

**DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE
JUNE 16, 2014
7:30 P.M.**

The Regular Meetings of Lakewood City Council shall be held on the first and third Mondays of each month at 7:30 P.M., except that when such meeting date falls on a holiday such meeting shall instead be held on the following day. A Docket and Agenda of the business proposed to be transacted by Council will be available in the Clerk's Office and both branches of the Lakewood Public Library after noon on Friday before a Council meeting.

Section 121.08 of the Codified Ordinances of the City of Lakewood establishes rules for the public to follow when speaking before Council:

ADDRESSING COUNCIL – The President may recognize any non-member for addressing Council on any question then pending. In such cases, the person recognized shall address the chair, state his or her name and address and the subject matter he or she desires to discuss. Speakers must be courteous in their language and avoid personalities. When addressed by the Chair, the speaker must yield the floor and comply with all rulings of the chair, said rulings not being open to debate. Except with permission of Council specifically given, speakers shall be limited to five minutes. No person who has had the floor shall again be recognized until all others desiring an opportunity to speak have been given an opportunity to do so.

AGENDA ITEMS PROTOCOL:

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- I. Pledge of Allegiance
- II. Moment of Silence
- III. Roll Call

Reading and disposal of the Minutes of the Regular Meeting of Council held June 2, 2014. Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

****OLD BUSINESS****

1. Communication from Council President Madigan and Mayor Summers regarding Lakewood High School Varsity Baseball Team. (From previous meeting) (Pg. 5)
2. **RESOLUTION NO. 8746-14** – A RESOLUTION to commend Lakewood High School Varsity Baseball Team on capturing the West Shore Conference Crown. (Pg.)6
3. Finance Committee Report regarding Ordinances Nos. 24-14, 26-14 -14B and Resolution 8744-14. (Pg. 7)
4. **ORDINANCE NO. 26-14** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the transfer and advance of certain funds. (PLACED ON 1ST reading & REFERRED TO THE FINANCE COMMITTEE 5/19/14, 2ND READING, 2ND READING 6/2/14)0(Pg. 9)
5. **RESOLUTION NO. 8744-14** – A RESOLUTION to take effect immediately provided it received the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, approving the tax budget of the City of Lakewood, Ohio for the year 2015, and authorizing the filing of same with the Cuyahoga County Fiscal Officer. (REFERRED TO THE FINANCE COMMITTEE 5/19/14, DEFERRED 6/2/14), (Pg. 11)
6. **ORDINANCE NO. 1-14B** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council otherwise, it shall take effect and be in force after the earliest period allowed by law amending Ordinance 1-14A, adopted March 17, 2014, authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2014 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 6/2/14) (Pg. 12)
7. **ORDINANCE NO. 25-14** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, to amend Section 144.03, qualifications for Applicants for Fire Department, within the Administrative Code of the City of Lakewood to increase the maximum age for a firefighter at hire to 40 years old. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 5/19/14, REPORTED OUT ON, PLACED ON 2ND READING & RECOMMENDED FOR ADOPTION 6/2/14)(Pg. 18)
8. **ORDINANCE NO. 27-14** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect

at the earliest period allowed by law, to approve the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matter. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 5/19/14, REPORTED OUT ON, PLACED ON 2ND READING & RECOMMENDED FOR ADOPTION 6/2/14) (Pg. 20)

9. Public Works Committee Report regarding 20-14 & 21-14. (To Be Provided) – Mr. Juris.

10. **ORDINANCE NO. 20-14** – AN ORDINANCE amending Section 565.10, Prohibited Trees, of the Codified Ordinances of the City of Lakewood to revise and update an obsolete provision of local code that establishes overly prescriptive and outmoded bans on certain tree species. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 5/19/14, 2ND READING 6/2/14) (Pg. 22)

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12. **ORDINANCE NO. 28-14** – AN ORDINANCE to amend Chapter 1339, Storm Water Management, of the Codified Ordinances of the City of Lakewood to update it in accordance with the model code of the Environmental Protection Agency. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 6/2/14) (Pg. 26)

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14. **RESOLUTION NO. 8747-14** – A RESOLUTION to endorse the principles for tree care and the urban forestry management goals recommended by the Lakewood Tree Task Force. (Pg. 107)

15. **ORDINANCE NO. 29-14** – AN ORDINANCE amending Section 565.01, Definitions, and Section 565.04, Placing Harmful Substances near Trees, of the Codified Ordinances of the City of Lakewood to prohibit actions harmful to the tree trunk flare zone. (Pg. 110)

16. Communication from Councilmember O'Leary regarding Appointment of Zach Brown to the Citizens' Advisory Committee. (Pg. 113)

17. Communication from Councilmembers Anderson and O'Leary regarding Harding Middle School Power of the Pen. (Pg. 114)

18. **RESOLUTION NO. 8748-14** – A RESOLUTION commending the students of Harding Middle School on their outstanding achievements in the state-wide Power of the Pen competition. (Pg. 115)
19. Communication from Councilmember Juris regarding Amending Code Provisions on Insurance Requirements. (Pg. 116)
20. **ORDINANCE NO. 30-14** – AN ORDINANCE to amend certain provisions of the Codified Ordinances of the City of Lakewood regarding insurance requirements. (Pg. 117)
21. Communication from Finance Director Pae regarding 2015 Tax Advance Resolution and 2015 Tax Rate Resolution. (Pg. 127)
22. **RESOLUTION NO. 8749-14** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, requesting the Cuyahoga County Fiscal Officer to draw and the Cuyahoga County Treasurer to pay to the City of Lakewood Director of Finance an advance of all real property taxes, personal property taxes, estate taxes and special assessments collected in the year 2015 in such amounts as may be requested and available. (Pg. 128)
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24. Liquor Permit Application for a D5 TREX type to 15006 Detroit Avenue from Swanton Ohio. (Pg. 132)

