

945.03 DISCLAIMER OF LIABILITY.

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- Skip to main content
- Search
- Sitemap
- Login
- Select Language
- Resources
- Skip to code content (skip section selection)
- 2025-04 (current)
- Sheffield Lake Overview
- Codified Ordinances of Sheffield Lake, OH
- CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- CERTIFICATION
- ROSTER OF OFFICIALS
- ADOPTING ORDINANCE NO. 116-84
- COMPARATIVE SECTION TABLE
- TABLES OF SPECIAL ORDINANCES OF SHEFFIELD LAKE
- CHARTER

PART ONE - ADMINISTRATIVE CODE

PART THREE - TRAFFIC CODE

PART FIVE - GENERAL OFFENSES CODE

PART SEVEN - BUSINESS REGULATION CODE

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE ONE - Street and Sidewalk Areas

TITLE THREE - Public Utilities

CHAPTER 931 Sewers

CHAPTER 935 Water

CHAPTER 939 Notice to Purchasers of Status of Utility Accounts

CHAPTER 943 Stormwater

CHAPTER 944 Illicit Discharge and Illegal Connection Control

CHAPTER 945 Construction Site Runoff Control

945.01 PURPOSE AND SCOPE.

945.02 DEFINITIONS.

945.03 DISCLAIMER OF LIABILITY.

945.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

945.05 DEVELOPMENT OF STORM WATER POLLUTION PREVENTION PLANS.

945.06 APPLICATION PROCEDURES.

945.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

945.08 STORM WATER POLLUTION PREVENTION PLAN.

945.09 PERFORMANCE STANDARDS.

945.10 ABBREVIATED STORM WATER POLLUTION PREVENTION PLAN.

945.11 FEES.

945.12 BOND.

945.13 ENFORCEMENT.

945.14 VIOLATIONS.

945.15 APPEALS.

945.99 PENALTY.

CHAPTER 946 Post-Construction Storm Water Management

TITLE FIVE - Other Public Services

PART ELEVEN - PLANNING AND ZONING CODE

PART THIRTEEN - BUILDING CODE

PART FIFTEEN - FIRE PREVENTION CODE

OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

945.03 DISCLAIMER OF LIABILITY.

CHAPTER 945 Construction Site Runoff Control

945.02 DEFINITIONS.

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

(a) ABBREVIATED STORM WATER 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.

(b) ACRE: A measurement of area equaling 43,560 square feet.

(c) BEST MANAGEMENT PRACTICES (BMPs): 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.

(d) **COMMUNITY:** Throughout this regulation, this shall refer to the City of Sheffield Lake, its designated representatives, boards, or commissions.

(e) **CONSTRUCTION ENTRANCE:** The permitted points of ingress and egress to development areas regulated under this regulation.

(f) **DEVELOPMENT AREA:** A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.

(g) **DISTURBED AREA:** An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.

(h) **DRAINAGE:** (1) The area of land contributing surface water to a specific point. (2) The removal of excess surface water or groundwater from land by surface or subsurface drains.

(i) **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.

(j) **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.

(k) **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% cover for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed.

(l) **LANDSCAPE ARCHITECT:** A Professional Landscape Architect registered in the State of Ohio.

(m) **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.

(n) **MAXIMUM EXTENT PRACTICABLE:** The level of pollutant reduction that site owners of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, must meet.

(o) **NPDES:** National Pollutant Discharge Elimination System. A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.

(p) **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.

(q) **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.

(r) **PHASING:** Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.

(s) **PROFESSIONAL ENGINEER:** A Professional Engineer registered in the State of Ohio.

(t) **QUALIFIED INSPECTION PERSONNEL:** A person knowledgeable in the principles and practice

of erosion and sediment controls, who possess 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.

(u) **RAINWATER AND LAND DEVELOPMENT:** Ohio's standards for storm water management, land development, and urban stream protection. The most current edition of these standards shall be used with this regulation.

(v) **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.

(w) **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.

(x) **SEDIMENTATION:** The deposition or settling of sediment.

(y) **SETBACK:** A designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. Soil disturbing activities in this area are restricted by this regulation.

(z) **SOIL DISTURBING ACTIVITY:** Clearing, grubbing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.

(aa) **SOIL AND WATER CONSERVATION DISTRICT:** An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as Lorain County SWCD.

