

2013-364 - EXHIBIT A

CHAPTER 943

COMPREHENSIVE STORM WATER MANAGEMENT

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943.01 PURPOSE AND SCOPE

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- A. The purpose of this Chapter is to establish technically feasible and economically reasonable storm water management standards to achieve a level of storm water quality and quantity control for newly developed, or redeveloped, property that will minimize damage to property, and degradation of water resources, and will promote and maintain the health, safety, and welfare of the citizens of the County of Summit.
- B. This regulation requires owners who develop or re-develop their property within the unincorporated areas of the County to:
 - 1. Control water runoff from their property and ensure the proper design, construction and maintenance of all water management practices per the Summit County Storm Water Drainage Manual.
 - 2. Reduce the adverse impact on water quality within the receiving water resources caused by unregulated new development or redevelopment.
 - 3. Control the volume, rate, and quality of water runoff originating from their property to protect water resources, and manage flooding and erosion.
 - 4. Minimize the need to construct, repair, and replace subsurface and surface drain systems.
 - 5. Preserve natural infiltration and ground water recharge, and maintain subsurface flow that replenishes water resources, except in slippage prone soils.
 - 6. Incorporate storm water quality and quantity controls into site planning and design at the earliest possible stage in the development process.

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- 1 7. Reduce the expense of remedial projects needed to address problems caused by
2 inadequate storm water management.
- 3 8. Maximize use of best management practices that serve multiple purposes
4 including, but not limited to, flood control, erosion control, fire protection, water
5 quality protection, recreation, and habitat preservation.
- 6 9. Design sites to minimize the number of stream crossings and the width of
7 associated disturbance in order to minimize the County’s future expenses related
8 to the maintenance and repair of stream crossings.
- 9 10. Maintain, promote, and re-establish conditions necessary for naturally occurring
10 stream processes that assimilate pollutants, attenuate flood flows, and promote a
11 healthy water resource.
- 12 C. This Chapter shall apply to all parcels in the unincorporated areas of the County on which
13 activity specified in Section 943.05(A) occurs.
- 14 D. The State of Ohio, the County, and all other political subdivisions, shall comply with this
15 Chapter for non-highway projects initiated after enactment of this Chapter and, to the
16 maximum extent practicable, for projects initiated before that time.
- 17 E. This Chapter does not apply to activities regulated by, and in compliance with, the Ohio
18 Agricultural Sediment Pollution Abatement Rules.
- 19 F. This Chapter does not require a Comprehensive Storm Water Management Plan for linear
20 construction projects, such as pipeline, or utility line installations that do not result in the
21 installation of impervious surface, or unreasonably modify vegetative ground cover, as
22 determined by the County Drainage Engineer. Such projects must minimize the number
23 of stream crossings and the width of disturbance. Linear construction projects must
24 comply with the requirements of Chapter 941 Erosion and Sediment Control.

25 **943.02 DEFINITIONS**

26 For the purpose of this Chapter, the definitions used in Section 941.02 of the County of Summit
27 Codified Ordinances apply and the following terms shall have the meaning herein indicated:

- 28 A. AS-BUILT SURVEY: A survey shown on a plan or drawing prepared by a Registered
29 Surveyor indicating the actual dimensions, elevations, ground contours, ground cover
30 vegetation, and locations of any structures, pavements, underground utilities, swales,
31 detention facilities, and sewage treatment facilities after construction is completed.
- 32 B. CLEAN WATER ACT: The Federal Water Pollution Control Act or the Federal Water
33 Pollution Control Act Amendments of 1972, and thereafter.
- 34 C. COMPREHENSIVE STORM WATER MANAGEMENT PLAN: The written document
35 that includes the Improvement Plans and the Storm Water Pollution Prevention Plan,
36 setting forth the practices to minimize storm water runoff from a development area.
- 37 D. COUNTY DRAINAGE ENGINEER: The County Engineer or an entity designated by
38 the Summit County Council to serve as the County Drainage Engineer, if that designation
39 is not the County Engineer.
- 40 E. CRITICAL STORM: A storm event calculated to create the maximum allowable storm
41 water discharge rate from a developed site.
- 42 F. DEVELOPMENT DRAINAGE AREA: A combination of each hydraulically unique
43 watershed with individual outlet points on the development area.

- 1 G. EXTENDED CONVEYANCE: A water management practice that replaces and/or
2 enhances traditional open or closed storm drainage conduits by retarding flow, promoting
3 percolation of runoff into the soil, and filtering pollutants during a storm event.
- 4 H. EXTENDED DETENTION: A water management practice that replaces and/or enhances
5 traditional detention facilities by releasing the runoff collected during a storm event over
6 at least 24 to 48 hours, retarding flow and allowing pollutants to settle within the facility.
- 7 I. FACILITY: An interconnected collection of structural, and nonstructural, storm water
8 runoff controls and treatment techniques, or devices, to control runoff and/or reduce
9 pollution levels.
- 10 J. GRADING: The process in which the topography of the land is altered.
- 11 K. HYDROLOGIC UNIT CODE: A cataloging system developed by the United States
12 Geological Survey, and the Natural Resource Conservation Service, to identify
13 watersheds in the United States.
- 14 L. IMPERVIOUS COVER: Any surface that cannot effectively absorb, or be infiltrated by,
15 water. This may include roads, streets, driveways, parking lots, rooftops, sidewalks,
16 compacted ground surfaces, and other areas not covered by vegetation.
- 17 M. INFILTRATION: A storm water management practice that does not discharge to a storm
18 water resource during the storm event, requiring collected runoff to either infiltrate into
19 the groundwater and/or be consumed by evapotranspiration, thereby retaining storm
20 water pollutants within the facility.
- 21 N. LARGER COMMON PLAN OF DEVELOPMENT OR SALE: A contiguous area where
22 multiple, separate and distinct construction activities may be taking place at different
23 times on different schedules under one plan.
- 24 O. NONSTRUCTURAL STORM WATER MANAGEMENT PRACTICE: Storm water
25 runoff control and treatment techniques that use natural practices to control runoff and/or
26 reduce pollution levels.
- 27 P. POST-DEVELOPMENT: The conditions that exist after soil disturbing activity that
28 changes the topography, vegetation, land use, or water runoff.
- 29 Q. PRE-CONSTRUCTION MEETING: Meeting prior to construction between all parties
30 associated with the construction of the project including government agencies,
31 contractors and owners to review agency requirements and plans as approved and
32 submitted.
- 33 R. PRE-DEVELOPMENT: The conditions that exist prior to soil disturbing activity that
34 changes the topography, vegetation, land use, or water runoff.
- 35 S. REDEVELOPMENT: A construction project on previously developed land where
36 impervious cover has been created, and where new development will not increase the
37 runoff coefficient.
- 38 T. RIPARIAN AREA: Land adjacent to any brook, creek, river, or stream having a defined
39 bed and bank that, if appropriately sized, helps to stabilize stream banks, limit erosion,
40 reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other
41 functions consistent with the purposes of this Chapter.

