

946.15 BOND.

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CHAPTER 946 Post-Construction Storm Water Management

946.11 EASEMENTS.

(a) Easements shall be included in the Inspection and Maintenance Agreement submitted with the Comprehensive Storm Water Management Plan.

(b) Easements shall be approved by the City of Sheffield Lake prior to approval of a final plat and shall be recorded with the Lorain County Auditor and on all property deeds.

(c) Unless otherwise required by the Sheffield Lake Engineer, access easements between a public right-of-way and all storm water management practices shall be no less than 25-feet wide. The easement shall also incorporate the entire practice plus an additional 25-foot wide band around the perimeter of the storm water management practice.

(d) The easement shall be graded and/or stabilized as necessary to allow maintenance equipment to access and manipulate around and within each facility, as defined in the Inspection

and Maintenance Agreement for the site.

(e) Easements to structural storm water management practices shall be restricted against the construction therein of buildings, fences, walls, and other structures that may obstruct the free flow of storm water and the passage of inspectors and maintenance equipment; and against the changing of final grade from that described by the final grading plan approved by the City of Sheffield Lake. Any re-grading and/or obstruction placed within a maintenance easement may be removed by the City of Sheffield Lake at the property owners' expense.

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

946.12 MAINTENANCE AND FINAL INSPECTION APPROVAL.

To receive final inspection and acceptance of any project, or portion thereof, the following must be completed and provided to the Sheffield Lake Engineer:

(a) Final stabilization must be achieved and all permanent storm water management practices must be installed and made functional, as determined by the Sheffield Lake Engineer and per the approved Comprehensive Storm Water Management Plan.

(b) An As-Built Certification, including a Survey and Inspection, must be sealed, signed and dated by a Professional Engineer and a Professional Surveyor with a statement certifying that the storm water management practices, as designed and installed, meet the requirements of the Comprehensive Storm Water Management Plan approved by the Sheffield Lake Engineer. In evaluating this certification, the Sheffield Lake Engineer may require the submission of a new set of storm water practice calculations if he/she determines that the design was altered significantly from the approved Comprehensive Storm Water Management Plan. The As-Built Survey must provide the location, dimensions, and bearing of such practices and include the entity responsible for long-term maintenance as detailed in the Inspection and Maintenance Agreement.

(c) A copy of the complete and recorded Inspection and Maintenance Agreement as specified in Section 946.08 must be provided to the Sheffield Lake Engineer.

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

946.13 ON-GOING INSPECTIONS.

The City of Sheffield Lake shall inspect storm water management practices periodically. Upon finding a malfunction or other need for maintenance, the City of Sheffield Lake shall provide written notification to the responsible party, as detailed in the Inspection and Maintenance Agreement, of the need for maintenance. Upon notification, the responsible party shall have five (5) working days, or other mutually agreed upon time, to make repairs or submit a plan with detailed action items and established timelines. Should repairs not be made within this time, or a plan approved by the Sheffield Lake engineer for these repairs not be in place, the City of Sheffield Lake may undertake the necessary repairs and assess the responsible party.

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

946.14 FEES.

The Comprehensive Storm Water Management Plan review, filing, and inspection fee is part of a complete submittal and is required to be submitted to the City of Sheffield Lake before the review process begins. The Sheffield Lake Engineer shall establish a fee schedule based upon the actual estimated cost for providing these services.

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

946.15 BOND.

(a) If a Comprehensive Storm Water Management Plan is required by this regulation, soil-disturbing activities shall not be permitted until a cash bond of 5% of the total project cost, has been deposited with the Sheffield Lake Finance Department. This bond shall be posted for the City

of Sheffield Lake to perform the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the applicant fails to comply with the provisions of this regulation. The stormwater bond will be returned when the following three criteria are met:

(1) After 80% of the lots of the project have been complete or 100% of the total project has been permanently stabilized or three (3) years from the time of permanent stabilization have passed.

(2) An As Built Inspection of all water quality practices is conducted by the Sheffield Lake Engineer.

(3) An Inspection and Maintenance Agreement signed by the developer, the contractor, the City of Sheffield Lake, and the private owner or homeowners association who will take long term responsibility for these BMPs, is accepted by the Sheffield Lake Engineer.

(b) Once these criteria are met, the applicant shall be reimbursed all bond monies that were not used for any part of the project. If all of these criteria are not met after three years of permanent stabilization of the site, the City of Sheffield Lake may use the bond monies to fix any outstanding issues with all storm water management structures on the site and the remainder of the bond shall be given to the private lot owner/homeowners association for the purpose of long term maintenance of the project.

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

946.16 INSTALLATION OF WATER QUALITY BEST MANAGEMENT PRACTICES.

The applicant may not direct runoff through any water quality structures or portions thereof that would be degraded by construction site sediment until the entire area tributary to the structure has reached final stabilization as determined by the Sheffield Lake Engineer. This occurs after the completion of the final grade at the site, after all of the utilities are installed, and the site is subsequently stabilized with vegetation or other appropriate methods. The developer must provide documentation acceptable to the Sheffield Lake Engineer to demonstrate that the site is completely stabilized. Upon this proof of compliance, the water quality structure(s) may be completed and placed into service. Upon completion of installation of these practices, all disturbed areas and/or exposed soils caused by the installation of these practices must be stabilized within two days.

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

946.17 VIOLATIONS.

No person shall violate or cause or knowingly permit to be violated any of the provisions of this regulation, or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.

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

946.18 APPEALS.

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the City of Sheffield Lake in relation to this regulation may appeal to the court of common pleas. Such an appeal shall be made in conformity with the O.R.C. Written notice of appeal shall be served on the City of Sheffield Lake.

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

946.99 PENALTY.

(a) Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor

who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The imposition of any other penalties provided herein shall not preclude the City of Sheffield Lake 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, ordinances, rules, or regulations, or the orders of the City of Sheffield Lake.

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

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- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- orded with the Lorain County Auditor and on all property deeds
- Ord. 25-11
- orded Inspection and Maintenance Agreement as specified in Section 946
- order, requirement, determination, or any other action or inaction by the City of Sheffield Lake in relation to this regulation may appeal to the court of common pleas
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