

### 942.03 JURISDICTION.

The Surface Water Management District shall have jurisdiction over the administration of Chapter 944 of these Codified Ordinances, the Rules and Regulations contained in the Appendix to this Chapter, administration of the County's Municipal Separate Storm Sewer System (MS4) permit, planning, programming, performance, construction and maintenance of all Surface Water Facilities and/or Improvements within the Service Area, pursuant to and subject to the provisions of this Chapter, provided, however, that any Drainage System that is directly related to a subdivision that has been, or will be, dedicated to the County pursuant to Ohio Revised Code Section 6131.63 and is, or will be, assessed for the repair and maintenance of such Drainage System pursuant to Ohio Revised Code Chapter 6137 and Chapter 1109 of these Codified Ordinances shall continue to be performed by the County Engineer independent of the District. In the event that the District proposes a Surface Water Facility and/or Improvement that is also partly located outside of the Service Area, the County maintains the right to advance the project through any means authorized by the Ohio Revised Code or other applicable law for that portion of the project outside of the Service Area.

A village, or city may be included in the Service Area by the filing of a duly authorized resolution of the legislative authority of the village, or city with the Clerk of County Council and the County Engineer. Said resolution shall request participation under this Chapter for the territory of such political subdivision. The resolution must be received by the first day of July for inclusion in the Service Area in the next billing cycle of that same year. Upon receipt of such a resolution, County Council shall consider the request and determine whether to include the political subdivision in the Service Area, which shall be approved by County Council.

The following municipalities are included in the Service Area pursuant to legislation adopted by each municipality and approved by County Council: City of Reminderville, Village of Lakemore , ~~Village of Clinton, and Village of Boston Heights.~~

### Appendix to Chapter 942 Rules and Regulations

### 23.03 EXCEPTIONS.

(a) No permit shall be issued and no fees shall be required for excavation, grading or filling operations performed in conjunction with the following activities; however, all other provisions

of this Chapter shall apply and applications for the performance of these activities shall be reviewed for compliance with the requirements contained herein:

(1) Site improvements. Activities incidental to any site improvement project shown by the plans and specifications as approved under the provisions of ~~applicable land development regulations~~ the Summit County Subdivision Regulations and Summit County Chapter 943 Comprehensive Storm Water Management.

(2) Excavation for streets and drains. Necessary grading, removal or excavation of topsoil or other materials shall be permitted within the limits of the right of way or slope rights of any existing street, or for the purpose of constructing streets and other related improvements within the area of new subdivisions when made in accordance with subdivision plans approved by the Planning Commission, which plans shall establish the elevations and grades of such streets and/or the location of such improvements, and for which a street construction permit or a drain connection permit has been issued.

(3) Road and highway construction or maintenance performed under the jurisdiction of a governmental entity.

(b) Excavation, grading and filling operations conducted in conjunction with the following operations shall be exempt from the permitting requirements of this chapter provided the operations otherwise comply with the standards contained herein including 23.06, 23.07, and 23.08, and do not affect a wetland, do not block or divert natural storm water flows to the detriment of neighboring properties, and do not involve the modification of a County Ditch.

(1) Foundation grading. Activities conducted within fifteen feet of the foundation of an existing structure for the purpose of directing surface water flows away from the foundation of the structure. Grading of new construction sites is not considered landscaping and requires a permit under paragraph 23.05 of these Regulations.

(2) Landscaping. ~~Activities~~ Upon submission of an application and determination of the County Engineer that work proposed will have no significant impact upon quantity or quality of surface water, activity involved in the installation of landscaping materials and ~~plants and the~~ seeding or sodding of lawn areas not involving new or expanded structures shall be exempt. Note: should such activities be later determined to have significant impact then a permit will be required and all corrections shall be made.

(3) Utilities and conduits. Activities conducted in the repair or replacement of storm water pipes, drains or tile including roof drains and foundation drains or underground utility service connections for which the proper authority has been contacted and any necessary permits and/or work authorizations have been obtained.

(4) Farming. Activities conducted in the lawful use of the land for farming, nurseries, gardening or similar agricultural or horticultural use ~~where~~ when permitted by the local zoning code and ORC § 519.21.