- 1 U. RIPARIAN SETBACK: The real property adjacent to a water resource on which soil
2 disturbing activities are limited, all as defined by Summit County Codified Ordinances,
3 Chapter 937 – Riparian Setbacks.
- 4 V. STABILIZATION: The use of Best Management Practices that reduce or prevent soil
5 erosion from water runoff, trench dewatering, wind, ice, gravity, or a combination
6 thereof.
- 7 W. STRUCTURAL STORM WATER MANAGEMENT PRACTICE: Any constructed
8 facility, structure, or device that provides storage, conveyance, and/or treatment of storm
9 water runoff.
- 10 X. WATER QUALITY VOLUME: The volume of runoff from a contributing watershed
11 that must be captured and treated, equivalent to the maximized capture volume as defined
12 by current standards of the American Society of Civil Engineers (ASCE).
- 13 Y. WATER RESOURCE CROSSING: Any bridge, box, arch, culvert, truss, or other type of
14 structure intended to convey people, animals, vehicles, or materials from one side of a
15 watercourse to another. This does not include pole mounted aerial electric or
16 telecommunication lines, nor does it include below grade utility lines.
- 17 Z. WATERSHED: The total drainage area contributing water runoff to a single point.

18 **943.03 DISCLAIMER OF LIABILITY**

- 19 A. Compliance with the provisions of this Chapter shall not relieve any person from
20 responsibility for damage to any person or property otherwise imposed by law. The
21 provisions of this Chapter are promulgated to promote the health, safety, and welfare of
22 the public and are not designed for the benefit of any individual or any particular parcel
23 of property.
- 24 B. By approving a Comprehensive Storm Water Management Plan under this Chapter, the
25 County does not accept responsibility for the design, installation, and operation and
26 maintenance of storm water management practices that may or may not conform with
27 current best management practices.

28 **943.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY**

- 29 A. Where this Chapter imposes standards that differ from other provisions of law or
30 ordinance, the most restrictive provisions, as determined by the County Drainage
31 Engineer, shall prevail.
- 32 B. If any clause, section, or provision of this Chapter is declared invalid or unconstitutional
33 by a court of competent jurisdiction, the validity of the remainder shall not be affected
34 thereby.
- 35 C. This Chapter shall not be construed as authorizing any person to maintain a nuisance on
36 their property, and compliance with the provisions of this Chapter shall not be a defense
37 in any action to abate such a nuisance.
- 38 D. Failure of the County to observe or recognize hazardous or unsightly conditions, or to
39 recommend corrective measures, shall not relieve the site owner from the responsibility
40 for the condition or damage resulting therefrom, and shall not result in the County, its
41 officers, employees, or agents being responsible for any condition or damage resulting
42 therefrom.

1 **943.05 DEVELOPMENT OF COMPREHENSIVE STORM WATER MANAGEMENT**
2 **PLANS**

- 3 A. This Chapter requires the development and implementation of a Comprehensive Storm
4 Water Management Plan when an impervious surface is created and soil disturbing
5 activities disturbing one (1) or more acres of total land, or less than one (1) acre if part of
6 a larger common plan of development disturbing one (1) or more acres of total land.
- 7 B. This Chapter does not apply to activities regulated by, and in compliance with, the Ohio
8 Agricultural Abatement Rules 1501:15-5-01 to 15-5-18 of the Ohio Administrative Code,
9 as amended.
- 10 C. The County Drainage Engineer shall administer, and be responsible for ensuring
11 compliance with, this Chapter, and shall issue notices and orders when necessary. The
12 County Drainage Engineer may consult with the Summit Soil and Water District (Summit
13 SWCD), private engineers, storm water districts, or other technical experts in reviewing
14 the Comprehensive Storm Water Management Plan.

15 **943.06 APPLICATION PROCEDURES**

- 16 A. The applicant shall attend a Concept Plan Meeting with the County Drainage Engineer,
17 Summit County Department of Community and Economic Development, Summit
18 SWCD, Summit County Department of Environmental Services, Summit County General
19 Health District and others to discuss the proposed project, review the requirements of this
20 Chapter, identify unique aspects of the project that must be addressed during the review
21 process, and establish a preliminary review and approval schedule. The applicant will be
22 required to submit a fee in accordance with Section 943.14(A) of this Chapter.
- 23 B. Following the Concept Plan meeting, the applicant shall submit two (2) sets of a
24 Preliminary Comprehensive Storm Water Management Plan (Preliminary Plan), and the
25 applicable fees in accordance with Section 943.14(B) of this Chapter, to the County
26 Drainage Engineer. The Preliminary Comprehensive Storm Water Management Plan
27 shall show the proposed property boundaries, setbacks, dedicated open space, public
28 roads, water resources, storm water control facilities, and easements in sufficient detail
29 and engineering analysis to allow the County Drainage Engineer to determine if the site is
30 laid out in a manner that meets the intent of this Chapter and if the proposed storm water
31 management practices are capable of controlling runoff from the site in compliance with
32 this Chapter.
- 33 C. On approval of the Preliminary Plan, the applicant shall submit two (2) sets of a Final
34 Comprehensive Storm Water Management Plan (Final Plan), and the applicable fees in
35 accordance with Section 943.14(B) of this Chapter, to the County Drainage Engineer for
36 approval. The Final Plan shall meet the requirements of Section 943.08 of this Chapter.
37 One set of the Final Plan shall be submitted to Summit SWCD, as required by the Storm
38 Water Pollution Prevention Plan (SWP3).
- 39 D. The County Drainage Engineer shall review the Preliminary and Final Plans, and shall
40 approve or return with comments and recommendations for revisions. A Preliminary or
41 Final Plan rejected because of deficiencies shall receive a narrative report stating specific
42 problems and the procedures for filing a revised Preliminary or Final Plan. Final approval
43 of the Plans shall not be given until the Summit SWCD has approved the SWP3.

- 1 E. The Final Plat shall not be approved, and land clearing and soil-disturbing activities shall
2 not begin, without an approved Comprehensive Storm Water Management Plan, and an
3 approved SWP3.
- 4 F. Approvals issued in accordance with this Chapter shall remain valid for two (2) years
5 from the date of approval. If regulations for storm water management change prior to the
6 beginning of active construction, the County Drainage Engineer may require new
7 approvals.

