project. Practical alternatives can include, but are not limited to:

- (1) Fees paid in an amount specified by the Village Administrator. These fees shall be applied by the Village of Sheffield storm water management practices that reduce existing storm water runoff.
- (2) Implementation of off-site storm water management practices.
- (3) Watershed or stream restoration.
- (4) Retrofitting of an existing storm water management practice.
- (5) Other practices approved by the Village Administrator in keeping with the intent of this section.

(Ord. 2413. Passed 7-22-13.)

949.09 COMPLIANCE WITH OTHER RULES AND REGULATIONS.

(a) Ohio Dam Safety Laws: The provisions of the Ohio Dam Safety Laws shall be followed. Proof of compliance with the Ohio Dam Safety Law administered by the ODNR Division of Water shall be, but is not limited to, a copy of the ODNR Division of Water permit number or a copy of the project approval letter from the ODNR Division of Water or a letter from the site owner explaining why the Ohio Dam Safety Law is not applicable. The written proof will be provided to the Community Engineer before a construction permit will be issued.

(b) NPDES Permits: The provisions of the National Pollutant Discharge Elimination System (NPDES) Permits, issued by the Ohio EPA, shall be followed. Proof of compliance shall be, but is not limited to, a copy of the Ohio EPA NPDES Permit number or a letter from the site owner explaining why the NPDES Permit is not applicable. The written proof will be provided to the Community Engineer before a construction permit will be issued.

(c) Federal And State Wetland Permits: The provisions of the U.S. Army Corps of Engineers dredge and fill permits for federally-protected wetlands shall be followed. The provisions of Ohio EPA's Isolated Wetlands Permits shall also be followed. Wetlands and other waters of the United States shall be delineated by protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of the application of these regulations. Written proof of compliance with both permit programs will be provided to the Community Engineer before a construction permit will be issued. Proof of compliance shall be, but is not limited to, the following:

- (1) A copy of the U.S. Army Corps of Engineers Individual Permit, if required for the project, showing project approval and any restrictions that apply to site activities; or
- (2) A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit; or
Written verification from the site owner that a qualified professional has surveyed the site and found no wetlands or other waters of the United States. Such a letter shall be noted on site plans submitted to the Community.
(Ord. 2413. Passed 7-22-13.)

949.10 VIOLATIONS.

No person shall violate, or cause, or knowingly permit to be violated, any of the provisions of these regulations, or fail to comply with any such provisions or with any lawful requirements of any public authority made pursuant to these regulations, or knowingly use or cause or permit the use of any lands in violation of these regulations or in violation of any permit granted under these regulations. (Ord. 2413. Passed 7-22-13.)

949.11 CONSTRUCTION AND MAINTENANCE GUARANTEE.

All permanent storm water, soil erosion, other wastes control, and water quality practices not specifically waived by the Village of Sheffield shall be constructed prior to the granting of the Final Plat Approval. Upon the request of the owner, the Village of Sheffield may defer the construction or installation of a permanent storm water, soil erosion, sediment, or other wastes control or water quality practice prior to the approval of the final plat where, in the Village Administrators judgment, such proper construction or installation is not immediately necessary for the protection of the public health and safety; and where the prior installation or construction of such improvement would constitute an undue hardship on the owner because in the case of new vegetation or weather conditions, or because in the case of concrete, building construction could cause cracking and excessive wear and tear on new structures. In such event, the Village of Sheffield shall require a Security Bond, Escrow Account, Certified Check or Cash to guarantee that such deferred improvements will be properly constructed or installed within an agreed specified time, but not to exceed six (6) months after the filing of such final plat.

The owner will provide a maintenance guarantee for all permanent improvements, and soil erosion, wastes controls, and water quality practices.

The Village of Sheffield shall require a Security Bond, Escrow Account, Certified Check or Cash to guarantee that the planned temporary and permanent soil erosion, sediment, and other wastes controls and water quality practices will be constructed and removed in a timely manner, as determined by the Village Administrator.