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12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650
www.onclakewood.com
Lakewood City Council
MARY LOUISE MADIGAN, PRESIDENT
RYAN P. NOWLIN, VICE PRESIDENT

Council at Large
RYAN P. NOWLIN
THOMAS R. BULLOCK III
CINDY MARX

Ward Council
DAVID W. ANDERSON, WARD 1
SAM O'LEARY, WARD 2
SHAWN P. JURIS, WARD 3
MARY LOUISE MADIGAN, WARD 4

June 2, 2014

Lakewood City Council
Lakewood, OH 44107

Re: Lakewood High School Varsity Baseball

Dear Members of Council:

The following resolution commends the Lakewood High Varsity Baseball Team on winning the West Shore Conference Crown.

Approval of this resolution will help celebrate this outstanding athletic achievement.

Sincerely,

Mary Louise Madigan
President of Council

Michael P. Summers
Mayor

Attachment

RESOLUTION NO.

BY:

A RESOLUTION to commend Lakewood High School Varsity Baseball Team on capturing the West Shore Conference Crown.

WHEREAS, Lakewood High School Varsity Baseball Team displayed remarkable tenacity throughout the season, continuing to hustle against the odds, and

WHEREAS, Coaches Mike Ribar, Tim LaBar and Alex Cammock led a group of inspired young men to regional victories and beyond, culminating in a Championship title not seen since 1998, and

WHEREAS, Lakewood High School Baseball Team has brought honor to themselves, their school and to our entire community; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. On behalf of the residents of Lakewood, the Lakewood City Council and Mayor extend to the Lakewood High School Varsity Baseball Team its commendation and the commendation of all the citizens of the community for its outstanding athletic achievements during the 2014 High School baseball season.

Section 2. That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of this Resolution to the Lakewood High School Men's Baseball Team c/o Coach Mike Ribar, and that a copy of this Resolution be spread upon the minutes of this meeting.

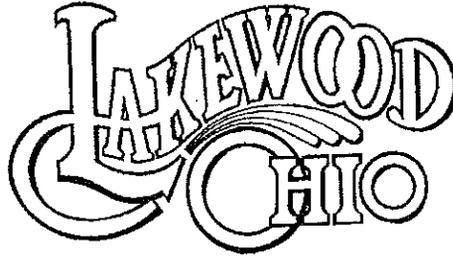
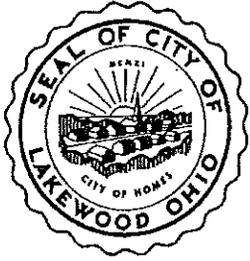
Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR



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SHAWN P. JURIS, WARD 3
MARY LOUISE MADIGAN, WARD 4

June 16, 2014

Lakewood City Council
Lakewood, OH 44107

Re: Finance Committee Report

Dear Members of Council:

The Finance Committee met on June 2, 2014 to discuss Proposed Ordinance 24-14, Resolution No. 8744-14, and Proposed Ordinance 26-14. All members of the Committee were present, as well as Councilmember Marx, Finance Director Pae, Assistant Finance Director Schuster, and Law Director Butler.

Proposed Ordinance 24-14 seeks to enact a new section of the Administrative Code of the City of Lakewood which would authorize the recovery of fees associated with collections from an obligor. The City is preparing to issue an RFP for delinquent collection services, and there is currently no authority to recover collection fees from a debtor. The proposed ordinance would allow the city to pass on collection fees on to the obligor, rather than having them withheld from the funds collected. The Committee discussed various issues regarding how and why the fees would be passed on to the obligor/debtor. Concerns were raised about the fairness of adding the costs of collection to a debt on which late fees may have already been added. Director Butler agreed to provide more examples of how the City currently collects late obligations, and how we charge late fees, and the Committee agreed to reconvene at a later date to further deliberate regarding proposed Ordinance 24-14. Further, the Committee did not take any action regarding Resolution No. 8744-14, and Proposed Ordinance 26-14.

The Finance Committee met again on June 9, 2014 to discuss Proposed Ordinance 24-14, Resolution No. 8744-14, Proposed Ordinance 26-14, and Proposed Ordinance 1-14B. All members of the Committee were present, as well as Councilmembers Marx, O'Leary and Madigan, and Finance Director Pae.

The Committee unanimously agreed to defer Proposed Ordinance 24-14 to allow Director Butler additional time to compile the aforementioned examples of the City's current collection strategy/efforts.

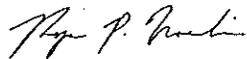
Proposed Ordinance 26-14 authorizes the transfer and advance of certain funds. This proposed ordinance transfers in the final disbursement of FEMA funds after Superstorm Sandy. The funds reimburse accounts used

for services during and after the storm. After discussion, the Committee unanimously recommended that Council adopt Proposed Ordinance 26-14.

Resolution 8744-14 would approve the tax budget of the City of Lakewood for the year 2015, and authorizes the filing of the same with the Cuyahoga County Fiscal Officer. The City is mandated to take this action and the information contained in the filing is not negotiable. The Committee discussed the nature of the filing, and Director Pae clarified that the document is not to be used as a financial trend document. After discussion, the Committee unanimously recommended that Council adopt Resolution No. 8744-14.

Proposed Ordinance 1-14B is the purchasing and contracting ordinance that has been amended for the second time this year. The administration proposed an increase for the line item for reforestation, increasing it from \$60,000 to \$90,000. The increase addresses ash tree remediation, replacement of trees, and other goals of the tree task force. Director Pae clarified that increasing the item to \$90,000 does not necessarily mean that the City will spend that much. After discussion, the Committee unanimously recommended that Council adopt Proposed Ordinance 1-14B upon third reading.