8 **943.07 COMPLIANCE WITH LOCAL, STATE AND FEDERAL REGULATIONS**

9 Approvals issued in accordance with this Chapter do not relieve the applicant of responsibility
10 for obtaining all other necessary permits and/or approvals from other local, state, federal, and/or
11 county agencies. If requirements vary, the most restrictive shall prevail. These permits may
12 include, but are not limited to, those listed in Section 941.08 of the County of Summit Codified
13 Ordinances.

14 **943.08 COMPREHENSIVE STORM WATER MANAGEMENT PLANS**

- 15 A. The applicant shall develop a Comprehensive Storm Water Management Plan describing
16 how the quantity and quality of storm water will be managed after construction is
17 complete for every discharge from the site into a water resource. The Plan will illustrate
18 the type, location, and dimensions of every structural and nonstructural water
19 management practice incorporated into the site design, and the rationale for their
20 selection. The rationale must describe how these water management practices will
21 address flooding within the site as well as flooding that may be caused by the
22 development upstream and downstream of the site. The rationale will also describe how
23 the water management practices minimize impacts to the physical, chemical, and
24 biological characteristics of on-site and downstream water resources and, if necessary,
25 correct current, or prevent predictable degradation of water resources.
- 26 B. The Comprehensive Storm Water Management Plan shall be prepared by a registered
27 professional engineer and include supporting calculations, plan sheets, and design details.
28 To the extent necessary, as determined by the County Drainage Engineer, a Registered
29 Professional Surveyor shall perform a site survey to establish boundary lines,
30 measurements, and land surfaces.
- 31 C. The County Drainage Engineer shall prepare, maintain and update, as necessary,
32 procedures providing specific criteria and guidance for designing storm water
33 management systems. The County Drainage Engineer shall make the final determination
34 as to whether the practices proposed in the Comprehensive Storm Water Management
35 Plan meet the requirements of this Chapter
- 36 D. The Comprehensive Storm Water Management Plan shall contain an application,
37 narrative report, construction site plan sheets, a long-term Inspection and Maintenance
38 Agreement, and a site description with the following information provided:
- 39 1. Site description:
- 40 a. A description of the nature and type of the construction activity (e.g.
41 residential, shopping mall, highway, etc.)

- 1 b. Total area of the site and the area of the site that is expected to be
2 disturbed (i.e. grubbing, clearing, excavation, filling or grading, including
3 off-site borrow areas).
- 4 c. A description of prior land uses at the site.
- 5 d. An estimate of the impervious area and percent of imperviousness created
6 by the construction activity.
- 7 e. Existing data describing the soils throughout the site, including the soil
8 series and association, hydrologic soil group, porosity, infiltration
9 characteristics, depth to groundwater, depth to bedrock, and any
10 impermeable layers.
- 11 f. If available, details of known pollutant discharge caused by prior land
12 uses.
- 13 g. The location and name of the immediate water resource(s) and the first
14 subsequent water resource(s).
- 15 h. The aerial (plan view), extent, and description of water resources at or
16 near the site that will be disturbed or will receive discharges from the
17 project.
- 18 i. A description of the current condition of water resources, including the
19 vertical stability of stream channels and indications of channel incision,
20 that may be responsible for current or future sources of high sediment
21 loading or loss of channel stability.
- 22 2. Site map showing:
- 23 a. Limits of soil-disturbing activity on the site.
- 24 b. Soils types for the entire site, including locations of unstable or highly
25 erodible soils.
- 26 c. Existing and proposed one-foot (1') contours. This must include a
27 delineation of drainage watersheds expected before, during, and after
28 major grading activities as well as the size of each drainage watershed in
29 acres.
- 30 d. Water wells, and associated setbacks on or within 200 feet of the site,
31 including the boundaries of wetlands or streams and first subsequent
32 named receiving water(s) the applicant intends to fill or relocate and for
33 which the applicant is seeking approval from the Army Corps of
34 Engineers and/or Ohio EPA.
- 35 e. Existing and planned locations of buildings, roads, parking facilities, and
36 utilities.
- 37 f. The location of any in-stream activities including stream crossings.
- 38 3. Company name and contact information, including contact name, addresses, and
39 phone numbers for the following:

- 1 a. The Professional Engineer who prepared the Comprehensive Storm Water
2 Management Plan.
- 3 b. The site owner.
- 4 4. Phase, if applicable, of the overall development plan.
- 5 5. List of subplot numbers if the project is a subdivision.
- 6 6. Ohio EPA NPDES Permit Number, and other applicable state and federal permit
7 numbers if available, or status of various permitting requirements if final
8 approvals have not been received.
- 9 7. Location, including complete site address and subplot number if applicable.
- 10 8. Location of any easements or other restrictions placed on the use of the property.
- 11 9. A site plan sheet showing:
 - 12 a. The location of each proposed post-construction storm water management
13 practice.
 - 14 b. The geographic coordinates of the site and each proposed practice in
15 North American Datum Ohio State Plane North.
- 16 It is preferred that the entire site be shown on one plan sheet to allow a complete
17 view of the site during plan review. If a smaller scale is used to accomplish this,
18 separate sheets providing an enlarged view of areas on individual sheets should
19 also be provided.
- 20 10. The Inspection and Maintenance Agreement, required for water management
21 practices under this Chapter, shall be a stand-alone document between the County
22 and the applicant, and shall contain the following information and provisions:
 - 23 a. The location of each storm water management practice, including those
24 practices permitted to be located within a riparian setback area, as allowed
25 under Section 937.06 of the Codified Ordinances of the County of
26 Summit, and identification of the drainage area served by each water
27 management practice.
 - 28 b. A schedule for regular maintenance for each aspect of the storm water
29 management system and a description of routine and non-routine
30 maintenance tasks to ensure continued performance of the system as
31 detailed in the approved Comprehensive Storm Water Management Plan.
32 This schedule may include additional standards, as required by the County
33 Drainage Engineer, to ensure continued performance of storm water
34 management practices permitted to be located within a riparian setback
35 area, as allowed under Section 937.06 of the Codified Ordinances of the
36 County of Summit.
 - 37 c. The location and documentation of all access and maintenance easements
38 on the property.