- (a) The Guarantee: The guarantee of both performance and maintenance will be in the form of a Security Bond, Escrow Account, Verified Check or Cash. The Security Bond, Escrow Account, Verified Check or Cash will be used by the Village of Sheffield to complete any guaranteed construction or removal of improvements or temporary and permanent soil erosion, sediment, and other wastes control practices that are not adequately completed, maintained or removed by the owner in a timely manner, as determined by the Village Administrator. The Security Bond, Escrow Account, Verified Check or Cash will be in the total amount of both the performance guarantee and the maintenance guarantee.
- (1) Security Bond, Escrow Account, Verified Check or Cash shall be deposited with the Village of Sheffield prior to review by the Village Administrator and/or its consultants to cover professional services of the Village Engineer, Village Law Director or other necessary consultants.
 - (2) No soil disturbing activities shall be permitted until a Security Bond, Escrow Account, Verified Check or Cash has been posted to the satisfaction of the Village Administrator to perform the obligations otherwise to be performed by the owner or person responsible for the development area as stated in this regulation, and to allow all work to be performed as needed in the event that the owner or person responsible for the development area fails to comply with the provisions of this regulation. The Security Bond, Escrow Account, Verified Check or Cash shall be released only after all work required by this regulation has been completed to the satisfaction of the Village Administrator and all permit and inspection fees required by these regulations have been paid in full.
 - (3) No project subject to this regulation shall commence without the Construction Site Conservation Plan having been approved by the Village Administrator.
- (b) Performance Guarantee: The furnishing of a performance guarantee will be maintained in an amount of not less than 120% of the estimate approved by the Village Administrator, of installation of the deferred improvements.
- (c) Maintenance Guarantee: The maintenance guarantee shall be maintained for a period of not less than 2 (two) years after final acceptance of the storm water, soil erosion, sediment, and other wastes control practices in an amount equal to 20% of the estimate approved by the Village Administrator, of the construction and, where necessary, removal of such practices.
- (d) Time Extension: The Village Administrator may extend for cause the time allowed for the installation of the improvements for which the performance guarantee has been provided with the receipt of a written request from the owner.
- (e) Completion: Upon completion of the construction of improvements or temporary and/or permanent, soil erosion, sediment, and other wastes control practices and the removal of the temporary soil erosion, sediment, and other wastes control practices for which the performance guarantee has been provided the owner shall notify Village Administrator.
- (f) Inspection: The Village of Sheffield will not release the Security Bond, Escrow Account, Verified Check or Cash guarantee until the Village Administrator has inspected the site to ensure that the guaranteed item(s) have been completed and/or removed.

- (g) Slow Release Devices: Performance and maintenance guarantees will be maintained on the temporary sediment removal slow release devices installed in detention and retention basins until the entire site has reached final soil stabilization. Final stabilization in single-family residential developments is when 90% of the homes are constructed with their lawns completely installed and any remaining unbuilt lots having been permanently stabilized with a uniform ground cover at a growth density of 80% or better.
- (h) Release: The Construction Maintenance Guarantee shall not be released by the Village of Sheffield until all temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and any trapped sediment has been stabilized.
(Ord. 2413. Passed 7-22-13.)

949.12 APPLICATION PROCEDURES FOR CONSTRUCTION CONSERVATION PLANS (CCP).

(a) This plan will be combined with the Post-Construction Water Quality, Riparian Setback and Wetland Setback Plans that have also been developed for the site.

(b) Plans developed by the site owners and approved by the Village of Sheffield in accordance with this regulation do not relieve the site owner of responsibility for obtaining and complying with all other necessary permits and/or approvals from federal, state, county. If requirements vary, the most stringent requirement shall be followed. Plans submitted to the Village of Sheffield for review and approval shall be accompanied by all other required permits and documentation relevant to the project, including but not limited to the permits required and issued by the U.S. Army Corps of Engineers, Ohio EPA and ODNR Division of Water.

(c) Two (2) sets of full size plans and one electronic submission in PDF format of plans and all necessary data required by this regulation shall be submitted to the Village Administrator with text material being submitted on 8.5 by 11. Submittals shall include:

- (1) At the preliminary plan approval request, the preliminary plans only need to show all of the following existing and planned features: streams, water bodies, wetlands, riparian and wetland setback areas, permanent BMPs and storm water management detention and retention basins.
- (2) At the improvement plan approval request, the entire Comprehensive Storm Water Management Plan must be submitted.