(5) Land Fills. As regulated and approved by County or State agencies.

#### 23.05 PERMIT APPLICATION; FEES; EXPIRATION.

~~—(a) Application for an excavation, grading or filling permit shall be made by the property owner or his/her authorized agent to the County Engineer as enforcement officer, on forms provided by the County. An application form in duplicate shall be accompanied by a detailed statement of proposed work, the purpose thereof and the reason such work is clearly incidental to the improvement of the property. An application shall be accompanied by the following:~~

~~—(1) Two sets of maps and plans with specifications showing the proposed excavation, grading or filling and any approvals or permits for such work required by any federal or state agency or subdivision thereof. All such plans shall be prepared by a qualified professional, where the excavation, grading or filling of more than 500 cubic yards of material is expected, and drawn to an appropriate scale which in no case shall be less than one inch equals 100 feet and shall show the following:~~

~~—A. The full name and address of owner of property;~~

~~—B. A description of property by street address and tax assessor designation with a surveyed boundary shown on the plan;~~

~~—C. The location of the premises and its geographic relation to the neighboring properties, showing all buildings and roads within 100 feet of the boundaries of the plot on which the excavation, grading or filling is proposed;~~

~~—D. A plan of the portion of the property that is to be excavated, graded or filled with excavated material and specifications for the execution of the excavation, grading and/or filling.~~

~~—E. The estimated maximum quantity of material to be excavated, graded or filled and the estimated part thereof that shall be used for grading or filling;~~

~~—F. The location and depth, where known, of any well situated within fifty feet of the proposed excavation and/or filling;~~

~~—G. The location of any sewerage disposal system or underground utility line, any part of which is within fifty feet of the proposed excavation, grading or filling area and the location of~~

any gas transmission pipeline operated at a maximum service pressure in excess of 200 P.S.I.G., any part of which is within 100 feet of the proposed excavation, grading or filling area;

~~—— H. Existing and proposed topography of the premises and any area which is within 100 feet of the proposed excavation, grading or filling area at an appropriate contour interval which in no case shall be more than two feet. Existing and final elevations shall be shown at horizontal intervals of not more than twenty five feet. All physical features shall be shown including streets, structures, drives, walks, parking areas, trees, drainage structures, hydric soil areas, marsh or swamp land areas, etc. Existing and proposed elevations of all significant physical features shall be shown;~~

~~—— I. The location and present status of any previously permitted excavation operations on the property;~~

~~—— J. The details, plans and specifications of any drainage system proposed to be installed and maintained by the applicant, designed to provide for proper surface drainage of the land, both during the performance of the work applied for and after the completion thereof;~~

~~—— K. The design of any proposed complete design calculations, plans and specifications;~~

~~—— L. A statement concerning the type and nature of the soils on the site and any area which is within 100 feet of the proposed excavation, grading or filling area. This statement may rely on information provided by the Soil and Water Conservation Service Office of Summit County and shall identify and describe the location of any hydric soils and non-hydric soils which contain hydric components as indicated in the Soil Survey of Summit County, Ohio, prepared by the United States Department of Agriculture, Soil Conservation Service, and shall locate and identify any area shown as marsh or swamp land on the most current edition of Summit County Topographic Maps. In the case where hydric soils, non-hydric soils which contain hydric components, marsh or swamp land are indicated, this statement shall be supplemented by the approval of the U.S. Army, Corps of Engineers and a copy of any study required by them. Hydric soils shall be any soils designated by the following map symbols: Ca, Cg, Da, Fr, Ho, Ld, Ln, Od, Sb, Sv, Tr or Wc. Non-hydric soils which contain hydric components shall be any soils designated by the following map symbols which are located within depressions, drainageways, springs, swales, low areas and/or stream meander channels: CcA, CcB, DkD, DkF, FcA, FcB, FnA, JtA, MgA, MhB or ReA, RmA, RsC2, WaA and/or WaB; M. The method of and specifications for erosion and siltation control to be implemented during the course of the work;~~

