

944.10 REMEDIES NOT EXCLUSIVE.

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Document type	section
Identifier	944.10
Citation	§ 944.10
Ordinances detected	S, 116-84, 14-13, ER
Dates detected	January 1, 2007
Original source	American Legal Publishing
Content hash	ae85f16f9a99d5f272b8b0d51f678bae6c4a2b0ff7bcc840fa01ac91f274b80f

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CHAPTER 944 Illicit Discharge and Illegal Connection Control

944.07 DISCHARGE AND CONNECTION PROHIBITIONS.

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

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

to the MS4.

(2) Discharges specified in writing by the City of Sheffield Lake as being necessary to protect public health and safety.

(3) Discharges from off-lot discharging household sewage treatment systems existing prior to January 1, 2007 and permitted by the Lorain Board of Health for the purpose of discharging treated sewage effluent in accordance with Ohio Administrative Code 3701-29, or other applicable Lorain County Board of Health regulations, until such time as the Ohio Environmental Protection Agency issues an NPDES permitting mechanism for household sewage treatment systems existing prior to January 1, 2007. These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by the Lorain County Board of Health. Discharges from new or replacement off-lot household sewage treatment systems installed after January 1, 2007 are not exempt from the requirements of this regulation. In compliance with the City of Sheffield Lake Storm Water Management Program, discharges from all off-lot discharging household sewage treatment systems must either be eliminated or have coverage under an appropriate NPDES permit issued and approved by the Ohio Environmental Protection Agency. When such permit coverage is available for systems existing prior to January 1, 2007, discharges from off-lot discharging household sewage treatment systems existing prior to January 1, 2007 will no longer be exempt from the requirements of this regulation.

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

(1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(2) A person is considered to be in violation of this regulation if the person connects a line conveying illicit discharges to the MS4, or allows such a connection to continue.

(Ord. 14-13. Passed 4-23-13.)

944.08 MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS.

(a) Establishment of an Illicit Discharge and Illegal Connection Monitoring Program: The City of Sheffield Lake shall establish a program to detect and eliminate illicit discharges and illegal connections to the MS4. This program shall include the mapping of the MS4, including MS4 outfalls and household sewage treatment systems; the routine inspection of storm water outfalls to the MS4, and the systematic investigation of potential residential, commercial, industrial, and institutional facilities for the sources of any dry weather flows found as the result of these inspections.

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

(1) The City of Sheffield Lake shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.

(2) The City of Sheffield Lake shall have the right to set up at facilities subject to this regulation such devices as are necessary to conduct monitoring and/or sampling of the facility's storm water discharge, as determined by the City of Sheffield Lake.

(3) The City of Sheffield Lake shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operator's expense. All devices used to measure storm water flow and quality shall be calibrated by the City of Sheffield Lake to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and reasonable access to the facility to

be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or oral request of the City of Sheffield Lake and shall not be replaced. The costs of clearing such access shall be borne by the facility owner/operator.

(5) Unreasonable delays in allowing the City of Sheffield Lake access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.

(6) If the City of Sheffield Lake is refused access to any part of the facility from which storm water is discharged, and the City of Sheffield Lake demonstrates probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety, and welfare, the City of Sheffield Lake may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court of appropriate jurisdiction.

(7) Any costs associated with these inspections shall be assessed to the facility owner/operator. (Ord. 14-13. Passed 4-23-13.)

944.09 ENFORCEMENT.

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

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

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

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

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

(e) Injunctive Relief: It shall be unlawful for any owner/operator to violate any provision or fail to comply with any of the requirements of this regulation pursuant to O.R.C. 3709.211. If a owner/operator has violated or continues to violate the provisions of this regulation, the City of Sheffield Lake may petition for a preliminary or permanent injunction restraining the owner/operator from activities that would create further violations or compelling the owner/operator to perform abatement or remediation of the violation.

(Ord. 14-13. Passed 4-23-13.)

944.10 REMEDIES NOT EXCLUSIVE.

The remedies listed in this regulation are not exclusive of any other remedies available under any

applicable federal, state or local law and it is in the discretion of the City of Sheffield Lake to seek cumulative remedies.

Ord. 14-13. Passed 4-23-13.)

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 - ORDINANCES OF SHEFFIELD LAKE
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 - Ord. 14-13
 - order issued hereunder, or to protect the public health, safety, and welfare, the City of Sheffield Lake may seek issuance of a search warrant, civil remedies including but not limited to
 - order compliance by written Notice of Violation
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Created 2026-07-18 21:28:38 UTC by MunicipalWiki Indexer

Updated 2026-07-18 21:28:38 UTC by MunicipalWiki Indexer