(d) The Village Administrator or designated person shall review the plans, and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the plan as described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.

(e) Approved plans shall remain valid for two (2) years from the date of approval. After two (2) years the plan(s) approval automatically expires.

(f) No soil disturbing activity shall begin before all necessary local, state and federal permits have been granted to the owner or operator.

(g) The Village of Sheffield will do construction inspections until the site reaches final stabilization. (Ord. 2413. Passed 7-22-13.)

949.13 DEFINITIONS.

As used in this chapter:

- (a) **BEST MANAGEMENT PRACTICE (BMP):** Any practice or combination of practices that is determined to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources of pollution to a level compatible with water quality goals. BMPs may include structural practices, conservation practices and operation and maintenance procedures.
- (b) **CHANNEL:** A natural stream that conveys water, or a ditch or channel excavated for the natural flow of water.
- (c) **CONCENTRATED STORM WATER RUNOFF:** Surface water runoff which converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels or storm sewers, and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control sheet flow.
- (d) **CONSERVATION:** The wise use and management of natural resources.
- (e) **CUT AND FILL SLOPES:** A portion of land surface or area from which soil material is excavated and/or filled.
- (f) **DENUDED AREA:** A portion of land surface on which the vegetation or other soil stabilization features have been removed, destroyed or covered, and which may result in or contribute to erosion and sedimentation.
- (g) **DETENTION BASIN:** A storm water management pond that remains dry between storm events. Storm water management ponds include a properly engineered/designed volume which is dedicated to the temporary storage and slow release of runoff waters.
- (h) **DEVELOPMENT AREA:** Any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership, where earth-disturbing activity is to be performed.
- (i) **DITCH:** An excavation, either dug or natural, for the purpose of drainage or irrigation, and having intermittent flow.
- (j) **DUMPING:** The grading, pushing, piling, throwing, unloading or placing of soil or other material.
- (k) **EARTH DISTURBING ACTIVITY:** Any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.
- (l) **EARTH MATERIAL:** Soil, sediment, rock, sand, gravel, and organic material or residue associated with or attached to the soil.
- (m) **EROSION:** The process by which the land surface is worn away by the action of water, wind, ice or gravity.
- (n) **EXISTING:** In existence at the time of the passage of these regulations.
- (o) **FREQUENCY STORM:** A rainfall event of a magnitude having a specified average recurrence interval and is calculated with Natural Resources Conservation Service, USDA Type II twenty-four hour curves or depth-duration frequency curves.
- (p) **GRADING:** Earth disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.
- (q) **GRUBBING:** Removing, clearing or scalping material such as roots, stumps or sod.
- (r) **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.

- (s) **LANDSLIDE:** The rapid mass movement of soil and rock material downhill under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.
- (t) **NATURAL RESOURCES CONSERVATION SERVICE (NRCS):** An agency of the United States Department of Agriculture, formerly known as the Soil Conservation Service (SCS).
- (u) **NPDES PERMIT:** A National Pollutant Discharge Elimination System Permit issued by Ohio EPA under the authority of the USEPA, and derived from the Federal Clean Water Act.
- (v) **OHIO EPA:** The Ohio Environmental Protection Agency.
- (w) **ORDINARY HIGH WATER MARK:** The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- (x) **OUTFALL:** An area where water flows from a structure such as a conduit, storm sewer, improved channel or drain, and the area immediately beyond the structure which is impacted by the velocity of flow in the structure.
- (y) **PERSON:** Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, or any combination thereof.
- (z) **PROFESSIONAL ENGINEER:** A person registered in the State of Ohio as a Professional Engineer, with specific education and experience in water resources engineering, acting in strict conformance with the Code of Ethics of the Ohio Board of Registration for Engineers and Surveyors.
- (aa) **QUALIFIED INSPECTION PERSONNEL:** A person knowledgeable in the principles and practice of erosion and sediment controls, who possesses the skills to assess all conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.
- (bb) **REDEVELOPMENT:** The demolition or removal of existing structures or land uses and the construction of new ones
- (cc) **RETENTION BASIN:** A storm water management pond that maintains a permanent pool of water. These storm water management ponds include a properly engineered/designed volume dedicated to the temporary storage and slow release of runoff waters.
- (dd) **RIPARIAN AREA:** Naturally vegetated land adjacent to watercourses which, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood flows, and/or filter and settle out runoff pollutants, or which performs other functions consistent with the purposes of these regulations.
- (ee) **RIPARIAN SETBACK:** Those lands within the Community which are alongside streams where earth disturbing activities will not take place and natural vegetation will not be removed.
- (ff) **SEDIMENT:** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity or ice, and has come to rest on the earth's surface either on dry land or in a body of water.