Sincerely,



Ryan P. Nowlin, Chair
Shawn Juris, Tom Bullock; Members
FINANCE COMMITTEE

PLACED ON 1ST READING & REFERRED TO THE
FINANCE COMMITTEE 5/19/14.

Second REading 6/2/14.

BY:

ORDINANCE NO. 26-14

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, law authorizing the transfer and advance of certain funds.

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public peace, property, health and safety, and to provide for the usual daily operation of municipal departments to provide for the usual daily operation of the City in that the City must record all financial transactions within the appropriate fiscal period; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO

Section 1. The Director of Finance be and is hereby authorized to make the following transfers and advances:

		2014 2nd Quarter	
<u>Fund</u>		<u>Transfers Out</u>	<u>Transfers In</u>
101	General Fund	\$ 204,954	
Special Revenue Funds			
250	Office on Aging IIIB		\$ 170,000
Internal Service Funds			
600	Hospitalization		\$ 32,020
601	Workers' Compensation		\$ 2,934
Debt Service Payment s			
220	Police Pension	\$ 54,573	
221	Fire Pension	\$ 58,649	
101	General Fund (HB 300 Lease)	\$ 52,500	
211	SCMR (HB 300 Lease)	\$ 6,250	
260	Lakewood Hosptl (HB 300 Lease)	\$ 300	
501	Water (HB 300 Lease)	\$ 3,813	
510	WWC (HB 300 Lease)	\$ 800	
511	WWTP (HB 300 Lease)	\$ 18,750	
520	Parking (HB 300 Lease)	\$ 1,125	
530	Winterhurst (HB 300 Lease)	\$ 20,000	
301	Debt Service Fund	\$ -	\$ 216,760
512	WWTP Improvements	\$ 400,000	
301	Debt Service Fund		\$ 400,000
Final FEMA Reimbursement from Super Storm Sandy			
280	FEMA	\$ 13,697	
			\$ 8,096
101	General Fund		\$ 1,867
211	SCMR		\$ 622
260	Lakewood Hospital		\$ 1,245
510	WWC		\$ 1,867
511	WWTP		

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble, and provided it receives the affirmative vote of at least five members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

RESOLUTION NO. 8744-14

BY:

A RESOLUTION to take effect immediately provided it received the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, approving the tax budget of the City of Lakewood, Ohio for the year 2015, and authorizing the filing of same with the Cuyahoga County Fiscal Officer.

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary to provide for the usual daily operation of the City in that the tax budget must be submitted to the County Fiscal Officer on or before July 20, 2014; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The annual tax budget submitted by the Director of Finance of the City of Lakewood, showing the amount of money needed and the necessary expenditures in the various departments of the municipality for the year 2015, be and the same is hereby approved and the Clerk of Council is hereby ordered and directed to file the same with the Fiscal Officer of Cuyahoga County pursuant to the statutes of the State of Ohio.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

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Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

ORDINANCE NO.: 1-14 B

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Ordinance 1-14A, adopted March 17, 2014, authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2014 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law.

WHEREAS, this Council desires to provide the authorization to the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2014 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law; and

WHEREAS, this Council by a vote of at least five (of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public peace, property, health and safety, and to provide for the usual daily operation of municipal departments in that delay could impair the City's ability to provide necessary services in a timely manner; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO

Section 1. That Section 1 of Ordinance 1-14A, adopted March 17, 2014 currently reading as follows:

Section 1. That the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager be and are hereby authorized and directed to enter into a contract or contracts for supplies, services and equipment with the lowest and best bidder or bidders or as otherwise provided by law, as follows:

Professional services contracts included in the 2014 Budget are as follows:

- 1) Legal Services.....300,000
- 2) Recodification of Ordinances 12,500

3) Financial Audit	70,000
4) Hospitalization and Health Care Benefit Consulting Services.....	45,000
5) Consultant for Workers Compensation.....	40,000
6) Risk Management Consulting Services.....	13,000
7) Healthcare, Physicals, Drug & Alcohol Testing.....	20,000
8) Employee Assistance Program	10,000
9) Supervisor / Manager / Employee Training.....	125,000
10) Exams for Classified Positions	75,000
11) Housing and Building Plans Examinations.....	12,000
12) Lakewood Jail Medical Services	75,000
13) Band Concerts.....	15,000
14) Municipal Engineering Consultant.....	60,000
15) Debt Issuance Costs.....	75,000
16) Forensic Services	35,000
17) Long Term Control Plan and Storm Water Professional Services	250,000
18) Administrative Professional Services.....	100,000
Sub-Total	\$1,332,500

Services contracts included in the 2014 Budget are as follows:

1) Government Agreements (WEB).....	100,000
2) Government Agreements (Bd of Ed/Pools)	210,000
3) Financial Institution Service Charges	50,000
4) Electronic Payment Services	50,000
5) Property & Liability Insurance Contracts	450,000
6) Workers' Comp Stop Loss Insurance	105,000
7) Life Insurance	25,000
8) Hospitalization and Health Care Benefit Services	5,500,000
9) Medical Claims Billing Service.....	100,000
10) Sentenced Prisoners Full Jail Service	300,000
11) Home Delivered Meals	45,000
12) Distribution System Leak Survey	28,000
13) Disposal of Screenings and Grit (WWTP)	13,000
14) Excavation Spoils Removal	100,000
15) Roll of Box for Street Sweeping.....	50,000
16) Solid Waste Disposal Site.....	900,000
17) Waste Collections – Condominiums	80,000
18) Biosolids Disposal.....	100,000
19) Roll-Off Box for Construction Debris	60,000
20) Equipment Lease - Leaf Collection Project.....	15,000
21) Lab Analysis Service	25,000
22) Citywide Computer Hrdwr Op. Sys., & Software Maint Contracts	350,000
23) Communications Services.....	75,000
24) Water Meter Program Maintenance.....	12,500
25) Telephone Service	150,000
26) Cellular Phone Service	50,000
27) Janitorial Services.....	15,000
28) Laundry Service-Police Department	10,000
29) HVAC Maintenance	45,000
30) Elevator Maintenance	15,000
31) Copier Maintenance Service.....	25,000
32) Postage, Mailing Services, Equipment Lease/Maintenance	230,000
33) Rental and Laundry of Uniforms	10,000
34) Advertising	25,000
35) Printing Services.....	110,000
36) CRIS/LEADS Fees	35,000
37) Parking Citation Billing Service	50,000

