

946.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

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CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO

CERTIFICATION

ROSTER OF OFFICIALS

ADOPTING ORDINANCE NO. 116-84

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OH

Sheffield Lake

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CHAPTER 946 Post-Construction Storm Water Management

946.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the Service Director, 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 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. 25-11. Passed 5-24-11.)

946.05 DEVELOPMENT OF COMPREHENSIVE STORM WATER MANAGEMENT PLANS.

(a) This regulation requires that a Comprehensive Storm Water Management Plan be developed and implemented for soil disturbing activities disturbing one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one (1) or more acres of total land, and on which any regulated activity of Section 946.01(C) is proposed.

(b) The City of Sheffield Lake shall administer this regulation, shall be responsible for determination of compliance with this regulation, and shall issue notices and orders as may be necessary. The City of Sheffield Lake may consult with the Lorain County SWCD, private engineers, storm water districts, or other technical experts in reviewing the Comprehensive Storm Water Management Plan.

(Ord. 25-11. Passed 5-24-11.)

946.06 APPLICATION PROCEDURES.

(a) Pre-Application Meeting: The applicant shall attend a Pre-Application Meeting with the Service Director to discuss the proposed project, review the requirements of this regulation, identify unique aspects of the project that must be addressed during the review process, and establish a preliminary review and approval schedule.

(b) Preliminary Comprehensive Storm Water Management Plan: The applicant shall submit two (2) sets of Preliminary Comprehensive Storm Water Management Plan (Preliminary Plan) and the applicable fees to the Service Director. The Preliminary Plan shall show the proposed property boundaries, setbacks, dedicated open space, public roads, water resources, storm water control facilities, and easements in sufficient detail and engineering analysis to allow the Service Director to determine if the site is laid out in a manner that meets the intent of this regulation and if the proposed storm water management practices are capable of controlling runoff from the site in compliance with this regulation. The applicant shall submit two (2) sets of the Preliminary Plan and applicable fees as follows:

(1) For subdivision: In conjunction with the submission of the preliminary subdivision plan.

(2) For other construction projects: In conjunction with the application for a zoning permit.

(3) For general clearing projects: In conjunction with the application for a zoning permit.

(c) Final Comprehensive Storm Water Management Plan: The applicant shall submit two (2) sets

of a Final Comprehensive Storm Water Management Plan (Final Plan) and the applicable fees to the Service Director in conjunction with the submittal of the final plat, improvement plans, or application for a building or zoning permit for the site. The Final Plan shall meet the requirements of Section 946.08 and shall be approved by the Service Director prior to approval of the final plat and/or before issuance of a zoning permit or building permit.

(d) Review and Comment: The Service Director shall review the Preliminary and Final Plans submitted, and shall approve or return for revisions with comments and recommendations for revisions. A Preliminary or Final Plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised Preliminary or Final Plan.

(e) Approval Necessary: Land clearing and soil-disturbing activities shall not begin and zoning and/or building permits shall not be issued without an approved Comprehensive Storm Water Management Plan.

(f) Valid for Two Years: Approvals issued in accordance with this regulation shall remain valid for two (2) years from the date of approval.

(Ord. 25-11. Passed 5-24-11.)

946.07 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 other federal, state, and/or county agencies. If requirements vary, the most restrictive shall prevail. These permits may include, but are not limited to, those listed below. Applicants are required to show proof of compliance with these regulations before the City of Sheffield Lake will issue a building or zoning permit.

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

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

waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of 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. 25-11. Passed 5-24-11.)

946.08 COMPREHENSIVE STORM WATER MANAGEMENT PLANS.

(a) Comprehensive Storm Water Management Plan Required: The applicant shall develop a Comprehensive Storm Water Management Plan describing how the quantity and quality of storm water will be managed after construction is complete for every discharge from the site and/or into a water resource. The Plan will illustrate the type, location, and dimensions of every structural and non-structural storm water management practice incorporated into the site design, and the rationale for their selection. The rationale must address how these storm water management practices will address flooding within the site as well as flooding that may be caused by the development upstream and downstream of the site. The rationale will also describe how the storm water management practices minimize impacts to the physical, chemical, and biological characteristics of on-site and downstream water resources and, if necessary, correct current degradation of water resources that is occurring or take measures to prevent predictable degradation of water resources.

(b) Preparation by Professional Engineer: The Comprehensive Storm Water Management Plan shall be prepared by a registered professional engineer and include supporting calculations, plan sheets, and design details.

(c) Community Procedures: The Service Director shall prepare and maintain procedures providing specific criteria and guidance to be followed when designing the storm water management system for the site. These procedures may be updated from time to time, at the discretion of the Service Director based on improvements in engineering, science, monitoring, and local maintenance experience. The Service Director shall make the final determination of whether the practices proposed in the Comprehensive Storm Water Management Plan meet the requirements of this regulation. The Service Director may also maintain a list of acceptable Best Management Practices that meet the criteria of this regulation to be used in the City of Sheffield Lake.

(d) Contents of Comprehensive Storm Water Management Plan: The Comprehensive Storm Water Management Plan shall contain an application, narrative report, construction site plan sheets, a long-term Inspection and Maintenance Agreement, and a site description with the following information provided:

(1) Site description:

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 area).

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

D. An estimate of the impervious area and percent of imperviousness created by the soil-disturbing activity at the beginning and at the conclusion of the project.

E. Existing data describing the soils throughout the site, including the soil series and

association, hydrologic soil group, porosity, infiltration characteristics, depth to groundwater, depth to bedrock, and any impermeable layers.

F. 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.

G. The location and name of the immediate water resource(s) and the first subsequent water resource(s).

H. The aerial (plan view) extent and description of water resources at or near the site that will be disturbed or will receive discharges from the project.