- 1 d. Identification of the landowner(s), organization, or political subdivision
2 responsible for long-term maintenance, including repairs, of the water
3 management practices.
- 4 e. A provision allowing the County to enter upon the property to conduct
5 inspections as necessary to verify that the water management practices are
6 being maintained and operated in accordance with this Chapter.
- 7 f. The County Drainage Engineer shall keep records of site inspections
8 which will be made available to the parties responsible for the
9 maintenance of the storm water management practices. The inspection
10 report shall indicate any non-compliance, and the required corrective
11 actions to bring the storm water management practices into compliance.
- 12 g. An acknowledgement that if the County notifies the landowner(s),
13 organization, or political subdivision responsible for maintenance of the
14 problems that require correction, the specific corrective actions shall be
15 taken within a reasonable time frame as determined by the County.
- 16 h. An acknowledgement that the County is authorized to enter upon the
17 property to perform the corrective actions identified in the inspection
18 report if the landowner(s), organization, or political subdivision
19 responsible for maintenance does not make the required corrections in the
20 specified time period. The landowner(s), organization, or political
21 subdivision responsible for maintenance shall reimburse the County within
22 10 days of receipt of invoice, for all expenses incurred.
- 23 i. The method of funding long-term maintenance and inspections of all
24 storm water management practices.
- 25 j. A release of the County from all damages, accidents, casualties,
26 occurrences, or claims that might arise, or be asserted, against the County
27 from the construction, presence, existence, or maintenance of the storm
28 water management practices.

29 The applicant must provide a draft of this Inspection and Maintenance Agreement
30 as part of the Comprehensive Storm Water Management Plan submittal. Prior to
31 construction, the draft of the Inspection and Maintenance Agreement must be in
32 the form approved by the County Drainage Engineer. Prior to the completion of
33 construction and final inspection approval of the site, the Inspection and
34 Maintenance Agreement must be signed by the landowner(s), organization or
35 political subdivision responsible for maintenance, the County Drainage Engineer
36 and the County Executive and recorded with the County Fiscal Officer. The
37 landowner(s), organization or political subdivision responsible for maintenance is
38 responsible for the recording of the same. The County Executive hereby has the
39 authority to execute said agreement on behalf of the County without prior
40 approval of the Council.

- 41 11. The applicant shall submit calculations for projected water runoff flows, volumes,
42 and timing into and through all storm water management practices for flood
43 control, channel protection, water quality, and the condition of the habitat,
44 stability, and incision of each water resource and the floodplain, as required in
45 Section 943.09 of this Chapter. These submittals shall be completed for both pre-

- 1 and post-development land use conditions and shall include the underlying
2 assumptions and hydrologic and hydraulic methods and parameters used for these
3 calculations. The applicant shall also include critical storm determination and
4 demonstrate that the runoff from upper watershed areas have been considered in
5 the calculations.
- 6 12. Prior to construction, the applicant shall provide the names, addresses, and phone
7 numbers of all contractors and subcontractors, where available, involved with the
8 implementation of the Comprehensive Storm Water Management Plan, and a
9 document containing their signatures, acknowledging that they have reviewed and
10 understand the requirements and responsibilities of the Comprehensive Storm
11 Water Management Plan.
- 12 13. The location and description of existing, and proposed drainage patterns,
13 associated riparian setbacks, and water management practices, including any
14 related storm water management practices beyond the development area and the
15 larger common development area.
- 16 14. For each water management practice to be employed on the development area,
17 include the following:
- 18 a. Detail drawings showing the location and size, the maintenance
19 requirements during and after construction, and design calculations.
- 20 b. Final site conditions including storm water inlets and permanent
21 nonstructural and structural water management practices. Details of water
22 management practices shall be drawn to scale and shall show volumes and
23 sizes of contributing drainage areas.
- 24 c. Any other structural and/or nonstructural water management practices
25 necessary to meet the design criteria in this Chapter, and any supplemental
26 information requested by the County Drainage Engineer.

27 **943.09 PERFORMANCE STANDARDS**

- 28 A. The storm water system, including water management practices for storage, treatment
29 and control, and conveyance facilities, shall be designed to prevent structure flooding
30 during the 100-year, 24-hour storm event; to maintain predevelopment runoff patterns,
31 flows, and volumes; and to meet the following criteria:
- 32 1. The storm water management practices shall function as an integrated system that
33 controls flooding and minimizes the degradation of the physical, biological, and
34 chemical integrity of the water resources receiving storm water discharges from
35 the site. Acceptable practices shall:
- 36 a. Not disturb riparian areas, unless the disturbance is intended to support a
37 watercourse restoration project, and complies with Chapter 937 of the
38 Codified Ordinances of the County of Summit.
- 39 b. Maintain predevelopment hydrology and groundwater recharge on as
40 much of the site as practicable.
- 41 c. Only install new impervious surfaces and compact soils where necessary
42 to support the future land use.

- 1 d. Compensate for increased runoff volumes caused by new impervious
2 surfaces and soil compaction by reducing storm water peak flows to less
3 than predevelopment levels.
- 4 2. Areas developed for a subdivision, as defined in Part 11 of the Codified
5 Ordinances of the County of Summit, shall provide water management and water
6 quality controls for the development of all subdivided lots. This shall include
7 provisions for lot grading and drainage that prevent structure flooding during the
8 100-year, 24-hour storm, and maintain, to the extent practicable, the pre-
9 development runoff patterns, volumes, and peaks from the lots.
- 10 3. Storm water management practices and related activities shall not be constructed
11 in water resources unless the applicant shows proof of compliance with all
12 appropriate permits from the Ohio EPA, the U.S. Army Corps, and other
13 applicable federal, state, and local agencies as required in Section 943.07 of this
14 Chapter, and the activity is in compliance with Chapters 937 and 941 of the
15 Codified Ordinances of the County of Summit, all as determined by the County
16 Drainage Engineer.
- 17 4. All storm water pond and storm conveyance designs must provide a minimum of
18 one (1) foot freeboard above the projected peak stage within the facility during
19 the 100-year, 24-hour storm. When designing storm water ponds and conveyance
20 channels the applicant shall include, to the extent practicable, practices to address
21 public safety concerns.
- 22 5. The site where soil-disturbing activities are conducted shall be exempt from the
23 requirements of Section 943.09 of this Chapter if it can be shown to the
24 satisfaction of the County Drainage Engineer that the site is part of a larger
25 common plan of development where the storm water management requirements
26 for the site are provided by an existing storm water management practice, equal
27 to, or better than, that required herein, or if the storm water management
28 requirements for the site are provided by practices defined in a regional or local
29 storm water management plan approved by the County Drainage Engineer.
- 30 6. All storm water management practices shall be maintained in accordance with
31 Inspection and Maintenance Agreements approved by the County Drainage
32 Engineer as detailed in Section 943.08 of this Chapter.
- 33 7. Unless otherwise required by the County, storm water management practices
34 serving multiple lots in subdivisions shall be on a separate lot held, where
35 possible, and maintained by an entity of common ownership. For those
36 subdivisions that are subject to drainage maintenance assessments, as per Section
37 1109.03(a) of the Codified Ordinances of the County of Summit, maintenance
38 shall be the responsibility of the County Drainage Engineer. Storm water
39 management practices serving single lots shall be placed on these lots, protected
40 within an easement, and maintained by the property owner.
- 41 8. Practices that preserve and/or improve the existing natural drainage shall be used
42 to the maximum extent practicable. Such practices may include minimizing site
43 grading and compaction, protecting and/or restoring water resources, riparian
44 areas and existing vegetation, and maintaining unconcentrated water runoff to and
45 through these areas.