~~—— N. A plan and specifications for salvage and re-use of the existing topsoil on the site;~~

~~—— O. An estimate of the cost of the work for all excavations, grading and/or filling of more than 500 cubic yards of material and for all projects;~~

~~—— P. If the proposed excavation and/or filling is for the purpose of constructing a lake or pond, the details, plans and specifications of the proposed dam or other structures and the embankments intended to impound the water, together with the details, plans and specifications of the proposed discharge through a standpipe, overflow, spillway and/or a valved outlet for drainage purposes, the proposed level of any impounded water, and plans, specifications and details of the emergency or flood level overflow or spillway. Any proposal involving the construction of a dam for the impoundment of water shall be approved by the State Water Board, if and where necessary, and any dam shall be approved by the Ohio Department of Natural Resources, if and where necessary, and such approval shall be obtained prior to the issuance of a permit hereunder; Three (3) copies of detailed drawings of proposed dams or basins and all calculations shall be submitted to the County Engineer for approval. The property owner shall apply for a permit from the State of Ohio, Department of Natural Resources, Division of Water, if applicable, and any other applicable agencies. All dams, emergency spillways, basins, and fire ponds shall be stabilized from erosion immediately following construction;~~

~~—— Q. Details and specifications of soil preparation and revegetation or other methods of soil erosion control upon completion, and in case of a wetlands, revegetation and restoration in accordance with the approved wetlands mitigation plan;~~

~~—— R. Proposed truck and equipment accessways to the worksite including plans and specifications for treatment of the accessways to protect the adjacent public roadway from the accumulation of dirt and debris; and~~

~~—— S. A statement from the property owner or his/her agent assuming full responsibility for the performance of the operation as stated on the plans and specifications in the application. This statement shall also contain an assurance that all public property and/or public roads shall be protected adequately.~~

~~—— (2) For applications involving lake or pond construction, wetland mitigation or excavation, grading and/or filling of more than 500 cubic yards of material, a performance bond in form and with surety approved by the Director of the Department of Law and Risk Management in such amount as shall be deemed sufficient to insure completion of all work following excavation, grading or filling pursuant to the conditions of approval; provided that, in lieu of such bond, the County may accept a certified or bank officer's check in the same amount payable to the County; and~~

~~—— (3) Fees to cover the cost of plan review and inspections as follows:~~

~~— A. Application and permit fee: Twenty-five dollars (\$25.00) base fee plus two dollars (\$2.00) per each 100 cubic yards of excavation, filling and/or grading or fraction thereof.~~

~~— B. The application and permit fee shall be increased by two percent (2%) of the estimated construction cost of any storm water structure, utility line, pavement or other structure involved in the work. The estimated construction cost used to calculate the fees referenced in this Subsection may exclude the additional cost which may be attributed to the use of decorative and/or ornamental materials and finishes.~~

~~— (b) Upon receipt of the application and plan, the County Engineer shall establish the amount of the performance bond, if any, and if such application and plan complies with the standards contained in this Chapter, the County Engineer shall issue a permit in accordance therewith. In acting on such an application and plan, the County Engineer shall be guided by and shall take into consideration the public health, safety and general welfare, and, particular consideration shall be given as to whether the plan shall create any of the following conditions:~~

~~— (1) Interference with surface water flow and drainage;~~

~~— (2) Interference with lateral supports and slopes;~~

~~— (3) Causes erosion, alteration of the natural topography and grade of land, depletion of natural deposits of topsoil and other natural materials, disturbance of the plant and wildlife, creation of nuisances and potentially dangerous slopes, walls or open pits or creation of stagnant water pools; or~~

~~— (4) Impacts upon the value and use of adjacent properties;~~

~~— (5) Increases the height or duration of floodwater;~~

~~— (6) Results in incompatible land uses or uses which would be detrimental to the protection of surface and ground water supplies;~~

~~— (7) Increases the financial burdens imposed on the community through increasing water treatment costs, increasing floods and overflow of water onto land areas;~~

~~— (8) Is inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural landforms, vegetation and the wetlands within the community;~~

~~— (9) Includes development of land and water areas essential to continue the temporary withholding of rapid runoff of surface water which presently contributes to downstream flooding or water pollution or for land and water areas which provide ground water infiltration which diminishes the land area necessary to carry increased flow or storm water following periods of heavy precipitation. The County Engineer may impose such reasonable conditions or~~

requirements upon the issuance of a permit as the Engineer deems necessary or proper to assure faithful compliance with this Chapter.