38) Fireworks Display.....	35,000
39) Transportation Services	40,000
Sub-Total	\$9,588,500

Materials, supplies, and equipment authorized for purchase under the 2014 Budget are as follows:

1) Sand and Aggregate.....	30,000
2) Concrete Supplies.....	35,000
3) Asphalt Materials.....	50,000
4) Asphalt Cold Patch.....	10,000
5) Crack Sealant.....	40,000
6) Road Salt (Sodium Chloride).....	200,000
7) Fire Hydrants, Sewer and Water Appurtenances	100,000
8) Water Meter Supplies & Materials	75,000
9) Sign Shop-Supplies, Blanks & Reflective Material	50,000
10) Polymer Flocculants	26,000
11) Wastewater Treatment Chemicals	115,000
12) Tires and Road Service.....	78,000
13) Automotive Repairs, Parts and Supplies.....	500,000
14) Oil and Lubricants	35,000
15) Fuel (Gasoline and Diesel)	750,000
16) Purchase of Uniforms and Gear.....	40,000
17) Electrical Supplies.....	40,000
18) Hardware Supplies.....	30,000
19) Janitorial Supplies	45,000
20) Landscape Materials	25,000
21) Lumber Supplies.....	90,000
22) Plumbing Supplies.....	45,000
23) Pool Supplies – Chemicals	35,000
24) Small Tools and Equipment.....	110,000
25) Prisoner Food Supplies.....	40,000
26) Purchase Uniforms & Gear – Safety Forces	50,000
27) Ammunition	25,000
28) Office Supplies	40,000
29) Computer Supplies	15,000
30) Computer Software.....	15,000
31) Communications Equipment	50,000
32) Paper Supplies	20,000
33) Lease Copier Equipment.....	40,000
34) Subscriptions/Publications.....	35,000
35) Reforestation.....	60,000
36) Police Operating Equipment	25,000
37) Fire/EMS Operating Equipment	250,000
38) Computer Operating Equipment	500,000
39) Waste Water Treatment Plant Operating Equipment	150,000
Sub-Total	\$3,869,000
Total	\$14,790,000

is hereby amended to read:

Section 1. That the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager be and are hereby authorized and directed to enter into a contract or contracts for supplies, services and equipment with the lowest and best bidder or bidders or as otherwise provided by law, as follows:

Professional services contracts included in the 2014 Budget are as follows:

1) Legal Services.....	300,000
2) Recodification of Ordinances	12,500
3) Financial Audit	70,000
4) Hospitalization and Health Care Benefit Consulting Services.....	45,000
5) Consultant for Workers Compensation.....	40,000
6) Risk Management Consulting Services.....	13,000
7) Healthcare, Physicals, Drug & Alcohol Testing	20,000
8) Employee Assistance Program	10,000
9) Supervisor / Manager / Employee Training.....	125,000
10) Exams for Classified Positions	75,000
11) Housing and Building Plans Examinations.....	12,000
12) Lakewood Jail Medical Services	75,000
13) Band Concerts.....	15,000
14) Municipal Engineering Consultant.....	60,000
15) Debt Issuance Costs	75,000
16) Forensic Services	35,000
17) Long Term Control Plan and Storm Water Professional Services	250,000
18) Administrative Professional Services.....	100,000
Sub-Total	\$1,332,500

Services contracts included in the 2014 Budget are as follows:

1) Government Agreements (WEB).....	100,000
2) Government Agreements (Bd of Ed/Pools)	210,000
3) Financial Institution Service Charges	50,000
4) Electronic Payment Services	50,000
5) Property & Liability Insurance Contracts	450,000
6) Workers' Comp Stop Loss Insurance	105,000
8) Life Insurance	25,000
8) Hospitalization and Health Care Benefit Services	5,500,000
9) Medical Claims Billing Service.....	100,000
10) Sentenced Prisoners Full Jail Service	300,000
12) Home Delivered Meals	45,000
12) Distribution System Leak Survey	28,000
13) Disposal of Screenings and Grit (WWTP)	13,000
14) Excavation Spoils Removal.....	100,000
15) Roll of Box for Street Sweeping.....	50,000
16) Solid Waste Disposal Site.....	900,000
17) Waste Collections – Condominiums	80,000
18) Biosolids Disposal.....	100,000
19) Roll-Off Box for Construction Debris	60,000
20) Equipment Lease - Leaf Collection Project	15,000
21) Lab Analysis Service	25,000
22) Citywide Computer Hrdwr Op. Sys., & Software Maint Contracts	350,000
23) Communications Services.....	75,000
24) Water Meter Program Maintenance.....	12,500
25) Telephone Service	150,000
26) Cellular Phone Service	50,000
27) Janitorial Services.....	15,000
28) Laundry Service-Police Department	10,000
29) HVAC Maintenance	45,000
30) Elevator Maintenance	15,000
31) Copier Maintenance Service	25,000
32) Postage, Mailing Services, Equipment Lease/Maintenance.....	230,000