1 9. Concentrated water runoff from BMPs to wetlands shall be converted to diffuse
2 flow before the runoff enters a wetland in order to protect the natural hydrology,
3 hydroperiod, and wetland flora. The flow shall be released such that no erosion
4 occurs down slope. Practices such as level spreaders, vegetative buffers,
5 infiltration basins, conservation of forest covers, and the preservation of
6 intermittent streams, depressions, and drainage corridors may be used to maintain
7 the wetland hydrology.

8 If proposing to discharge to natural wetlands, the applicant shall perform a
9 hydrological analysis to demonstrate that the proposed discharge matches the pre-
10 development hydroperiods and hydrodynamics.

11 10. The course of flow of storm water discharge from a facility shall be shown to be
12 adequate when such flow reaches a public stream or right-of-way. Where such a
13 course may cross land owned by another, an easement adequate enough for
14 maintenance access shall be provided.

15 B. All water management practices shall be designed to convey storm water to allow for the
16 maximum removal of pollutants and reduction in flow velocities. This shall include but
17 not be limited to:

18 1. The County Drainage Engineer may allow the enclosure or relocation of water
19 resources only if the applicant shows proof of compliance with all appropriate
20 permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal,
21 state, and local agencies as required in Section 943.07 of this Chapter, and the
22 activity is in compliance with Chapters 937 and 941 of the Codified Ordinances
23 of the County of Summit, all as determined by the County Drainage Engineer. At
24 a minimum, stream relocation designs must show how the project will minimize
25 changes to the vertical stability, floodplain form, channel form, and habitat of
26 upstream and downstream channels on and off the property.

27 2. Off-site storm water runoff that discharges onto, or across, the applicant's
28 development site shall be conveyed through the storm water conveyance system
29 planned for the development site at its existing peak flow rates during each design
30 storm. Off-site flows shall be diverted around the post construction water quality
31 practices or, if this is not possible, the post construction water quality practices
32 shall be sized to treat the off-site flow. Comprehensive Storm Water Management
33 Plans will not be approved until it is demonstrated to the satisfaction of the
34 County Drainage Engineer that off-site runoff will be adequately conveyed
35 through, and from, the development site in a manner that does not exacerbate
36 upstream or downstream flooding and erosion.

37 3. The site shall be graded in a manner that maintains sheet flow over as large an
38 area as possible. The maximum area of sheet flow shall be determined based on
39 the slope, the uniformity of site grading, and the use of easements or other legally
40 binding mechanisms that prohibit re-grading and/or the placement of structures
41 within sheet flow areas. In no case shall the sheet flow length be longer than 300
42 feet, nor shall a sheet flow area exceed 1.5 acres. Flow shall be directed into an
43 open channel, storm sewer, or other storm water management practice from areas
44 too long and/or too large to maintain sheet flow, all as determined by the County
45 Drainage Engineer.

- 1 4. Unless otherwise allowed by the County Drainage Engineer, drainage tributary to
2 storm water management practices shall be provided by an open channel with
3 landscaped banks designed to carry the 10-year, 24-hour storm water runoff from
4 upstream contributory areas.
- 5 5. Open drainage systems shall be preferred on all new development sites to convey
6 storm water where feasible. Storm sewer systems shall be allowed only when the
7 site cannot be developed at densities allowed under local zoning requirements, or
8 where the use of an open drainage system affects public health or safety, all as
9 determined by the County Drainage Engineer. The following criteria shall be used
10 to design storm sewer systems when necessary:
- 11 a. Storm sewers shall be designed such that they do not surcharge from
12 runoff caused by the 5-year, 24-hour storm, and that the hydraulic grade
13 line of the storm sewer stays below the gutter flow line of the overlying
14 roadway, or below the top of drainage structures outside the roadway
15 during a 10-year, 24-hour storm. The system shall be designed to meet
16 these requirements when conveying the flows from the contributory area
17 within the proposed development and existing flows from offsite areas that
18 are upstream from the development.
- 19 b. The minimum inside diameter of pipe to be used in public storm sewer
20 systems is 12 inches. Smaller pipe sizes may be used in private systems,
21 subject to the approval of the County Drainage Engineer.
- 22 c. All storm sewer systems shall be designed taking into consideration the
23 tailwater of the receiving facility or water resource. The tailwater
24 elevation used shall be based on the design storm frequency. The
25 hydraulic grade line for the storm sewer system shall be computed with
26 consideration for the energy losses associated with entrance into and exit
27 from the system, friction through the system, and turbulence in the
28 individual manholes, catch basins, and junctions within the system.
- 29 d. The inverts of all curb inlets, manholes, yard inlets, and other structures
30 shall be formed and channelized to minimize the incidence of quiescent
31 standing water where mosquitoes may breed.
- 32 e. Headwalls shall be required at all storm sewer inlets or outlets to and from
33 open channels or lakes.
- 34 6. The following criteria shall be used to design structures that cross a water
35 resource in the County:
- 36 a. Water resource crossings other than bridges shall be designed to convey
37 the stream's flow for the minimum 25-year, 24-hour storm.
- 38 b. Bridges, open bottom arch or spans are the preferred crossing technique
39 and shall be considered in the planning phase of the development. Bridges
40 and open spans should be considered for all State Scenic Rivers, cold
41 water habitat, exceptional warm water habitat, seasonal salmonid habitat
42 streams, and Class III headwater streams.
- 43 c. Bridges shall be designed such that the hydraulic profile through a bridge
44 shall be below the bottom chord of the bridge for either the 100-year, 24-