- (gg) **SEDIMENT SETTLING POND:** A temporary Sediment Pond that releases runoff at a controlled rate. It is designed to slowly release runoff, detaining it long enough to allow most of the sediment to settle out of the water. The outlet structure is usually a designed pipe riser and barrel. The entire structure is removed after construction. Permanent storm water detention structures can be modified to function as temporary Sediment Basins.
- (hh) **SEDIMENT CONTROL:** The limiting of sediment being transported by controlling erosion or detaining sediment-laden water and, allowing the sediment to settle out.
- (ii) **SEDIMENT BARRIER:** A sediment control device such as a geotextile Silt Fence or a grass Filter Strip, usually capable of controlling only small flow rates. (Straw bale barriers are not acceptable.)
- (jj) **SEDIMENT POLLUTION:** A failure to use management or conservation practices to control wind or water erosion of the soil and to minimize the degradation of water resources by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed for commercial, industrial, residential, or other purposes.
- (kk) **SENSITIVE AREA:** An area or water resource that requires special management because of its susceptibility to sediment pollution or because of its importance to the well-being of the surrounding communities, region, or the state and includes, but is not limited to, the following:
 - (1) Ponds, wetlands or small lakes with less than five acres of surface area;
 - (2) Small streams with gradients less than ten feet per mile with average annual flows of less than 3.5 feet per second containing sand or gravel bottoms.
 - (3) Drainage areas of a locally or Ohio designated Scenic River.
 - (4) Riparian and wetland areas.
- (ll) **SETTLING POND:** A runoff detention structure, such as a Sediment Basin or Sediment Trap, which detains sediment-laden runoff, allowing sediment to settle out.
- (mm) **SHEET FLOW:** Water runoff in a thin uniform layer or rills and which is of small enough quantity to be treated by sediment barriers.
- (nn) **SLIP:** A landslide as defined under "Landslides."
- (oo) **SLOUGHING:** A slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth disturbing activity of man.
- (pp) **SOIL:** Unconsolidated erodible earth material consisting of minerals and/or organics.
- (qq) **SOIL CONSERVATION SERVICE, USDA:** The federal agency now titled the "Natural Resources Conservation Service," which is an agency of the United States Department of Agriculture.
- (rr) **SOIL EROSION AND SEDIMENT CONTROL PLAN:** A written and/or drawn soil erosion and sediment pollution control plan to minimize erosion and prevent off-site sedimentation throughout all earth disturbing activities on a development area.
- (ss) **SOIL EROSION AND SEDIMENT CONTROL PRACTICES:** Conservation measures used to control sediment pollution and including structural practices, vegetative practices and management techniques.
- (tt) **SOIL STABILIZATION:** Vegetative or structural soil cover that controls erosion, and includes permanent and temporary seeding, mulch, sod, pavement, etc.

