

CHAPTER 942 - Appendix A

Summit County Surface Water Management District - Rules and Regulations

1. PURPOSE AND SCOPE.

The Summit County Surface Water Management District Program, the “Program” was established to provide a mechanism to manage and improve storm water facilities and storm water discharges, to protect surface and groundwater quality, reduce property damage due to excess storm water discharge, and to meet all requirements of the Federal Clean Water Act as regulated by the Ohio EPA for all surface water received by public right of way, county ditches and waters of the State of Ohio within the surface water management program service area, including each Minimum Control Measure (MCM) required for small Municipal Separate Storm Sewer Systems (MS4) and all requirements of Ohio EPA General Permit OHQ000004 and future updates as required by the National Pollutant Discharge Elimination System (NPDES). The County Engineer is charged with promulgating regulations for this purpose. The following rules and regulations are adopted in accordance with Chapter 942 of the Codified Ordinances of the County of Summit for the Surface Water Management Program to promote public health and safety, minimize public and private losses due to excess surface water discharges, and to protect surface waters and the natural function of floodplains.

2. SERVICE AREA.

The Summit County Surface Water Management District service area (the “service area”) shall encompass all land within the corporate limits of the County that is also within the limits of the unincorporated areas of the County or those incorporated areas wherein the municipal legislative authority has adopted legislation authorizing participation under Chapter 942 of the Summit County Codified Ordinances.

3. DEFINITIONS.

For purposes of these Rules and Regulations, the following words, terms, and phrases shall have the meanings given to them in Chapter 942 of the Codified Ordinances or these Rules and Regulations, except where the context clearly indicates a different meaning:

(a) “BMP”: Best management practice, either structural or non-structural, intended, operated and maintained to provide specific environmental and other surface water benefits. A structural BMP is a device or system installed or constructed to provide specific benefits. A non-structural BMP is a procedure or action that protects, preserves or enhances natural features that provide benefits, such as green infrastructure.

(b) “CLEAN WATER ACT”: Federal law formerly referred to as Federal Water Pollution Control Act Amendments of 1972 Pub. L. 92-500 and all subsequent amendments.

- (c) "EXCAVATION": The removal, stripping or disturbance of soil, earth, sand, rock, gravel or other similar substance from the ground and includes dredging, draining, unnaturally flooding or otherwise altering a waterway or wetland.
- (d) "FILLING": The placing of any soil, earth, sand, rock, gravel or other similar substance on the ground or within a waterway or wetland.
- (e) "GRADING": Any operation involving excavation and/or filling.
- (f) "GROUND": The surface of the earth, including, but not limited to, land below the banks and beds of any ditch, stream, river, pond, lake, or wetland.
- (g) "HYDRIC SOILS": Soil types that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part, or as otherwise defined by the United States Department of Agriculture.
- (h) "LAND DEVELOPMENT REGULATIONS": All applicable building and environmental regulations, including, but not limited to, the Summit County Subdivision Regulations and/or Chapter 943 of the Codified Ordinances, "Comprehensive Stormwater Management".
- (i) "MCM": Minimum Control Measure as required for MS4 NPDES permit.
- (j) "MS4": Municipal separate storm sewer system, shall have the meaning stated under Federal law in 40 CFR 122.26(b)(8) and any subsequent amendment.
- (k) "NON-FUNDED COUNTY DITCHES": Ditches, drains and watercourses where county easements were established and improvements made under the Ohio Revised Code ("ORC") Ditch Petition provisions in effect prior to the October 20, 1957 revision of ORC Chapters 6131 and 6137, where the responsibility for maintenance lies solely with the owners of the adjacent abutting properties.
- (l) "NON-SUBDIVISION LAND DEVELOPMENT": The development or improvement of a parcel or parcels of land not subject to the provisions of the Summit County Subdivision Regulations, as set forth in Part 11 of the Codified Ordinances.
- (m) "NPDES": National Pollutant Discharge Elimination System of permits required for all facilities discharging pollutants to waters of the State of Ohio.
- (n) "Ohio EPA"; The Ohio Environmental Protection Agency which is the state agency for issuing and enforcing MS4 NPDES permits in Ohio.
- (o) "POLLUTANT": anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.