- 1 hour storm, or the 100-year flood elevation as determined by FEMA,
2 whichever is more restrictive
- 3 d. If a culvert or other closed bottom crossing is used, twenty-five (25)
4 percent of the cross-sectional area, or a minimum of 1 foot of box culverts
5 and pipe arches, must be embedded below the channel bed.
- 6 e. All culvert installations shall be designed with consideration for the
7 tailwater of the receiving facility or water resource. The tailwater
8 elevation used shall be based on the design storm frequency.
- 9 f. Headwalls shall be required at all culvert inlets or outlets to and from open
10 channels or lakes.
- 11 g. Streams with a drainage area of 5 square miles or larger shall incorporate
12 floodplain culverts at the bankfull elevation to restrict head loss
13 differences across the crossing so as to cause no rise in the 100-year storm
14 event.
- 15 h. The minimum inside diameter of pipes to be used for crossings shall be 12
16 inches.
- 17 i. The maximum slope allowable shall be a slope that produces a 10 fps
18 velocity within the culvert barrel under design flow conditions. Erosion
19 protection and/or energy dissipaters shall be required to control entrance
20 and outlet velocities.
- 21 7. Overland flood routing paths shall be used to convey storm water runoff from the
22 100-year, 24-hour storm event to an adequate receiving water resource or water
23 management practice such that the runoff is contained within the drainage
24 easement for the flood routing path and does not cause flooding of buildings or
25 other structures. The peak 100-year, 24-hour storm surface water elevation along
26 flood routing paths shall be at least one foot below the finished grade elevation at
27 the structure. When designing the flood routing paths, the conveyance capacity of
28 the site's storm sewers shall be taken into consideration.
- 29 8. In order to preserve floodplain storage volumes, and thereby avoid increases in
30 water surface elevations, any filling within floodplains approved by the County
31 must be compensated by removing an equivalent volume of material. First
32 consideration for the location(s) of compensatory floodplain volumes should be
33 given to areas where the stream channel will have immediate access to the new
34 floodplain within the limits of the development site. Consideration will also be
35 given to enlarging existing or proposed retention basins to compensate for
36 floodplain fill if justified by a hydraulic analysis of the contributing watershed.
37 Unless otherwise permitted by the County Drainage Engineer, reductions in
38 volume due to floodplain fills must be mitigated within the legal boundaries of the
39 development. Embankment slopes used in compensatory storage areas must
40 reasonably conform to the natural slopes adjacent to the disturbed area.
- 41 9. Velocity dissipation devices shall be placed at discharge locations, and along the
42 length of any outfall, to provide non-erosive flow velocity from the structure to a
43 water resource so that the natural physical and biological characteristics of the
44 water resource are maintained and protected.

1 C. Storm Water Quality Control

2 1. The site shall be designed to direct runoff to one or more of the following water
3 quality practices which shall be designed to comply with the current version of
4 the Summit County Engineer Storm Water Drainage Manual:

5 a. Extended conveyance facilities that slow the rate of storm water runoff,
6 filter and biodegrade pollutants in storm water, promote infiltration and
7 evapotranspiration of storm water, and discharge the controlled runoff to a
8 water resource.

9 b. Extended detention facilities that detain storm water, settle or filter
10 particulate pollutants, and release the controlled storm water to a water
11 resource.

12 c. Infiltration facilities that retain storm water, promote settling, filtering, and
13 biodegradation of pollutants. The County Drainage Engineer may require
14 a soil engineering report to be prepared for the site to demonstrate that any
15 proposed infiltration facilities meet these performance standards.

16 d. For sites less than five (5) acres, but greater than one (1) acre and not part
17 of a common plan of development, where (1) or more acres are disturbed,
18 the County Drainage Engineer may approve other BMPs if the applicant
19 demonstrates to the County Drainage Engineer's satisfaction that these
20 BMPs meet the objectives of this Chapter.

21 e. For sites equal to or greater than five (5) acres, or less than five (5) acres
22 but part of a larger common plan of development or sale which will
23 disturb five (5) or more acres, the County Drainage Engineer may allow
24 alternative BMPs if the applicant demonstrates that these BMPs meet the
25 objectives of this Chapter and has prior written approval from the Ohio
26 EPA.

27 f. For the construction of new roads and roadway improvement projects by
28 public entities (i.e. the state, counties, townships, cities, or villages), the
29 County Drainage Engineer may approve BMPs not included in this
30 Chapter, but they must show compliance with the current Ohio
31 Department of Transportation standards.

32 2. Each BMP shall be designed to facilitate sediment removal, vegetation
33 management, debris control, and other maintenance activities defined in the
34 Inspection and Maintenance Agreement for the site. All BMPs must be sized to
35 treat the water quality volume (WQv), and to ensure compliance with Ohio Water
36 Quality Standards (OAC Chapter 3745-1) and the latest revision of the NPDES
37 Construction Storm Water General Permit for Ohio.

38 3. Additional criteria applying to infiltration facilities

39 a. Infiltration facilities shall only be allowed if the soils of the facility fall
40 within hydrologic soil groups A or B, if the seasonal high water table is at
41 least three (3) feet below the final grade elevation, and any underlying
42 bedrock is at least six feet below the final grade elevation.

- 1 b. All runoff directed into an infiltration basin must first flow through a
2 pretreatment practice such as a grass channel or filter strip to remove
3 sediments that could cause a loss of infiltration capacity.
- 4 c. During construction all runoff from disturbed areas of the site shall be
5 diverted away from the proposed infiltration basin site. No construction
6 equipment shall be allowed within the infiltration basin site to avoid soil
7 compaction.
- 8 4. Additional criteria applying to extended conveyance facilities
- 9 a. Facilities shall be lined with fine turf-forming, flood-tolerant grasses.
- 10 b. Facilities designed according to the extended conveyance detention
11 criteria shall:
- 12 (1) Not be located in areas where the depth to bedrock and/or seasonal
13 high water table is less than 3 feet below the final grade elevation.
- 14 (2) Only be allowed where the underlying soil consists of hydrologic
15 soil group (HSG) A or B, unless the underlying soil is replaced by
16 at least a 2.5 foot deep layer of soil amendment with a permeability
17 equivalent to a HSG A or B soil, and an under drain system is
18 provided.
- 19 c. Facilities designed according to the flow through design drain time criteria
20 shall:
- 21 (1) Only be allowed on sites where:
- 22 (a) The total area disturbed is 5 acres or less.
- 23 (b) The discharge rate from the BMP will have negligible
24 hydrologic impacts to received waters as described in the
25 most current version of the Ohio EPA's General Permit for
26 Storm Water Discharge from Small and Large Construction
27 Activities.
- 28 (c) Prior written approval is given by the County Drainage
29 Engineer; and
- 30 (d) For sites greater than five (5) acres or less than five (5)
31 acres but part of a larger common plan of development or
32 sale that will disturb five (5) or more acres, prior written
33 approval has been given by the Ohio EPA.
- 34 (2) Be designed to slow and filter runoff flowing through the turf
35 grasses with a maximum depth of flow no greater than 3 inches.
- 36 (3) Be designed to have a minimum hydraulic residence time of 5
37 minutes.
- 38 d. Concentrated runoff shall be converted to sheet flow, or a diffuse flow,
39 using a plunge pool, flow diffuser, or level spreader, before entering an

1 extended conveyance facility designed according to the flow through drain
2 time.