- (uu) **SOIL SURVEY:** The official soil survey produced by the Natural Resources Conservation Service, USDA in cooperation with the Division of Soil and Water Conservation and the ODNR
- (vv) **STORM WATER CONTROL STRUCTURE:** Practice used to control accelerated storm water runoff from development areas.
- (ww) **STORM WATER CONVEYANCE:** All storm sewers, channels, streams, ponds, lakes, etc., used for conveying concentrated storm water runoff, or for storing storm water runoff.
- (xx) **STORM WATER POLLUTION PREVENTION PLAN (SWP3):** The plan required by Ohio EPA to meet the requirements of its National Pollutant Discharge Elimination System (NPDES) Permit program for construction activities.
- (yy) **STREAM:** A body of water running or flowing on the earth's surface, or a channel with a defined bed and banks in which such flow occurs. Flow may be seasonally intermittent.
- (zz) **UNSTABLE SOIL:** A portion of land surface or area which is prone to slipping, sloughing or landslides, or is identified by Natural Resources Conservation Service methodology as having low soil strength.
- (aaa) **USEPA:** The United States Environmental Protection Agency.
- (bbb) **WASTEWATER:** Any water that is contaminated with gasoline, fuel oil, and hydrocarbon based chemicals, paint, paint washing liquids or other paint wastes, sanitary wastes, or any other Ohio EPA regulated contaminants.
- (ccc) **WATERCOURSE:** Any natural, perennial, or intermittent channel with a defined bed and bank, stream, river or brook.
- (ddd) **WATER RESOURCES:** All streams, lakes, ponds, wetlands, water courses, waterways, drainage systems, and all other bodies or accumulations of surface water, either natural or artificial, which are situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those private waters which do not combine or affect a junction with natural surface waters.
- (eee) **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. (40 Codified Federal Register (CFR) 232, as amended). Wetlands shall be delineated by a site survey approved by the Community using delineation protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of application of this regulation. If a conflict exists between the delineation protocols of these two agencies, the delineation protocol that results in the most inclusive area of wetlands shall apply.
- (fff) **WETLAND SETBACK:** Those lands adjacent to wetlands where earth disturbing activities will not take place and natural vegetation will not be removed.
- (ggg) **WINTER:** October 1st to April 1st of each year.
(Ord. 2413. Passed 7-22-13.)

949.99 PENALTY.

(a) Whoever violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the first degree and shall be fined no more than one thousand dollars (\$1,000.00) or imprisoned for no more than one hundred eighty (180) days, or both, for each offense.

(b) A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(c) Upon notice from the Village Administrator, or designated representative, that work is being performed contrary to this regulation, such work shall immediately stop. Such notice shall be in writing and shall be given to the owner or person responsible for the development area, or person performing the work, and shall state the conditions under which such work may be resumed; provided, however, in instances where immediate action is deemed necessary for public safety or the public interest, the Village Administrator may require that work be stopped upon verbal order pending issuance of the written order.

(d) The imposition of any other penalties provided herein shall not preclude the Village of Sheffield 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 regulation or other applicable laws, or ordinances, rules or regulations or the orders of the Village Administrator.
(Ord. 2413. Passed 7-22-13.)

TITLE FIVE - Other Public Services

- Chap. 959. Garbage and Rubbish Collection and Disposal.
 Chap. 961. Cemeteries.
 Chap. 963. Village Parks.
 Chap. 965. Alarm Systems.

CHAPTER 959
Garbage and Rubbish Collection and Disposal

EDITOR'S NOTE: The Village contracts periodically for the services of a garbage and rubbish collector. Copies of the latest relevant legislation may be obtained, at cost, from the Clerk-Treasurer.

959.01 Curb lawn recycling property.

959.99 Penalty.

CROSS REFERENCES

Collection and disposal of garbage - see Ohio R.C. 715.43, 717.01
 Employment of scavengers - see Ohio R.C. 3707.39
 Vehicle loads dropping or leaking - see TRAF. 339.08
 Littering and deposit of garbage and rubbish - see GEN. OFF. 521.08
 Transport and disposal of nonresident rubbish - see GEN. OFF. 521.13
 Garbage and refuse haulers - see BUS. REG. Ch. 723

959.01 CURB LAWN RECYCLING PROPERTY.

All refuse and other matter which has been placed on any curb lawn for recycling purposes shall be the property of the Village and no person not authorized to do so shall knowingly separate and collect, carry off or dispose of the same. "Refuse and other matter," as used in this section, shall not include chemicals, explosives or any hazardous material that, pursuant to local, State or Federal law, requires for its possession or disposal any license or permit.
 (Ord. 1474. Passed 6-24-96.)