- (p) "POND": A body of water formed by excavation and/or damming.
- (q) "PRIVATELY OWNED DITCH OR WATERWAY": Any ditch, swale or waterway located on private property not dedicated to and accepted by Summit County as a County Ditch or Non-Funded County Ditch under current or prior ditch laws.
- (r) "PROJECT": Work funded and undertaken by the Program pursuant to Chapter 942 of the Codified Ordinances.
- (s) "SUBDIVISION LAND DEVELOPMENT": The development of a parcel or parcels of land for the purpose of creating residential, commercial and/or institutional structures in accordance with the Summit County Subdivision Regulations.
- (t) "SURFACE WATER": Storm water runoff, snow melt runoff, and surface runoff and drainage.
- (u) "WATERS OF THE STATE OF OHIO": Any water feature subject to regulation by the State of Ohio as defined by the Ohio Revised Code (ORC) 6111.01 and includes all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems and other bodies or accumulations of water, surface or underground, natural or artificial, regardless of the depth of the strata.
- (v) "WETLAND": An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands shall possess three essential characteristics: (1) Hydrophytic vegetation; (2) Hydric soils' and (3) Wetland hydrology.

4. PROJECT DEVELOPMENT.

The County Engineer will initiate a public information campaign and a series of public meetings. The meetings will inform the public of the purpose and scope of Program responsibilities and provide opportunities for citizens and public officials to provide to the County Engineer their knowledge of areas subject to pollution and other storm water related problems within the Service Area. The County Engineer will analyze the needs of each neighborhood within the Service Area, develop estimates of cost for program work elements and improvements, and prioritize work in the form of a long-range and a short-term plan. A report of the County Engineer's findings and a proposed budget for accomplishing the work will be provided to each neighborhood within the Service Area, Additional public meetings may be held to receive comments on the resulting short-term and long-range work plan and budget. Project development is intended to be an ongoing process with priorities being revised as needs change.

5. MAINTENANCE OF COUNTY DITCHES, DRAINS AND WATERQUALITY/QUANTITY STRUCTURES.

Maintenance of County ditch facilities established after October 20, 1957 under ORC Chapters 6131 and 6137 will continue to be performed utilizing the process and the funds collected in accordance with ORC Chapter 6137.

As Amended per Summit County Ordinance 2023-220

6. MAINTENANCE OF NON-FUNDED COUNTY DITCHES.

Maintenance of non-funded County ditches shall be limited to the removal of logjams, beaver dams and debris that represent imminent cause of structure flooding. Where cleaning or reconstruction of more than 200 feet of such facilities would be required to improve drainage flow conditions the process afforded under ORC Chapter 6131 may be utilized to establish the facility as a county ditch.

7. MAINTENANCE OF PRIVATELY OWNED DITCHES AND WATERWAYS.

Privately owned ditches and waterways will not be eligible for funding from District funds unless the ditch or waterway is established as a county ditch utilizing the ditch petition process in ORC Chapters 6131 and 6137.

8. FACILITIES ESTABLISHED UTILIZING ORC 6131 AND 6137 DITCH PETITION PROCESS.

Storm water drainage and management facilities appearing on the short-term or long-range plan may become public facilities managed, constructed and/or improved by the Program by petition filed by the local political subdivision of the Service Area or by any property owner within the Service Area. The cost of the administration of the ditch petition process may be paid from Program funds, including cost of public notices, preliminary studies, and design. Some or all cost which would be assessed per ORC Chapter 6131 to property owners within the Service Area of such improvements may be paid from Program funds. Political subdivisions outside the Service Area may similarly contribute financially to offset some or all of the cost which would be assessed to property owners within their neighborhood. Costs may also be reduced where funding can be secured from private, local, state and/or federal grant sources.

9. STREAMS, WATERWAYS AND DITCHES.

Streams, waterways and ditches, including roadside ditches, shall remain open and free flowing unless otherwise allowed by permit issued by the County Engineer.

Streams, waterways and ditches, including roadside ditches, shall be kept free of leaves, grass clippings, brush, and trash. Any accumulation of such debris shall be promptly removed by the owner of the property thereon.

No alteration of streams, waterways or ditches shall be allowed unless plans have been approved by the County Engineer, a permit has been issued, and any applicable fees paid.