33) Rental and Laundry of Uniforms	10,000
34) Advertising	25,000
35) Printing Services.....	110,000
36) CRIS/LEADS Fees	35,000
37) Parking Citation Billing Service	50,000
38) Fireworks Display.....	35,000
39) Transportation Services	40,000
Sub-Total	\$9,588,500

Materials, supplies, and equipment authorized for purchase under the 2014 Budget are as follows:

1) Sand and Aggregate.....	30,000
2) Concrete Supplies.....	35,000
3) Asphalt Materials.....	50,000
4) Asphalt Cold Patch.....	10,000
5) Crack Sealant.....	40,000
6) Road Salt (Sodium Chloride).....	200,000
7) Fire Hydrants, Sewer and Water Appurtenances	100,000
8) Water Meter Supplies & Materials	75,000
9) Sign Shop-Supplies, Blanks & Reflective Material.....	50,000
10) Polymer Flocculants	26,000
11) Wastewater Treatment Chemicals	115,000
12) Tires and Road Service.....	78,000
13) Automotive Repairs, Parts and Supplies.....	500,000
14) Oil and Lubricants	35,000
15) Fuel (Gasoline and Diesel)	750,000
16) Purchase of Uniforms and Gear.....	40,000
17) Electrical Supplies	40,000
18) Hardware Supplies.....	30,000
19) Janitorial Supplies	45,000
20) Landscape Materials	25,000
21) Lumber Supplies.....	90,000
22) Plumbing Supplies.....	45,000
23) Pool Supplies – Chemicals	35,000
24) Small Tools and Equipment.....	110,000
25) Prisoner Food Supplies.....	40,000
26) Purchase Uniforms & Gear – Safety Forces	50,000
27) Ammunition	25,000
28) Office Supplies	40,000
29) Computer Supplies	15,000
30) Computer Software.....	15,000
31) Communications Equipment.....	50,000
32) Paper Supplies	20,000
33) Lease Copier Equipment.....	40,000
34) Subscriptions/Publications.....	35,000
35) Reforestation	90,000
36) Police Operating Equipment	25,000
37) Fire/EMS Operating Equipment	250,000
38) Computer Operating Equipment	500,000
39) Waste Water Treatment Plant Operating Equipment.....	150,000
Sub-Total	\$3,899,000
Total	\$14,820,000

Section 2. Contracts for supplies, services and equipment in excess of \$7,500 and for professional services in excess of \$5,000 shall not be awarded except as approved herein or further approved by Council.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble, and provided it receives the affirmative vote of at least five of members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor

PLACED ON 1ST READING & REFERRED TO
THE RULES AND ORDINANCES COMMITTEE 5/19/14.
REPORTED OUTLINE, PLACED ON 2nd READING 6/2/14.
BY:

ORDINANCE NO. 25-14

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, to amend Section 144.03, Qualifications for Applicants for Fire Department, within the Administrative Code of the City of Lakewood to increase the maximum age for a firefighter at hire to 40 years old.

WHEREAS, it is necessary and desirable to amend the Administrative Code of the City to increase the maximum age for entry or lateral-entry firefighters; and

WHEREAS, the Ohio Revised Code has increased the maximum age for the hiring of firefighters under state civil service rules to age 40; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government, and the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that the current eligible list for the position of firefighter expires very soon; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 144.03, Qualifications for Applicants for Fire Department, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

144.03 QUALIFICATIONS FOR APPLICANTS FOR FIRE DEPARTMENT.

- (a) All applicants for entry level uniformed positions for Fire must be at least twenty-one (21) years of age at the time of appointment, and no person shall be eligible to receive an original appointment on and/or after the person's thirty-first (31st) birthday.
- (b) Subsection (a) hereof is specifically intended to supersede State Code provisions on the age of applicants for appointment to positions in the Fire Department.

is hereby amended to read as follows:

144.03 QUALIFICATIONS FOR APPLICANTS FOR FIRE DEPARTMENT.

- (a) All applicants for entry level uniformed positions for Fire must be at least ~~twenty-one (21)~~ years of age at the time of appointment, and no person shall be eligible to receive an original appointment on and/or after the person's ~~thirty-first (31st)~~ birthday.
- (b) Subsection (a) hereof is specifically intended to supersede State Code provisions on the age of applicants for appointment to positions in the Fire Department.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in its preamble, and provided it receives the affirmative vote of at least five members of Council this ordinance shall take effect and be in force immediately, or otherwise shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor

PLACED ON 1ST READING & REFERRED
TO THE RULES & ORDINANCES COMMITTEE
5/19/14.

REPORTED OUT ON, PLACED ON 2ND READING
6/2/14.

ORDINANCE NO. 27-14

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, to approve the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matter.

WHEREAS, the Walter H. Drane Company has completed a revision and updating of the Codified Ordinances of the City; and

WHEREAS, various ordinances and resolutions of a general and permanent nature that have been passed by Council but not yet included in the Codified Ordinances of the City have now been made a part thereof; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that the publication and distribution of the 2014 Replacement Pages for the Codified Ordinances of the City of Lakewood should be conducted at the earliest date possible; now, therefore,

BE IT ORDAINED BY CITY OF LAKEWOOD, OHIO:

Section 1. The editing, arrangement and numbering and renumbering of the following ordinances and resolutions and parts of ordinances and resolutions are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
64-12	11-4-13	109.01, 127.02; Repeals 135.12, 137.16, Ch. 141, 149.20, Ch. 151, Ch. 158, Ch. 159
9-13A	5-20-13	901.12, 915.03; Repeals 913.25
16-13	9-16-13	905.07, 905.98
17-13	10-21-13	1135.03 to 1135.05, 1135.10, 1135.11
19-13	11-18-13	146.01, 146.04
20-13	11-4-13	142.05, 142.09
21-13	11-4-13	145.02
22-13	11-4-13	113.04
28-13	10-21-13	917.01 to 917.10
29-13	11-4-13	557.04
33-13	12-16-13	149.14