959.99 PENALTY.

Whoever violates any of the provisions of Section 959.01 is guilty of petty theft, a misdemeanor of the first degree, and shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than six months, or both, for each offense.
 (Ord. 1474. Passed 6-24-96.)

CHAPTER 961
Cemeteries

961.01 Management; Building and Lands Committee. 961.02 Committee as final authority. 961.03 Burial fees. 961.04 Purchase of lots. 961.05 Lot prices in Garfield Cemetery; plan of sale. 961.06 Records. 961.07 Consent of Superintendent required for lot sales.	961.08 Planting of shrubs and trees. 961.09 Curbing of lots. 961.10 Monuments and stones. 961.11 Erection of headstones; permit required. 961.12 Removal of unauthorized containers and decorations. 961.99 Penalty.
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CROSS REFERENCES

Burials may be prohibited - see Ohio R.C. 759.05
Management and control - see Ohio R.C. 759.20
Union cemeteries - see Ohio R.C. 759.27 et seq.
Burial permits - see Ohio R.C. 3705.24 et seq.
Burial of indigent persons - see Ohio R.C. 5101.521
Superintendent - see ADM. Ch. 141

961.01 MANAGEMENT; BUILDING AND LANDS COMMITTEE.

The management, operation and control of Municipal cemeteries shall be vested in Council and for the purpose of having charge thereof shall be under the control of the Building and Lands Committee. (Ord. 2237. Passed 3-22-10.)

961.02 COMMITTEE AS FINAL AUTHORITY.

Any contingency or question arising in connection with the conduct and management of Municipal cemeteries and not specifically covered in this chapter shall at all times be submitted to and decided by the Building and Lands Committee. (Ord. 2237. Passed 3-22-10.)

961.03 BURIAL FEES.

The charges for opening and closing any and all graves in the Village shall be as follows:

- (a) For a two foot by four foot (2 x 4) grave or smaller- \$600.00.
- (b) For a standard four foot by eight foot (4 x 8) grave - \$600.00.
- (c) For a grave larger than the standard vault size, an additional fifty dollars (\$50.00) shall be charged.
- (d) For disinterment or exhumation, two hundred dollars (\$200.00).
- (e) Cremation burial, Two Hundred Dollars (\$200.00).
- (f) For burial on a Saturday, an additional three hundred fifty dollars (\$350.00) shall be charged.
- (g) For burial on a Sunday or holiday, an additional five hundred dollars (\$500.00) shall be charged. (Ord. 2237. Passed 3-22-10.)

961.04 PURCHASE OF LOTS.

Any person desiring to purchase a lot in a Municipal cemetery shall apply therefore to the Cemetery Superintendent. After a selection and payment therefore are made, a deed shall be delivered to the purchaser by the Superintendent. (Ord. 2237. Passed 3-22-10.)

961.05 LOT PRICES IN GARFIELD CEMETERY; PLAN OF SALE.

Lots in Garfield Cemetery shall be sold according to the following schedule of prices:

- (a) Village residents - \$600.00 each.
- (b) Non-residents - \$700.00 each.

(Ord. 2237. Passed 3-22-10.)

961.06 RECORDS.

The Cemetery Superintendent shall keep at the Village Hall all cemetery records and shall conform to all State Laws and Village Ordinances relating thereto.

(Ord. 2237. Passed 3-22-10.)

961.07 CONSENT OF SUPERINTENDENT REQUIRED FOR LOT SALES.

(a) No lot shall be sold or transferred by the owner thereof without the consent of the Cemetery Superintendent. No sale or transfer shall be completed or effective without endorsement thereof on the deed of such lot in the book of records.

(b) There shall be a ten dollar (\$10.00) fee charged for changing and transferring the title of a lot.

(c) If a purchaser desires to resell a lot to the Village, the Village shall pay one-half of the purchase price paid by the seller, or the original price of the lot, whichever is lower.

(Ord. 2237. Passed 3-22-10.)

961.08 PLANTING OF SHRUBS AND TREES.

For the purpose of preserving the beauty and uniformity of Municipal cemeteries, no shrubs, trees or other permanent plantings shall be placed on lots except by the direction and under the supervision of the Cemetery Superintendent. (Ord. 2237. Passed 3-22-10.)