Roadside and waterway ditches provide capacity and storage during periods of heavy rainfall and vegetation within the ditches filters sediment and debris from traveling downstream, therefore, enclosure of ditches is prohibited. Alternatives to ditch enclosure are installing aggregate drains to enhance recharge of standing water into the soil and grading back slopes to allow easier maintenance and/or reduce ditch edge erosion.

No person shall deposit any pollutant into any stream, waterway, storm sewer, or ditch. The deposit or discharge of any pollutant unless contained by adequate means, shall be considered a violation of this requirement

10. DRIVEWAYS AND DRIVE CULVERTS.

Construction and maintenance of driveways and drive culverts within unincorporated areas of the county are the responsibility of the owner of the properties they serve. Drive culverts shall be constructed of size and type approved by the local authority and kept free of debris. Driveways shall be constructed and maintained to prevent the flow of water therefrom onto the street or adjacent property. Local rules and regulations for driveways and drive culverts shall apply within municipalities.

11. PUBLIC ROADWAY BRIDGES, CULVERTS AND STORM SEWERS.

Construction and maintenance of public roadway bridges, culverts and storm sewers shall be performed by the responsible public agency including clearing of debris causing a restriction in the flow of storm water. The design of new and replacement bridges, culverts, and storm sewers shall be reviewed and approved by the County Engineer.

12. PRIVATE BRIDGES, CULVERTS AND STORM SEWERS.

Maintenance of private bridges, culverts, and storm sewers shall be the responsibility of and shall be performed by the property owner including clearing of debris causing a restriction in the flow of storm water. Private bridges over waterways, culverts, and storm sewers found to be in disrepair, to be improperly sized, or to be impeding flow shall be removed, repaired, or modified by the property owner upon receipt of notice by the County Engineer. New and replacement bridges, culverts, and storm sewers shall be properly sized for flow of storm water in accordance with the Summit County Engineer's Storm Water Drainage Manual and shall be reviewed and approved by the County Engineer. The installer of private roadway bridges, culverts, and storm sewers shall be subject to payment of applicable permit and inspection fees.

13. DAMS OR BASINS REQUIREMENTS.

All Dams shall be maintained by the property owner in a stable condition free from erosion and in accordance with the standards and requirements of the State of Ohio, Department of Natural Resources, Division of Water. 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 also 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 any construction or maintenance activity.

14. GROUND COVER.

Properties shall be maintained with adequate groundcover vegetation to prevent erosion of the soil. All eroded surfaces shall be repaired to prevent further damage and all erosion soil materials that leave a property shall be removed by the owner of the property from which they originate.

15. OHIO ENVIRONMENTAL PROTECTION AGENCY NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT MS4 REQUIREMENTS.

The Summit County Storm Water Management Program dated March 10, 2003, and its annual updates, shall govern the Service Area MS4 Ohio EPA NPDES Phase II General Permits Requirements.

16. SURFACE WATER POLLUTION CONTROL.

Chapter 944 of the Codified Ordinances, "Illicit Discharge Detection and Elimination Program" shall govern all activities related to discharges to storm sewers, drains, ditches, streams, waterways and wetlands.

17. RIPARIAN AND WETLAND SETBACK REQUIREMENTS.

Chapter 937 of the Codified Ordinances, "Riparian Setbacks," shall govern all activities within and/or adjacent to waterways and wetlands.

18. SUBDIVISION LAND DEVELOPMENT.

Storm water facilities constructed as a component of Subdivision Land Development shall comply with the applicable standards and regulations provided in the Summit County Subdivision Regulations.

19. NON-SUBDIVISION LAND DEVELOPMENT.

All non-subdivision land development shall comply with Chapter 943 of the Codified Ordinances, "Comprehensive Storm Water Management."

20. EROSION AND SEDIMENT CONTROL AND POST CONSTRUCTION STORM WATER QUALITY.

All land disturbance shall comply with Chapter 941 of the Codified Ordinances, "Erosion and Sediment Control and Post Construction Storm Water Quality".