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
39-13	12-16-13	915.01
40-13	12-16-13	902.04
50-13	12-16-13	505.14
2-14	3-3-14	Repeals 509.09
3-14	3-17-14	129.60
15-14	3-17-14	1134.01 to 1134.13, 1134.99

Section 2. The Second Amended Charter published in the Codified Ordinances is the official charter of the City of Lakewood.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in its preamble, and provided it receives the affirmative vote of at least five members of Council this ordinance shall take effect and be in force immediately, or otherwise shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

PLACED ON 1ST READING & REFERRED TO THE
THE PUBLIC WORKS COMMITTEE 5-19-14.
PLACED ON 2ND READING 6/2/14.

ORDINANCE NO. 20-14

BY:

AN ORDINANCE amending Section 565.10, Prohibited Trees, of the Codified Ordinances of the City of Lakewood to revise and update an obsolete provision of local code that establishes overly prescriptive and outmoded bans on certain tree species.

WHEREAS, healthy, mature, and safe trees are beneficial to property values, air quality, storm water management, energy use reduction, and the beautification of our City; and

WHEREAS, the current ban on a specific list of tree species has fallen out of use, is not up to date with current tree care and cultivation practices, and is superseded by the City's "right tree, right place" policy; and

WHEREAS, the Lakewood Tree Task Force recommended tree management policy changes to this effect; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 565.10, Prohibited Trees, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

565.10 PROHIBITED TREES.

No silver maple, poplar, box elder, basswood, willow or honey locust shall be permitted upon any tree lawn in the City, and the Director is hereby authorized to cause all such trees now existing to be removed.

Any silver maple, honey locust, poplar, basswood, box elder or willow upon private property in the City, in such close proximity to any public place as will permit the roots of such tree to penetrate through or under the surface of any public place, is hereby declared to be a public nuisance, and shall be abated by the Director.

shall be and hereby is amended to read as follows:

565.10 PROHIBITED TREES.

~~No silver maple, poplar, box elder, basswood, willow or honey locust shall be permitted upon any tree lawn in the City, and the Director is hereby authorized to cause all such trees now existing to be removed.~~

~~Any silver maple, honey locust, poplar, basswood, box elder or willow tree upon private property in the City that is found by the Director to pose by its roots or other features an imminent hazard and threat to public health and safety on public property, in such close proximity to any public place as will permit the roots of such tree to penetrate through or under the surface of any public place, is hereby declared to be a public nuisance, and shall be abated by the Director.~~

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

PLACED ON 1ST READING & REFERRED TO THE
PUBLIC WORKS COMMITTEE 5/19/14.

PLACED ON 2ND READING 6/2/14.

ORDINANCE NO. 21-14

BY:

AN ORDINANCE amending Section 905.09, Billposting; Permit for Erecting Structures or Decorations, of the Codified Ordinances of the City of Lakewood to authorize volunteer participation in a public education program of identifying tree species tags on public trees.

WHEREAS, healthy, mature, and safe trees are beneficial to property values, air quality, storm water management, energy use reduction, and the beautification of our City; and

WHEREAS, a tree identification public education program can benefit tree care in the City by raising awareness about the value of and proper care techniques for trees; and

WHEREAS, the Lakewood Tree Task Force recommended tree management policy changes to this effect; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 905.09, Billposting; Permit for Erecting Structures or Decorations, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

905.09 BILLPOSTING; PERMIT FOR ERECTING STRUCTURES OR DECORATIONS.

No person, except City employees or contractors in the performance of City work, shall erect any structure, sign, bulletin board, post, pole or advertising device of any kind whatsoever within the parks, nor shall any person attach any advertisement, notice, bill, poster, sign, wire, rod or cord to any tree, shrub, fence, railing, fountain, post, vase, statue, bridge or other monument or structure in any park. However, the Director of Public Works may grant a permit for the erection of temporary decorations and structures on the occasion of public celebrations or holidays or other general public meetings.

shall be and hereby is amended to read as follows:

905.09 BILLPOSTING; PERMIT FOR ERECTING STRUCTURES OR DECORATIONS.

(a) No person, except City employees or contractors in the performance of City work, shall erect any structure, sign, bulletin board, post, pole or advertising device of any kind whatsoever within the parks, nor shall any person attach any advertisement, notice, bill, poster, sign, wire, rod or cord to any tree, shrub, fence, railing, fountain, post, vase, statue, bridge or other monument or structure in any park. However, the Director of Public Works may grant a permit for the erection of temporary decorations and structures on the occasion of public celebrations or holidays or other general public meetings.

(b) No person, except City employees or contractors or volunteers specifically approved by the Director, shall affix a temporary education tree tag to any tree in a park or any public place as that term is defined in 565.01(a).

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

PLACED ON 1ST READING & REFERRED TO THE
PUBLIC WORKS COMMITTEE 6/2/14.

ORDINANCE NO. 28-14

BY:

AN ORDINANCE to amend Chapter 1339, Storm Water Management, of the Codified Ordinances of the City of Lakewood to update it in accordance with the model code of the Environmental Protection Agency.