I. Describe the current condition of water resources including the vertical stability of stream channels and indications of channel incision that may be responsible for current or future sources of high sediment loading or loss of channel stability.

(2) Site map showing:

A. Limits of soil-disturbing activity on the site.

B. Soils types for the entire site, including locations of unstable or highly erodible soils.

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

D. Water resource locations including springs, wetlands, streams, lakes, water wells, and associated setbacks on or within 200 feet of the site, including the boundaries of wetlands or streams 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.

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

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

(3) Contact information: Company name and contact information as well as contact name addresses, and phone numbers for the following:

A. The Professional Engineer who prepared the Comprehensive Storm Water Management Plan.

B. The site owner.

(4) Phase, if applicable, of the overall development plan.

(5) List of subplot numbers if project is a subdivision.

(6) Ohio EPA NPDES Permit Number and other applicable state and federal permit numbers, if available, or status of various permitting requirements if final approvals have not been received.

(7) Location, including complete site address and subplot number if applicable.

(8) Location of any easements or other restrictions placed on the use of the property.

(9) A site plan sheet showing:

A. The location of each proposed post-construction storm water management practice.

B. The geographic coordinates of the site AND each proposed practice in North American Datum Ohio State Plan North.

It is preferred that the entire site be shown on one plan sheet to allow a complete view of the site during plan review. If a smaller scale is used to accomplish this, separate sheets providing an enlarged view of areas on individual sheets should also be provided.

(10) An Inspection and Maintenance Agreement. The Inspection and Maintenance Agreement required for storm water management practices under this regulation shall be a stand alone document between the City of Sheffield Lake and the applicant and shall contain the following information and provisions:

A. The location of each storm water management practice, including those practices

permitted to be located in, or within 50 feet of, water resources, and identification of the drainage area served by each storm water management practice.

B. A schedule for regular maintenance for each aspect of the storm water management system and description of routine and non-routine maintenance tasks to ensure continued performance of the system as is detailed in the approved Comprehensive Storm Water Management Plan. This schedule may include additional standards, as required by the City of Sheffield Lake's Engineer, to ensure continued performance of storm water management practices permitted to be located in, or within 50 feet of, water resources.

C. The location and documentation of all access and maintenance easements on the property.

D. Identification of the landowner(s), organization, or municipality responsible for long-term maintenance, including repairs, of the storm water management practices.

E. The landowner(s), organization, or municipality shall maintain storm water management practices in accordance with this regulation.

F. The City of Sheffield Lake has the authority to enter upon the property to conduct inspections as necessary to verify that the storm water management practices are being maintained and operated in accordance with this regulation.

G. The City of Sheffield Lake shall maintain public records of the results of site inspections, shall inform the landowner(s), organization, or municipality responsible for maintenance of the inspection results, and shall specifically indicate any corrective actions required to bring the storm water practices into proper working condition.

H. If the City of Sheffield Lake notifies the landowner(s), organization, or municipality responsible for maintenance of the maintenance problems that require correction, the specific corrective actions shall be taken within a reasonable time frame as determined by the City of Sheffield Lake.

I. The City of Sheffield Lake is authorized to enter upon the property and to perform the corrective actions identified in the inspection report if the landowner(s), organization, or municipality responsible for maintenance does not make the required corrections in the specified time period. The City of Sheffield Lake shall be reimbursed by the landowner(s), organization, or municipality responsible for maintenance for all expenses incurred within 10 days of receipt of invoice from the City of Sheffield Lake.

J. The method of funding long-term maintenance and inspections of all storm water management practices.

K. A release of the City of Sheffield Lake from all damages, accidents, casualties, occurrences, or claims that might arise or be asserted against the City of Sheffield Lake from the construction, presence, existence, or maintenance of the storm water management practices.

Alteration or termination of these stipulations is prohibited. The applicant must provide a draft of this Inspection and Maintenance Agreement as part of the Comprehensive Storm Water Management Plan submittal. Once a draft is approved, a recorded copy of the Agreement must be submitted to the City of Sheffield Lake to receive final inspection approval of the site.

(11) Calculations required: The applicant shall submit calculations for projected storm water runoff flows, volumes, and timing into and through all storm water management practices for flood control, channel protection, water quality, and the condition of the habitat, stability, and incision of each water resource and its floodplain, as required in Section 946.09 of this regulation. These submittals shall be completed for both pre- and post-development land use conditions and shall include the underlying assumptions and hydrologic and hydraulic methods and parameters used

for these calculations. The applicant shall also include critical storm determination and demonstrate that the runoff from upper watershed areas have been considered in the calculations.

(12) List of all contractors and subcontractors before construction: Prior to construction or before the pre-construction meeting, provide the list of all contractors and subcontractors names, addresses, and phone involved with the implementation of the Comprehensive Storm Water Management Plan including a written document containing signatures of all parties as proof of acknowledgement that they have reviewed and understand the requirements and responsibilities of the Comprehensive Storm Water Management Plan.

(13) Existing and proposed drainage patterns: The location and description of existing and proposed drainage patterns and storm water management practices, including any related storm water management practices beyond the development area and the larger common development area.

(14) For each storm water management practice to be employed on the development area, include the following:

A. Location and size, including detail drawings, maintenance requirements during and after construction, and design calculations, all where applicable.

B. Final site conditions including storm water inlets and permanent nonstructural and structural storm water management practices. Details of storm water management practices shall be drawn to scale and shall show volumes and sizes of contributing drainage areas.

C. Any other structural and/or non-structural storm water management practices necessary to meet the design criteria in this regulation and any supplemental information requested by the Service Director. (Ord. 25-11. Passed 5-24-11.)

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