21. MAINTENANCE RESPONSIBILITY FOR STRUCTURAL BEST MANAGEMENT PRACTICES.

Maintenance of all structural Best Management Practices ("BMPs") shall be the responsibility of the property owner or the property owner's designee except where such responsibilities have been dedicated to and accepted by the County or other political subdivision by Ditch Petition or other legal process. The County Engineer or the Engineer's designee shall inspect structural BMPs from time to time and shall issue correction notices where warranted. Structural BMPs shall be maintained in accordance with an approved maintenance plan prepared by an Ohio licensed Professional Engineer and in a manner such that the facility will function as designed and intended.

22. FLOOD ZONES.

As Amended per Summit County Ordinance 2023-220

All land disturbance shall comply with Chapter 1345 of the Codified Ordinances, “Flood Damage Reduction”.

23. FILLING, GRADING, EXCAVATING AND POND CONSTRUCTION.

Filling, grading, excavating, and pond construction shall be performed in compliance with the following requirements:

23.01 REGULATIONS.

(a) No filling, grading, excavating, or pond construction shall be commenced in the District except as hereinafter provided, and then only in full compliance with the requirements, standards and conditions contained herein.

(b) The provisions of this Chapter shall not be construed as permitting the applicant to carry on any commercial operation or business or use any premises or buildings or structures thereon for any purpose not permitted by other provisions of this chapter or the applicable local Zoning Ordinance. For the purpose of this Section, an excavation shall not be considered a commercial operation or business if the excavation is incidental to and necessary for establishment or operation of a use permitted by the applicable zoning regulation.

(c) The provisions of this Section shall apply to all excavations, grading or filling operations which are being conducted at the time these Rules and Regulations go into effect as provided in Section 23.03 and except that any existing operation shall be completed within one year from the effective date of this Chapter, provided that written notice of intention to continue such operation for such time is filed with the County Engineer within thirty days after the effective date of this Section. No existing operation shall be extended in area or any new operation commenced after such date without first securing a permit therefor as hereinafter provided, and such operation shall be subject to all of the provisions of this Chapter.

23.02 PERMIT REQUIRED.

Except as provided in Subsection 23.03, a permit shall be required for every excavation, grading, pond or filling as defined herein.

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 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. 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 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 when permitted by the local zoning code and ORC § 519.21.

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

(Ord. 2023-220. Adopted 8-21-23)

23.04 PROHIBITED EXCAVATION, GRADING OR FILLING.

No excavation, grading, filling or pond construction shall be permitted which would interfere with the natural drainage of the site or the general area surrounding the site or interfere with the preservation of wetlands on, adjacent to, abutting or affected by the site. All existing watercourses and wetlands shall be preserved, except that wetlands may be altered and mitigated in accordance with requirements of all

statutes, ordinances or regulations of any federal or state agency or subdivision thereof, that such watercourses may be relocated or piped, provided that there shall not be a significant increase in the rate of stormwater runoff from the site and there shall not thereby be created any interference with the riparian and drainage rights or easements of other property owners, and provided further that no drainage shall be made onto public land or connected with public facilities without the express approval of the County.

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:

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

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.

(Ord. 2023-220. Adopted 8-21-23)

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.

(Ord. 2023-220. Adopted 8-21-23)

As Amended per Summit County Ordinance 2023-220

23.06 STANDARDS.

The following standards shall apply to excavation, filling and grading operations:

(a) No excavation, grading or filling shall be permitted within twenty feet of an existing or approved street right-of-way line except to conform to approximate street grade.

(b) Finished slopes of an excavation shall not exceed 1:1 1/2 (vertical to horizontal) in undisturbed earth, 1:2 in earth fill, and 4:1 in rock cut, whether or not the ground surface shall be below water.

(c) Vertical slopes shall be permitted if adequate retaining structures and protective fences are provided when needed.

(d) Truck and equipment accessways to the site of the operation shall be located so as to minimize danger to traffic and nuisance to surrounding properties. Such access shall be kept either wet or oiled or treated with chemical dust deterrents, or paved, to the extent necessary to prevent any dust nuisance to surrounding properties. All such accessways shall be clearly marked with signs and shall be posted approximately 200 feet distance from such accessways or other traveled areas. Such signs shall read "Caution, Trucks Entering" and be of size, type, coloring, lettering and format used by the Highway Department of the County or State.

(e) Excavations shall not interfere with public or private utility systems and shall not create or aggravate any condition detrimental to the public health and safety.