WHEREAS, it is necessary and desirable to amend the Building Code of the City to amend provisions for storm water management; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government, and the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that it is in the best interest of the City to apply these revised regulations immediately to future development; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Chapter 1339, Storm Water Management, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

Chapter 1339. Storm Water Management

1339.01 PURPOSE AND SCOPE.

(a) The intent of this chapter is to establish technically feasible and economically reasonable standards to achieve a level of storm water management, and erosion and sediment control that will minimize damage to public and private property and degradation of water resources, and will promote and maintain the health, safety, and welfare of the residents of the City of Lakewood. The standards, or Best Management Practices (BMP), referred to and required by this chapter shall be in accordance with the current version of the Ohio Rainwater and Land Development Manual promulgated by the Ohio Department of Natural Resources.

(b) This chapter applies to all parcels and projects located within the City of Lakewood that disturb an area greater than 8,000 square feet regardless of public sewer configuration in the project area, unless specifically exempted in Section 1339.01.

(c) This chapter does not require a Storm Water Management Plan for routine public maintenance projects, such as sewer or watermain replacement or street reconstruction, which does not result in the installation of additional impervious

surface and does not disturb more than 5 acres, as determined by the City Engineer.

(d) This chapter requires owners who develop or re-develop their property within the City of Lakewood to:

- (1) Control the volume, rate and quality of storm water runoff from their property to minimize the potential for downstream flooding, erosion, and sedimentation;
- (2) Reduce damage to receiving water resources and drainage systems that are caused by new development or redevelopment activities;
- (3) Preserve to the maximum extent practicable the natural drainage characteristics of the building site and minimize the need to construct, repair, and replace enclosed storm drain systems;
- (4) Preserve to the maximum extent practicable natural infiltration and groundwater recharge, and maintain subsurface flow that replenishes water resources, wetlands, and wells;
- (5) Assure that storm water controls are incorporated into site planning and design at the earliest possible stage;
- (6) Prevent unnecessary stripping of vegetation and loss of soil, especially adjacent to water resources and wetlands;
- (7) Reduce the need for costly maintenance and repairs to roads, embankments, sewage systems, ditches, water resources, wetlands, and storm water management practices that are the result of inadequate control of soil erosion, sediment and storm water;
- (8) Reduce the long-term expense of remedial projects needed to address problems caused by inadequate control of storm water, erosion and sediment;
- (9) Maximize the use of storm water management practices that serve multiple purposes including, but not limited to, flood control, soil erosion and sediment control, and water quality protection; and encourage such practices that promote recreation and habitat preservation;
- (10) Ensure that all storm water management, soil erosion and sediment control practices are properly designed, constructed, and maintained;
- (11) Protect and maintain the receiving stream's physical, chemical, biological characteristics and stream functions;
- (12) Incorporate water quality protection practices that encourage and promote habitat preservation; and
- (13) Provide perpetual management of storm water runoff quality and quantity.

1339.02 DEFINITIONS.

As used in this chapter:

- (a) APPROVING AUTHORITY means the official responsible for administering the applicable program(s).

(b) BEST MANAGEMENT PRACTICE (BMP) means any practice or combination of practices that is determined to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources of pollution to a level compatible with water quality goals. BMPs may include structural practices, conservation practices and operation and maintenance procedures.

(c) CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC) means a person that has met the requirements established by the CPESC Council of Certified Professional In Erosion and Sediment Control, Inc. to be a Certified Professional in Erosion and Sediment Control.

(d) CHANNEL means a natural stream that conveys water, or a ditch or channel excavated for the natural flow of water.

(e) CONCENTRATED STORM WATER RUNOFF means surface water runoff which converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels or storm sewers, and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control sheet flow.

(f) CONSERVATION means the wise use and management of natural resources.

(g) CUT AND FILL SLOPES means a portion of land surface or area from which soil material is excavated and/or filled.

(h) DENUDED AREA means a portion of land surface on which the vegetation or other soil stabilization features have been removed, destroyed or covered, and which may result in or contribute to erosion and sedimentation.

(i) DETENTION BASIN means a storm water management pond that remains dry between storm events. Storm water management ponds include a properly engineered/designed volume which is dedicated to the temporary storage and slow release of runoff waters.

(j) DEVELOPMENT AREA means any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership, where earth-disturbing activity is to be performed.

(k) DITCH means an excavation, either dug or natural, for the purpose of drainage or irrigation, and having intermittent flow.

(l) DUMPING means the grading, pushing, piling, throwing, unloading or placing of soil or other material.

(m) EARTH DISTURBING ACTIVITY means any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.

(n) EARTH MATERIAL means soil, sediment, rock, sand, gravel, and organic material or residue associated with or attached to the soil.

- (o) EROSION means the process by which the land surface is worn away by the action of water, wind, ice or gravity.
- (p) EROSION AND SEDIMENT CONTROL means a written and/or drawn soil erosion and sediment pollution control plan to minimize erosion and prevent off-site sedimentation throughout all earth disturbing activities on a development area.
- (q) EROSION AND SEDIMENT CONTROL PRACTICES means Conservation measures used to control sediment pollution and including structural practices, vegetative practices and management techniques.
- (r) EXISTING means in existence at the time of the passage of this chapter.
- (s) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) means the agency with overall responsibility for administering the National Flood Insurance Program.
- (t) FINAL STABILIZATION means established uniform ground cover at a growth density of 80 percent or better.
- (u) FREQUENCY STORM means a rainfall event of a magnitude having a specified average recurrence interval and calculated with Natural Resources Conservation Service, USDA Type II twenty-four hour curves or depth-duration frequency curves.
- (v) GRADING means earth disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.
- (w) GRUBBING means removing, clearing or scalping material such as roots, stumps or sod.
- (x) IMPERVIOUS AREA or IMPERVIOUS COVER means any surface that cannot effectively absorb or infiltrate water. This includes but is not limited to roads, streets, parking lots, rooftops and sidewalks.
- (y) INTERMITTENT STREAM means a natural channel that may have some water in pools but where surface flows are non-existent or interstitial (flowing through sand and gravel in stream beds) for periods of one week or more during typical summer months.
- (z) LARGER COMMON PLAN OF DEVELOPMENT OR SALE means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
- (aa) LANDSLIDE means the mass movement of soil and rock material downhill under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.
- (bb) LOCAL COUNTY SWCD means the local county Soil and Water Conservation District.
- (cc) NATURAL RESOURCES CONSERVATION SERVICE (NRCS) means an agency of the United States Department of Agriculture, formerly known as the Soil Conservation Service (SCS).