(bb) **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.

(cc) **STORM WATER POLLUTION PREVENTION PLAN (SWP3):** The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.

(dd) **SURFACE WATERS OF THE STATE:** All streams, lakes, reservoirs, 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.

(ee) **UNSTABLE SOILS:** A portion of land that is identified by the City of Sheffield Lake 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.

(ff) **WATER RESOURCE:** Any public or private body of water including lakes and ponds, as well as any brook, channel, creek, river, or stream having banks, a defined bed, and a definite direction of flow, either continuously or intermittently flowing.

(gg) **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. 24-11. Passed 5-24-11.)

945.03 DISCLAIMER OF LIABILITY.

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

(Ord. 24-11. Passed 5-24-11.)

945.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions shall prevail.

(b) If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.

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

(d) Failure of the City of Sheffield Lake to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City of Sheffield Lake, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

(Ord. 24-11. Passed 5-24-11.)

945.05 DEVELOPMENT OF STORM WATER POLLUTION PREVENTION PLANS.

(a) This regulation requires that a Storm Water Pollution Prevention Plan be developed and implemented for all parcels of one (1) acre or more and on which any regulated activity of Section 945.01(c) is proposed.

(b) The following activities shall submit an Abbreviated Storm Water Pollution Prevention Plan:

(1) New single-family residential construction regardless of parcel size. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, an Ohio EPA Construction Site General Permit and a Storm Water Pollution Prevention Plan may be required.

(2) Additions or accessory buildings for single-family residential construction regardless of parcel size. If such activities disturb one (1) acre or more, an Ohio EPA Construction Site General Permit and a Storm Water Pollution Prevention Plan may be required.

(3) All non-residential construction on parcels of less than one (1) acre.

(4) General clearing activities not related to construction and regardless of parcel size. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, an Ohio EPA Construction Site General Permit and a Storm Water Pollution Prevention Plan may be required.

(c) Activities disturbing 1/10th (one tenth) or less of an acre are not required to submit a Storm Water Pollution Prevention Plan or an Abbreviated Storm Water Pollution Prevention Plan, unless required by the City of Sheffield Lake Engineer. These activities must comply with all other provisions of this regulation.

(Ord. 24-11. Passed 5-24-11.)

945.06 APPLICATION PROCEDURES.

(a) Soil Disturbing Activities Submitting a Storm Water Pollution Prevention Plan: The applicant shall submit two (2) sets of the SWP3 and the applicable fees to the City of Sheffield Lake and two (2) sets of the SWP3 and the applicable fees to the Lorain County SWCD as follows:

(1) For subdivisions: After the approval of the preliminary plans and with submittal of the improvement plans.

(2) For other construction projects: Before issuance of a zoning permit by the Zoning Board.

(3) For general clearing projects: Prior to issuance of a zoning permit by the Zoning Board.

(b) Soil Disturbing Activities Submitting an Abbreviated Storm Water Pollution Prevention Plan: The applicant shall submit two (2) sets of the Abbreviated SWP3 to the City of Sheffield Lake and two (2) sets of the Abbreviated SWP3 to Lorain County SWCD as follows:

(1) For single family home construction: Before issuance of a zoning permit by the Zoning Board.

(2) For other construction projects: Before issuance of a zoning permit by the Zoning Board.

(3) For general clearing projects: Prior to issuance of a zoning permit by Zoning Board.

(c) The City of Sheffield Lake and Lorain County SWCD shall review the plans submitted under 945.06(a) or (b) for conformance with this regulation and approve, or return for revisions with comments and recommendations for revisions. A plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised plan.

(d) Soil disturbing activities shall not begin and zoning permits shall not be issued without an approved SWP3 or Abbreviated SWP3.

(e) SWP3 for individual sublots in a subdivision will not be approved unless the larger common plan of development or sale containing the subplot is in compliance with this regulation.

(f) Approvals issued in accordance with this regulation shall remain valid for one (1) year from the date of approval.

(Ord. 24-11. Passed 5-24-11.)

945.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

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

(a) Ohio EPA NPDES Permits Authorizing Storm Water Discharges Associated with Construction Activity or the Most Current Version Thereof: Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI) number from the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.