961.09 CURBING OF LOTS.

No curbing of lots shall be permitted in Municipal cemetery.

(Ord. 2237. Passed 3-22-10.)

961.10 MONUMENTS AND STONES.

No monuments or other stones or markers shall be erected in a Municipal cemetery except under the direction of the Cemetery Superintendent who shall prescribe the dimensions and grades for the bases of the same. There shall be a One Hundred Fifty Dollar (\$150.00) fee to be paid to the Village for the Village to install floating footers under any monuments erected in any Village cemetery. The footer must extend two inches (2") out around the edge of the entire base of the monument and be a minimum of six inches (6") in thickness.
(Ord. 2237. Passed 3-22-10.)

961.11 ERECTION OF HEADSTONES; PERMIT REQUIRED.

No headstone or monument shall be erected or placed in a Municipal cemetery until the quality, size and design thereof have been first submitted to and approved by the Cemetery Superintendent and until a permit therefore has been obtained from the Superintendent for the erection of the same. (Ord. 2237. Passed 3-22-10.)

961.12 REMOVAL OF UNAUTHORIZED CONTAINERS AND DECORATIONS.

The Cemetery Superintendent is hereby authorized to remove from Municipal cemeteries any containers or decorations on standards, headstones, monuments, markers, shrubs, trees or other permanent plantings erected in violation of any of the provisions of this Chapter.
(Ord. 2237. Passed 3-22-10.)

961.99 PENALTY.

Whoever violates any of the provisions of this Chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(Ord. 2237. Passed 3-22-10.)

CHAPTER 963
Village Parks

963.01	Prohibited areas for vehicles and animals.	963.99	Penalty.
963.02	Permitted horseback riding areas.		

CROSS REFERENCES

Parks and recreation - see Ohio R.C. Ch. 755
Vandalism - see GEN. OFF. 541.04
Trespass - see GEN. OFF. 541.05

963.01 PROHIBITED AREAS FOR VEHICLES AND ANIMALS.

No person shall ride a horse or other animal or operate an automobile, motorcycle, motorized bicycle or any other vehicle, nor shall any person permit any of the above to be led or driven, in the Village Parks as follows:

- (a) On the baseball diamond;
- (b) On any part of the Park land which is on the same level as the baseball diamond, excluding therefrom the parking lot; and
- (c) In any picnic area. (Ord. 557. Passed 6-8-70.)

963.02 PERMITTED HORSEBACK RIDING AREAS.

The riding of horses shall be permitted in the Village Parks, in areas other than those referred to in Section 963.01, so long as the horse does not traverse the baseball diamond or the part of the Park which is on the same level as the baseball diamond.
(Ord. 557. Passed 6-8-70.)

963.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 965
Alarm Systems

965.01 Response to alarms; false alarms.

CROSS REFERENCES

Theft alarms - see TRAF. 337.19
Inducing panic - see GEN. OFF. 509.06
Making false alarms - see GEN. OFF. 509.07

965.01 RESPONSE TO ALARMS; FALSE ALARMS.

(a) The Village will respond to proper notification of the activation of an alarm system without charge for the response to an alarm in which there is reasonable grounds to believe that the cause of the activation of the alarm was an emergency of the type for which the alarm system is designed.

(b) For responses to a false alarm, that is, an alarm for which there is not reasonable grounds to believe that the cause of activation was an emergency for which the alarm system was designed, there shall be no charge for the first incident within a calendar year, a charge of twenty-five dollars (\$25.00) each for the second through the fifth incidents, fifty dollars (\$50.00) each for the sixth through the tenth incidents, and one hundred dollars (\$100.00) for the eleventh and each succeeding incident within a calendar year. There shall be an additional fine charged to the owner or occupant who fails to shut the alarm off within one hour of the alarm sounding. The additional fine shall be twenty-five dollars (\$25.00) per hour for every hour over the first hour.

(c) For a fire alarm, the Fire Chief or his or her designated representative shall determine if a service call shall be charged.

(d) For any other alarm, the Police Chief or his or her designated representative shall determine if a service call shall be charged.
(Ord. 1219. Passed 10-12-92.)