(f) Slopes greater than 1:2 shall receive special ground cover treatment and the upper bank shall be protected by fences, railings or other means.

(g) All work, including compaction of fill, shall be conducted in accordance with accepted and approved engineering standards.

23.07 OPERATIONS.

All operations conducted in connection with an excavation, grading or filling permit shall be subject to local zoning regulations.

23.08 FINISHED GRADING ON FILL OPERATIONS;

REESTABLISHMENT OF SITE ON EXCAVATION AND REMOVAL

OPERATIONS.

Upon completion of the work allowed herein, compliance with the applicable provisions of the following Subsections is required:

(a) All pits, quarries, holes or other excavated areas shall be refilled with, and no new filling operation shall be conducted with, any material except clean, non-burnable fill containing no trash, refuse or harmful matter, and such excavated area and new filling operations shall be graded to the level of adjoining properties, or to an elevation from which all surface and other waters collected therein may find natural drainage therefrom. Stumps and logs may not be used for fill material unless approved by the County Engineer. Excess material shall either be removed from the premises or leveled and covered with topsoil and seeded as hereinafter provided.

(b) If the proposed method of soil erosion control is by re-vegetation, the specifications for the work shall provide that any layer of topsoil over the area to be excavated, graded or filled shall be set aside and retained on the premises in sufficient quantity to cover all surfaces which shall remain exposed, except rock, to a depth of at least four inches, with topsoil added if necessary to make up any deficiency. The specifications shall also provide that at the completion of re spreading of topsoil it shall immediately be harrowed or raked to establish a seedbed and shall be seeded for grass, permanent pasture mixture or other approved fast-growing vegetation and shall be repeated as often as necessary until the area is stabilized.

(c) In the case of extended operations, except for access drives and the actual work area, the completed portion of the excavation, filling or grading operation shall be subject to the provisions of subsection (b) hereof and the operation shall be completed prior to the reissuance of the permit under Section 23.05 (c).

(d) Where a permit has been issued for the excavation of a lake or pond, the provisions of this section applicable to seeding shall not apply to that part of the excavation below the water mark of such lake or pond.

(e) Property corners shall be set and property lines shall be marked before the commencement of the work and such markings shall be maintained through the duration of the work.

(f) The applicant shall notify the County Engineer of the following, when and as completed:

(1) Rough grading;

(2) Final grading before seeding; and

(3) All reestablishment and construction work. The County Engineer, upon such notification, shall make field inspections on the site before rough grading, after final grading, before seeding and at the completion to determine if work in progress and the completed operation have been performed in accordance with this Chapter.

(g) Upon completion of the work, where a permit is required, the owner or his/her authorized agent shall cause to be prepared by the project engineer or surveyor of record an "as built" drawing showing the elevations and contours actually established. The "as built" drawing shall be reviewed by

the County Engineer and approved as conforming to the approved plan prior to the release of the performance bond.

24. DESIGN OF IMPROVEMENTS.

The design of all storm water improvements shall be in conformance with the Summit County Engineer's Stormwater Drainage Manual.

25. PLANS AND SPECIFICATION.

Plans and specifications shall be prepared in conformance with requirements of the Summit County Engineer's Storm Water Drainage Manual. (Ord. 2022-191. Adopted 6-27-22.)

26. EASEMENT PERMIT AND INSPECTION FEES.

(a) Owners of land subject to drainage easements of the County of Summit or the District shall remove all obstructions within the bounds of such easements which have been placed there either by themselves or their agents, or with their consent, and not under a franchise or permit legally granted. Naturally occurring obstructions such as plant or tree growth must be removed by the owner or may be removed by the Engineer. By obtaining the consent and approval of the Engineer, obstructions placed or occurring within the bounds of such easements may be permitted to remain upon the conditions prescribed in this Section 26.

(b) The County Engineer (or designee) may, upon formal application being made to the Engineer, grant a permit to any property owner (permittee) to use or occupy such portion of any stormwater easement owned, controlled, or under the jurisdiction of the District or the County of Summit as will not interfere with the operation and maintenance of the stormwater system. Property owners may apply for permits for existing encroachments, but the Engineer may deny such permits and require the removal of the encroachment if the encroachment is determined to interfere with the operation or maintenance of the drainage facility. Easements contemplated by this section include, but are not limited to, drainage easements obtained by the District or the County under Chapters 942, 943, and 1105 of the Codified Ordinances of the County of Summit, and Title 61 of the Ohio Revised Code. Such permits, or modifications of previously issued permits, when granted, shall be upon the following conditions:

(1) The occupancy of such easements shall be in the location and upon such specifications as prescribed by the Engineer.