~~—(c) A permit issued under this section shall expire one year from the date of issuance, except that the County Engineer may, for good cause shown, extend any permit for one year periods after complete review of all plans and examination of work accomplished and proposed, provided application is made at least thirty days prior to the expiration date of such permit. In no case shall a permit be extended if the provisions of this regulation have not been complied with, provided, however, that in connection with continuing operations, the County Engineer may waive, for one year periods, those requirements which would make continuing operations impractical.~~

23.05 APPLICATION AND PERMIT FEES; EXPIRATION.

- a. Application for an excavation, grading or filling permit shall be made by the property owner or his/her authorized agent to the County Engineer as enforcement officer, on forms provided by the County. An application form in duplicate shall be accompanied by a detailed statement of proposed work and the purpose thereof. An application shall be accompanied by any approvals or permits for such work required by any federal or state agency or subdivision thereof, and plans showing the proposed excavation, grading, or filling in conformance with the following as applicable:

<u>Type of Fee</u>	<u>Project Type</u>	<u>FEE</u>	<u>REQUIREMENTS</u>
<u>Application Fee</u>	<u>Any size project</u>	<u>\$ 50.00</u>	<u>See Note 1</u>
<u>Permit Fee</u>	<u>Less than 150 Cubic Yards or Lake, Pond, Wetland</u>	<u>\$ 250.00 Minimum</u>	<u>See Notes 2A. thru 2G. and Note 4.</u>
<u>Permit Fee</u>	<u>150 Cubic Yards or More or Lake, Pond, Wetland</u>	<u>\$250.00 Minimum</u>	<u>See Notes 3A. thru 3R. and Note 4.</u>

Requirement Notes:

- 1. The Application Fee is a non-refundable fee to process the initial submission and to determine the proper permit fee and to identify any major issues that would restrict the proposed work.

2. Where the excavation, grading or filling of less than 150 cubic yards of material is expected, the Summit County Engineer shall determine if plans and calculations must be prepared by a qualified professional. Applicant shall submit a description, map, sketch, or plans showing the proposed excavation, grading, or filling and the following:
  - A. The full name and address of owner of property.
  - B. A description of property by street address and tax assessor designation.
  - C. The location of the premises and its geographic relation to the neighboring properties showing all buildings and roads within 100 feet of the boundaries of the plot on which the excavation, grading or filling is proposed.
  - D. A plan of the portion of the property that is to be excavated, graded, or filled with excavated material and specifications for the execution of the excavation, grading and/or filling.
  - E. The estimated maximum quantity of material to be excavated, graded or filled and the estimated part thereof that shall be used for grading or filling.
  - F. The location and depth, where known, of any well situated within fifty feet of the proposed excavation and/or filling.
  - G. The location of any sewerage disposal system or underground utility line, any part of which is within fifty feet of the proposed excavation, grading or filling area and the location of any gas transmission pipeline operated at a maximum service pressure in excess of 200 P.S.I.G., any part of which is within 100 feet of the proposed excavation, grading or filling area.
3. Where the proposed work involves the installation or modification of any drainage system and/or excavation, grading or filling of more than 150 cubic yards of material is expected, all such plans shall be prepared by a qualified professional and drawn to an appropriate scale which in no case shall be less than one inch equals 100 feet and shall show the following:
  - A. The full name and address of owner of property; and
  - B. A description of property by street address and tax assessor designation; and
  - C. The location of the premises and its geographic relation to the neighboring properties, showing all buildings and roads within 100 feet of the boundaries of the plot on which the excavation, grading or filling is proposed; and
  - D. A plan of the portion of the property that is to be excavated, graded, or filled with excavated material and specifications for the execution of the excavation, grading and/or filling.