3 5. Additional criteria for extended detention facilities

4 Additional criteria for extended detention facilities shall comply with the latest
5 revisions of the Ohio Department of Natural Resources Division of Soil and
6 Water Resources manual, *Rainwater and Land Development*, and the Summit
7 County Engineer Storm Water Drainage Manual.

8 D. The Comprehensive Storm Water Management Plan shall describe how the proposed
9 water management practices are designed to meet the following requirements for storm
10 water quantity control for each watershed in the development:

11 1. The peak discharge rate of runoff from the Critical Storm, and all more frequent
12 storms occurring under post-development conditions, shall not exceed the peak
13 discharge rate of runoff from a 1-year, 24-hour storm occurring on the same
14 development drainage area under pre-development conditions.

15 2. Storms of less frequent occurrence (longer return periods) than the Critical Storm,
16 up to the 100-year, 24-hour storm, shall have peak runoff discharge rates no
17 greater than the peak runoff rates from equivalent size storms under pre-
18 development conditions. The 1, 2, 5, 10, 25, 50, and 100-year storms shall be
19 considered in designing a facility to meet this requirement.

20 3. The Critical Storm for each specific development drainage area shall be
21 determined as follows:

22 a. Calculate, using a curve number-based hydrologic method that generates
23 hydrographs, or other hydrologic methods approved by the County
24 Drainage Engineer, the total volume (acre-feet) of runoff from a 1-year,
25 24-hour storm occurring on the development drainage area before and
26 after development. These calculations shall meet the following standards:

27 (1) Calculations shall include the lot coverage assumptions used for
28 full build out as proposed.

29 (2) Calculations shall be based on the entire contributing watershed to
30 the development area.

31 (3) Curve numbers for the pre-development condition must reflect the
32 average type of land use over the past 10 years and not only the
33 current land use.

34 (4) Account for future post-construction improvements to the site,
35 calculations shall assume an impervious surface such as asphalt or
36 concrete for all parking areas and driveways, regardless of the
37 surface proposed in the site description.

38 b. From the volume determined in Section 943.09 (D)(3)(a), determine the
39 percent increase in volume of runoff due to development. Using the
40 percentage, select the 24-hour Critical Storm from the latest revision of the
41 Summit County Engineer Storm Water Drainage Manual.

- 1 E. Comprehensive Storm Water Management Plans for redevelopment projects shall comply
2 with the requirements of the most current version of the Ohio EPA’s permit, “General
3 Construction Permit Authorization for Storm Water Discharges associated with
4 Construction Activity under the National Pollutant Discharge Elimination System”.

5 **943.10 ALTERNATIVE ACTIONS**

- 6 A. When the County Drainage Engineer determines that site constraints compromise the
7 intent of this Chapter, off-site alternatives that result in an improvement of water quality and a
8 reduction of storm water quantity may be used. Such alternatives shall meet the following
9 standards:
- 10 1. Achieve the same level of storm water quantity and quality control achieved by
11 the on-site controls required under this Chapter.
 - 12 2. Implement the same Hydrologic Unit Code (HUC) 14 watershed unit as the
13 proposed development project.
 - 14 3. The mitigation ratio of the water quality volume is 1.5 to 1 or the water quality
15 volume at the point of retrofit, whichever is greater.
 - 16 4. Establish an inspection and maintenance agreement, as described in Chapter
17 943.08.D.10, to ensure perpetual maintenance.
 - 18 5. Obtain prior written approval from Ohio EPA.
- 19 B. Alternative actions require approval by the County Drainage Engineer.

20 **943.11 EASEMENTS**

21 Access to storm water management practices as required by the County Drainage Engineer for
22 inspections and maintenance shall be secured by easements. The following conditions shall apply
23 to all easements:

- 24 A. Easements shall be included in the Inspection and Maintenance Agreement submitted
25 with the Comprehensive Storm Water Management Plan.
- 26 B. Easements shall be approved by the County Drainage Engineer prior to approval of a
27 final plat, and shall be recorded with the Summit County Fiscal Officer, and on all
28 property deeds.
- 29 C. Unless otherwise required by the County Drainage Engineer, access easements between a
30 public right-of-way and all storm water management practices, including the outlet flow
31 path, shall be no less than 25 feet wide. The easement shall also incorporate the entire
32 practice plus an additional 25-foot wide band around the perimeter of the storm water
33 management practice.
- 34 D. The easement shall be graded and/or stabilized as necessary to allow maintenance
35 equipment access in and around each facility, as defined in the Inspection and
36 Maintenance Agreement for the site.
- 37 E. There shall be no construction of buildings, fences, walls, and other structures, within the
38 Easements that may obstruct the free flow of storm water and the passage of inspectors
39 and maintenance equipment, and no changes to the final grading plan approved by the

1 County. The County Drainage Engineer may remove any re-grading and/or obstruction
2 placed within a maintenance easement at the property owners' expense.

3 **943.12 MAINTENANCE AND FINAL INSPECTION APPROVAL**

4 To receive final inspection and acceptance of any project, or portion thereof, the following must
5 be completed and provided to the County Drainage Engineer:

- 6 A. Final stabilization must be achieved and all permanent storm water management and post
7 construction water quality practices must be installed and made functional, as determined
8 by the County Drainage Engineer and per the approved Comprehensive Storm Water
9 Management Plan.
- 10 B. An As-Built Certificate, including an As-Built Survey and Inspection Report, sealed,
11 signed and dated by a Professional Engineer and a Professional Surveyor with a
12 statement certifying that the storm water management and water quality practices, as
13 designed and installed, meet the requirements of the Comprehensive Storm Water
14 Management Plan approved by the County Drainage Engineer. In evaluating this
15 Certificate, the County Drainage Engineer may require the submission of a new set of
16 storm water practice calculations if he/she determines that the design was altered
17 significantly from the approved Comprehensive Storm Water Management Plan.
- 18 C. A copy of the complete and recorded Inspection and Maintenance Agreement, which will
19 include the entity responsible for long-term maintenance, as specified in Section 943.08.

20 **943.13 ON-GOING INSPECTIONS**

21 A. Subdivisions

22 The County Drainage Engineer will perform ongoing inspection and maintenance of all
23 storm water control BMPs in subdivisions assessed by the County for drainage
24 maintenance.