(b) Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, or project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the clean Water Act is not applicable. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

(c) Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application tracking number, public notice, or project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands Permit is not applicable. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application under this regulation.

(d) Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, public notice, or project approval, if an Individual Permit is required for the development project. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:

(1) A letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 404 of the Clean Water Act is not applicable.

(2) A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.

(e) Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Water permit application tracking number, a copy of the project approval letter from the ODNR Division of Water, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable.

(Ord. 24-11. Passed 5-24-11.)

945.08 STORM WATER POLLUTION PREVENTION PLAN.

(a) In order to control sediment pollution of water resources and wetlands, the applicant shall submit a SWP3 in accordance with the requirements of this regulation.

(b) The SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect.

(c) The SWP3 shall incorporate measures as recommended by the most current edition of Rainwater and Land Development as published by the Ohio Department of Natural Resources and shall include the following information:

(1) Site description: The SWP3 shall provide:

A. A description of the nature and type of the construction activity (e.g. residential, shopping mall, highway, etc.).

B. Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavation, filling or grading, including off-site borrow areas).

C. An estimate of the impervious area and percent of imperviousness created by the soil-disturbing activity.

D. Existing data describing the soil and, if available, the quality of any known pollutant discharge from the site such as that which may result from previous contamination caused by prior land uses.

E. A description of prior land uses at the site.

F. An implementation schedule which describes the sequence of major soil-disturbing operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion and sediment controls to be employed during each operation of the sequence.

G. The location and name of the immediate receiving stream or surface water(s) and the first subsequent receiving water(s).

H. The aerial (plan view) extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project.

I. For subdivided developments where the SWP3 does not call for a centralized sediment control capable of controlling multiple individual lots, a detail drawing of a typical individual lot showing standard individual lot erosion and sediment control practices.

J. Location and description of any storm water discharges associated with dedicated asphalt and dedicated concrete plants associated with the development area and the best management practices to address pollutants in these storm water discharges.

K. Site map showing:

1. Limits of soil-disturbing activity of the site, including off site spoil and borrow areas.

2. Soils types should be depicted for all areas of the site, including locations of unstable or

highly erodible soils.

3. Existing and proposed one-foot (1') contours. This must include a delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed in acres.

4. Surface water locations including springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the applicant intends to fill or relocate for which the applicant is seeking approval from the Army Corps of Engineers and/or Ohio EPA.

5. Existing and planned locations of buildings, roads, parking facilities, and utilities.

6. The location of all erosion and sediment control practices, including the location of areas likely to require temporary stabilization during the course of site development.

7. Sediment ponds, including their sediment settling volume and contributing drainage area.

8. Areas designated for the storage or disposal of solid, sanitary and toxic wastes, including Dumpster areas, areas designated for cement truck washout, and vehicle fueling.

9. The location of designated stoned construction entrances where the vehicles will ingress and egress the construction site.

10. The location of any in-stream activities including stream crossings.

(2) A soils engineering report. The City of Sheffield Lake Engineer may require the SWP3 to include a Soils Engineering Report based upon his/her determination that the conditions of the soils are unknown or unclear to the extent that additional information is required to protect against erosion or other hazards. This report shall be based on adequate and necessary test borings, and shall contain all the information listed below. Recommendations included in the report and approved by the City of Sheffield Lake Engineer shall be incorporated in the grading plans and/or other specifications for site development.

A. Data regarding the nature, distribution, strength, and erodibility of existing soils.

B. If applicable, data regarding the nature, distribution, strength, and erodibility of the soil to be placed on the site.

C. Conclusions and recommendations for grading procedures.

D. Conclusions and recommended designs for interim soil stabilization devices and measures, and for permanent soil stabilization after construction is completed.

E. Design criteria for corrective measures when necessary.

F. Opinions and recommendations covering the stability of the site.

(Ord. 24-11. Passed 5-24-11.)

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Detected legislative history

- Ordinances of Sheffield Lake, OH
- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- effectiveness of any sediment and erosion control
- amended)
- Ord. 24-11
- ordinance, the most restrictive provisions shall prevail
- ordinance with this regulation shall remain valid for one (1) year from the date of approval
- ordinance with this regulation do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the US Army Corps of Engineer
- order to control sediment pollution of water resources and wetlands, the applicant shall submit a SWP3 in accordance with the requirements of this regulation
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