- E. The estimated maximum quantity of material to be excavated, graded or filled and the estimated part thereof that shall be used for grading or filling; and
- F. The location and depth, where known, of any well situated within fifty feet of the proposed excavation and/or filling.
- G. The location of any sewerage disposal system or underground utility line, any part of which is within fifty feet of the proposed excavation, grading or filling area and the location of any gas transmission pipeline operated at a maximum service pressure in excess of 200 P.S.I.G., any part of which is within 100 feet of the proposed excavation, grading or filling area.
- H. Existing and proposed topography of the premises and any area which is within 100 feet of the proposed excavation, grading, or filling area at an appropriate contour interval which in no case shall be more than two feet. Existing and final elevations shall be shown at horizontal intervals of not more than twenty-five feet. All physical features shall be shown including streets, structures, drives, walks, parking areas, trees, drainage structures, hydric soil areas, marsh, or swamp land areas, etc. Existing and proposed elevations of all significant physical features shall be shown.
- I. The location and present status of any previously permitted excavation operations on the property.
- J. The details, plans and specifications of any drainage system proposed to be installed and maintained by the applicant, designed to provide for proper drainage of the land, both during the performance of the work applied for and after the completion thereof.
- K. The submission required herein shall include complete design calculations, plans and specifications.
- L. A statement concerning the type and nature of the soils on the site and any area which is within 100 feet of the proposed excavation, grading, or filling area. This statement may rely on information provided by the Soil and Water Conservation Service Office of Summit County and shall identify and describe the location of any hydric soils and non- hydric soils which contain hydric components as indicated in the Soil Survey of Summit County, Ohio, prepared by the United States Department of Agriculture, Soil Conservation Service, and shall locate and identify any area shown as marsh or swamp land on the most current edition of Summit County Topographic Maps. In the case where hydric soils, non-hydric soils which contain hydric components, marsh or swamp land are indicated, this statement shall be supplemented by the approval of the U.S. Army, Corps of Engineers and a copy of any study required by them. Hydric soils shall be any soils designated by the following map symbols: Ca, Cg, Da, Fr, Ho, Ld, Ln, Od, Sb, Sv, Tr or Wc. Non-hydric soils which contain hydric components shall be any soils

designated by the following map symbols which are located within depressions, drainageways, springs, swales, low areas and/or stream meander channels: CcA, CcB, DkD, DkF, FcA, FcB, FnA, JtA, MgA, MhB or ReA, RmA, RsC2, WaA and/or WaB; M. The method of and specifications for erosion and siltation control to be implemented during the course of the work.

- M. A plan and specifications for salvage and re-use of the existing topsoil on the site.
  - N. An estimate of the cost of the work for all excavations, grading and/or filling of more than 150 cubic yards of material and for all projects which include the installation or modification of any drainage system.
  - O. If the proposed excavation and/or filling is for the purpose of constructing a lake or pond, the details, plans and specifications of any proposed dam or other structures and the embankments intended to impound the water, together with the details, plans and specifications of the proposed discharge through a standpipe, overflow, spillway and/or a valved outlet for drainage purposes, the proposed level of any impounded water, and plans, specifications and details of the emergency or flood level overflow or spillway. Any proposal involving the construction of a dam for the impoundment of water shall be approved by the State Water Board, if and where necessary, and any dam shall be approved by the Ohio Department of Natural Resources, if and where necessary, and such approval shall be obtained prior to the issuance of a permit hereunder. Three (3) copies of detailed drawings of proposed dams or basins and all calculations shall be submitted to the County Engineer for approval. The property owner shall apply for a permit from the State of Ohio, Department of Natural Resources, Division of Water, if applicable, and any other applicable agencies. All dams, emergency spillways, basins, and fire ponds shall be stabilized from erosion immediately following construction.
  - P. Details and specifications of soil preparation and revegetation or other methods of soil erosion control upon completion, and in case of a wetlands, revegetation, and restoration in accordance with the approved wetlands mitigation plan.
  - Q. Proposed truck and equipment accessways to the worksite including plans and specifications for treatment of the accessways to protect the adjacent public roadway from the accumulation of dirt and debris.
  - R. A statement from the property owner or his/her agent assuming full responsibility for the performance of the operation as stated on the plans and specifications in the application. This statement shall also contain an assurance that all public property and/or public roads shall be protected adequately.
4. The permit fee shall be a minimum deposit of \$250.00 to cover the costs of plan review and construction inspection. The deposit may be increased by the County Engineer based upon his estimate of time required to perform plan review and