25 B. Single Lots

26 Owners of single lots, or lots not assessed for drainage maintenance, shall be responsible
27 for the ongoing inspection and maintenance of all storm water control BMPs within those
28 lots. Owners shall submit an annual inspection and maintenance report to the County
29 Drainage Engineer detailing all the activities carried out in order to comply with the
30 requirements of this Chapter. The County Drainage Engineer will carry out inspections of
31 these lots, at reasonable intervals, but no more frequently than once per calendar year, to
32 ensure compliance with the requirements of this Chapter. The property owner will be
33 billed the actual cost of these inspections. Failure to submit an annual report to the
34 County Drainage Engineer, or any non-compliance found during the inspections carried
35 out by the County Drainage Engineer, constitutes a violation of this Chapter and Section
36 943.17 of this Chapter will apply. Any non-compliant BMPs are subject to additional
37 inspections by the County Drainage Engineer at the property owner's expense until the
38 BMPs are compliant with this Chapter.

39 The County Drainage Engineer reserves the right to have any third party inspector, carry
40 out inspections on its behalf.

41 **943.14 FEES**

- 1 A. At the Concept Plan Meeting, the applicant will pay a fee of \$250.00 to the County
2 Drainage Engineer.
- 3 B. The County Drainage Engineer shall establish a fee based upon the actual estimated cost
4 for review, filing, and inspection. At the time of the submittal of the Preliminary
5 Comprehensive Storm Water Management Plan, the applicant will submit a deposit to the
6 County Drainage Engineer to cover the cost of at least 50% of the anticipated fee. The
7 deposit, submitted to the County Drainage Engineer, is required before the review
8 process begins. This deposit will reimburse the MVGT fund for actual expenses as they
9 occur during the review and inspection phases of the project. If and/or when the amount
10 of the deposit is at, or below, 10% of the original estimate, a further deposit of funds will
11 be required to restore the balance to 50% of the original anticipated fee. The County
12 Drainage Engineer may halt review until a sufficient deposit is restored.

13 **943.15 BOND**

- 14 A. A performance and maintenance bond shall be posted according to the County of Summit
15 Subdivision Regulations. No project will be released from the bond if there is failure to
16 comply with the requirements of this Chapter. The bond will be returned, less Summit
17 County administrative fees as detailed in Section 943.14 of this Chapter, when the
18 following three criteria are met:
- 19 1. After 80% of the lots of the project have been complete and 100% of the total
20 project has been permanently stabilized for three (3) years.
- 21 2. The County Drainage Engineer has conducted an as-built inspection of all storm
22 water management and water quality practices.
- 23 3. The County Drainage Engineer has accepted an Inspection and Maintenance
24 Agreement signed by the developer, the contractor, the County, and the private
25 owner or homeowners association who will take long-term responsibility for these
26 BMPs.
- 27 B. Once these criteria are met, the applicant shall be reimbursed all bond monies that were
28 not used for any part of the project. If any of these criteria are not met after three years of
29 permanent stabilization of the site, Summit County may use the bond monies to fix any
30 outstanding issues with all storm water management structures on the site. Any remainder
31 of the bond shall be given to the private lot owner/ homeowners association for the
32 purpose of long-term maintenance of the project. Should such outstanding issues exceed
33 the bond amount, the County shall invoice the applicant accordingly.

34 **943.16 INSTALLATION OF WATER QUALITY BEST MANAGEMENT PRACTICES**

35 The applicant may not direct runoff through any water quality structures or portions thereof that
36 would be degraded by construction site sediment until the entire area tributary to the structure
37 has reached final stabilization as determined by the County Drainage Engineer and Summit
38 SWCD. This occurs after the completion of the final grade at the site, after all of the utilities are
39 installed, and the site is subsequently stabilized with vegetation or other appropriate methods.
40 The developer must provide documentation acceptable to the County Drainage Engineer to
41 demonstrate that the site is completely stabilized. Upon this proof of compliance, the water
42 quality structure(s) may be completed and placed into service. Upon completion of installation of
43 these practices, all disturbed areas and/or exposed soils caused by the installation of these
44 practices must be stabilized within 2 days.

1 **943.17 VIOLATIONS**

- 2 A. No person shall violate or cause or knowingly permit to be violated any of the provisions
3 of this Chapter, or fail to comply with any of such provisions or with any lawful
4 requirements of any public authority made pursuant to this Chapter, or knowingly use or
5 cause or permit the use of any lands in violation of this Chapter or in violation of any
6 permit granted under this Chapter.
- 7 B. If, after a period of not less than thirty (30) days has elapsed following the issuance of a
8 notice of violation, the violation continues, the County Drainage Engineer shall issue a
9 second notice of violation. Except as provided in division (D) of this Section, if, after a
10 period of not less than fifteen (15) days has elapsed following the issuance of the second
11 notice of violation, the violation continues, the County Drainage Engineer shall issue a
12 stop work order, if appropriate, and may undertake the necessary repairs and assess the
13 responsible party.
- 14 C. Each violation of this chapter shall result in a civil fine of not less than one hundred
15 dollars (\$100) or more than five hundred dollars (\$500). Each day of violation of a rule
16 or stop work order issued under this Chapter shall be considered a separate violation
17 subject to a civil fine.
- 18 D. In addition to any fines, the Summit County Prosecutor may seek an injunction, or other
19 appropriate relief.
- 20 E. No stop work order shall be issued under this section against any public highway,
21 transportation, or drainage improvement or maintenance project undertaken by a
22 government agency or political subdivision in accordance with its standard policies that
23 are approved by the County or the Ohio Department of Natural Resources' Division of
24 Soil and Water Resources.
- 25 F. The Summit County Department of Building Standards may suspend the issuance of
26 occupancy certificates within developments that do not comply with this Chapter.
- 27 G. The County Drainage Engineer may suspend the inspection of site improvements and/or
28 refuse the release of Bonds on developments that do not comply with this Chapter.

29 **943.18 APPEALS**

30 Any person aggrieved by any order, requirement, determination or any other action or inaction
31 by the County (hereinafter "Action") in relation to this Chapter may appeal to the Summit
32 County Council. The person seeking the appeal (hereinafter "Appellant") shall give written
33 notice of the appeal and request for a hearing (hereinafter "Notice") before the Summit County
34 Council within ninety (90) days of the Action to the Clerk of Council, with a copy to the County
35 Drainage Engineer. Upon receipt of the notice, the Clerk of Council shall immediately notify
36 members of the Council and shall arrange for a hearing on the appeal before the Council, or a
37 committee of the Council, within forty-five (45) days of receipt of the Notice. The Appellant
38 may present evidence before the Council at the hearing. The Council shall adopt a resolution
39 setting forth its determination within thirty (30) days of the hearing. Following receipt of the
40 Council's resolution, the Appellant may appeal the decision of the Council to the Court of
41 Common Pleas. Written notice of the appeal to the Court of Common Pleas shall be served on
42 the Summit County Executive, and a copy shall be provided to the County Drainage Engineer.