(2) Such location shall be changed as ordered by the Engineer when the Engineer deems such change necessary for the proper operation and maintenance of the stormwater facility, or in connection with the construction, reconstruction, improvement, relocation, maintenance, or repair of the stormwater facility.

(3) The property owner shall maintain all structures and other objects permitted in the easement in a proper manner, promptly repair all damages to the easement and the stormwater facility on account thereof, and, in the event of failure to so repair such easement, pay to the District or the Engineer all costs and expenses which may be expended by the Engineer in repairing any damage to its facilities. Permits may be revoked by the Engineer at any time for noncompliance with the conditions imposed.

(4) The permit shall be revocable at the discretion of the Engineer upon a finding that the encroachment interferes with the operation or maintenance of the drainage facility, or that the property owner failed to maintain the permitted encroachments, and, upon termination of the permit, the property owner shall remove such encroachment(s) at the property owner's expense within sixty (60) days of notification by the Engineer, without damage to the property of the District or the Engineer. Should the permittee fail to remove the encroachments and restore the area to the satisfaction of the County within this time period, the County may remove and restore the area and charge all related costs to the permittee.

(5) The property owner/applicant shall pay all County costs related to reviewing the application. The County's cost may include, but is not limited to, actual personnel costs, including overhead and related charges as established by the Engineer for plan review purposes, and any third-party or out-of-pocket costs necessary to evaluate the application. The applicant shall deposit \$500 with the application; said deposit may be increased if deemed necessary by the Engineer based on the estimated cost to evaluate the application. Unused deposit amounts shall be refunded to the applicant.

(6) Issued permits shall be recorded with the Summit County Fiscal Office in sufficient detail to identify the permitted encroachment and any limitations placed thereon. The cost of recording shall be charged to the property owner. The permit shall run with the land and be subject to any conditions stated in this Part 26 and in the permit. The Engineer may release the recorded permit upon (1) revocation of the permit as provided in these regulations, or (2) notice from the property owner to the Engineer that the encroachment has been completely removed from the County's easement. In either circumstance, the Engineer shall verify that the encroachment has been removed before releasing the recorded permit.

(7) Encroachments in County drainage easements, whether permitted or not, are installed at the property owner's risk. The County or its contractors shall not be responsible for damage to structures or personal property located within the County's drainage easements.

(c) The Engineer shall promulgate application forms for permits under this regulation. Applications to modify a previously issued permit shall follow the same process as a new application.

(d) Except as otherwise provided for herein, permit and inspection fees specified in Chapter 942 of the Codified Ordinances of the County of Summit shall be based upon the actual cost of the service provided.

(Ord. 2022-291. Adopted 10-24-22.)

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.

(Ord. 2023-220. Adopted 8-21-23)

28. APPEALS.

Any person aggrieved by any order, requirement, determination or action made under these Rules and Regulations may file an appeal as provided in Summit County Codified Ordinance Chapter 942.

(Ord. 2022-191. Adopted 6-27-22.)

29. PENALTY.

Whomever violates any provision of these Rules and Regulations shall be fined not more than five hundred dollars (\$500.00) and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Such penalty shall be in addition to any costs charged for work by the County required to correct non-compliance with orders issued hereunder, When any of these charges are not paid when due, the County may proceed to collect these charges by any method authorized by Section 6117.02(D) of the Ohio Revised Code, including, but not limited to, certifying the unpaid charges, together with any penalties, to the Summit County Fiscal Officer, who shall place them upon the real property tax list and duplicate against the property to which the charges apply. No penalties shall be charged until the person alleged to be in violation has been notified in writing of the violation by registered or certified mail, return receipt requested, or by other means which are reasonably calculated to give actual notice. The notice shall describe the nature of the violation with reasonable particularity, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period shall result in assessment of a civil penalty or other enforcement action. (Ord. 2022-291. Adopted 10-24-22.)