construction inspection, which will be charged against the deposit based upon the Engineer's standard billing rates. Any deposit balance remaining upon completion of the work as approved by the County Engineer will be refunded to the applicant.

For applications involving lake or pond construction, wetland mitigation or excavation, grading and/or filling of more than 150 cubic yards of material, a performance bond may be required as provided in paragraph 23.051.

5. The County Engineer may waive the application and permit fees for governmental agencies. In addition, the County Engineer may waive or reduce the permit fee for projects undertaken to repair, stabilize, or otherwise improve a waterway.

b. The County Engineer may impose such reasonable conditions or requirements upon the issuance of a permit as the Engineer deems necessary or proper to assure faithful compliance with this Chapter. The County Engineer shall take into consideration the public health, safety, general welfare, and particular consideration shall be given as to whether the plan shall cause negative impacts or create any of the following conditions:

(1) Interference with surface water flow and drainage;

(2) Interference with lateral supports and slopes;

(3) Causes erosion, alteration of the natural topography and grade of land, depletion of natural deposits of topsoil and other natural materials, disturbance of the plant and wildlife, creation of nuisances and potentially dangerous slopes, walls or open pits or creation of stagnant water pools;

(4) Impacts upon the use of adjacent properties;

(5) Increases the height or duration of floodwater;

(6) Results in incompatible land uses or uses which would be detrimental to the protection of surface and ground water supplies;

(7) Increases the financial burdens imposed on the community through increasing water treatment costs, increasing floods and overflow of water;

(8) Is inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural landforms, vegetation, and the wetlands within the community;

(9) Includes development of land and water areas essential to continue the temporary withholding of rapid runoff of surface water which presently contributes to downstream flooding or water pollution or for land and water areas which provide

ground water infiltration which diminishes the land area necessary to carry increased flow or storm water following periods of heavy precipitation.

A permit issued under this section shall expire one year from the date of issuance, except that the County Engineer may, for good cause shown, extend any permit for one-year periods after complete review of all plans and examination of work accomplished and proposed, provided application is made at least thirty days prior to the expiration date of such permit. In no case shall a permit be extended if the provisions of this regulation have not been complied with, provided, however, that in connection with continuing operations, the County Engineer may waive, for one-year periods, those requirements which would make continuing operations impractical.

### 23.051 PERFORMANCE BONDS.

After review of a properly submitted application, the County Engineer shall establish the amount of the performance bond, if any, and shall inform the applicant of such required bond. Prior to the County Engineer's approval of an application requiring a performance bond, the Developer/Owner shall furnish the performance bond to the County Executive. Performance bonds will generally be required in an amount equal to one hundred and ten percent (110%) of the approved total cost of the improvements, but may vary based upon the amount deemed sufficient to ensure completion of all work following excavation, grading or filling pursuant to the conditions of approval. Performance bonds shall be provided in the form of bonds issued by sureties or insurance companies authorized to transact business in the State of Ohio by the Ohio Department of Insurance, and as approved by the Director of the Department of Law and Risk Management. In lieu of such bond, the County may accept a certified or cashier's check in the same amount payable to the County. Performance bonds will remain in effect until released by the County Executive.

### 27. ENFORCEMENT.

The provisions of these Rules and Regulations may be enforced through orders issued by the Summit County Engineer, including, but not limited to, notices of violation, orders to correct violations, notices of the imposition of penalties, and stop-work orders, as deemed appropriate. These Rules and Regulations and orders issued thereunder by the Summit County Engineer may be enforced through proceedings brought by the County of Summit Prosecutor on behalf of and in the name of the County of Summit in any court of competent jurisdiction.