(dd) NPDES PERMIT means a National Pollutant Discharge Elimination System Permit issued by Ohio EPA under the authority of the USEPA, and derived from the Federal Clean Water Act.

(ee) OHIO EPA means the Ohio Environmental Protection Agency.

(ff) ORDINARY HIGH WATER MARK means the point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

(gg) OUTFALL means an area where water flows from a structure such as a conduit, storm sewer, improved channel or drain, and the area immediately beyond the structure which is impacted by the velocity of flow in the structure.

(hh) PERSON means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, or any combination thereof.

(ii) PROFESSIONAL ENGINEER means a person registered in the State of Ohio as a Professional Engineer.

(jj) REDEVELOPMENT means the demolition or removal of existing structures or land uses and construction of new ones.

(kk) RETENTION BASIN means a storm water management pond that maintains a permanent pool of water. These storm water management ponds include a properly engineered/designed volume dedicated to the temporary storage and slow release of runoff waters.

(ll) RIPARIAN AREA means naturally vegetated land adjacent to watercourses which, if appropriately sized, helps to stabilize stream banks, limit erosion, reduce flood flows, and/or filter and settle out runoff pollutants, or which performs other functions consistent with the purposes of this chapter.

(mm) RIPARIAN SETBACK means those lands within the City of Lakewood which are alongside streams where earth disturbing activities will not take place and natural vegetation will not be removed.

(nn) RUNOFF means surface water runoff which converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels or storm sewers, and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control sheet flow.

(oo) SEDIMENT means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity or ice, and has come to rest on the earth's surface either on dry land or in a body of water.

(pp) SEDIMENT SETTLING POND means a temporary Sediment Pond that releases runoff at a controlled rate. It is designed to slowly release runoff, detaining it long enough to allow most of the sediment to settle out of the water. The outlet structure is usually a designed pipe riser and barrel. The entire structure is removed after construction. Permanent storm water detention structures can be modified to function as temporary Sediment Basins.

(qq) SEDIMENT CONTROL means the limiting of sediment being transported by controlling erosion or detaining sediment-laden water and, allowing the sediment to settle out.

(rr) SEDIMENT BARRIER means a sediment control device such as a geotextile Silt Fence or a grass Filter Strip, usually capable of controlling only small flow rates. (Straw bale barriers are not acceptable.)

(ss) SEDIMENT BASIN means a temporary Settling Pond that releases runoff at a controlled rate. It is designed to slowly release runoff, detaining it long enough to allow most of the sediment to settle out of the water. The outlet structure is usually a designed pipe riser and barrel. The entire structure is removed after construction. Permanent storm water detention structures can be modified to function as temporary Sediment Basins.

(tt) SEDIMENT POLLUTION means a failure to use management or conservation practices to control wind or water erosion of the soil and to minimize the degradation of water resources by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed for commercial, industrial, residential, or other purposes.

(uu) SENSITIVE AREA means an area or water resource that requires special management because of its susceptibility to sediment pollution, or because of its importance to the well-being of the surrounding communities, region, or the state and includes, but is not limited to, the following:

- (1) Ponds, wetlands or small lakes with less than five acres of surface area;
- (2) Small streams with gradients less than ten feet per mile with average annual flows of less than 3.5 feet per second containing sand or gravel bottoms;
- (3) Drainage areas of a locally or Ohio designated Scenic River; or
- (4) Riparian and wetland areas.

(vv) SETTLING POND means a runoff detention structure, such as a Sediment Basin or Sediment Trap, which detains sediment-laden runoff, allowing sediment to settle out.

(ww) SHEET FLOW means water runoff in a thin uniform layer or rills and which is of small enough quantity to be treated by sediment barriers.

(xx) SLIP means a landslide as defined under "Landslides."

(yy) SLOUGHING means a slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth disturbing activity of man.

(zz) SOIL means erodible earth material consisting of minerals and/or organics.

(aaa) SOIL CONSERVATION SERVICE, USDA means the federal agency now titled the "Natural Resources Conservation Service," which is an agency of the United States Department of Agriculture.

(bbb) SOIL EROSION AND SEDIMENT CONTROL PLAN means a written and/or drawn soil erosion and sediment pollution control plan to minimize erosion and prevent off-site sedimentation throughout all earth disturbing activities on a development area.

(ccc) SOIL EROSION AND SEDIMENT CONTROL PRACTICES means conservation measures used to control sediment pollution and including structural practices, vegetative practices and management techniques.

(ddd) SOIL STABILIZATION means vegetative or structural soil cover that controls erosion, and includes permanent and temporary seeding, mulch, sod, pavement, etc.

(eee) SOIL SURVEY means the official soil survey produced by the Natural Resources Conservation Service, USDA in cooperation with the Division of Soil and Water Conservation, ODNR and the local Board of County Commissioners.

(fff) STORM WATER CONTROL STRUCTURE means a practice used to control storm water runoff from development areas.

(ggg) STORM WATER CONVEYANCE means all storm sewers, channels, streams, ponds, lakes, etc., used for conveying concentrated storm water runoff, or for storing storm water runoff.

(hhh) STORM WATER RUNOFF has the same meaning as the term "Runoff."

(iii) STREAM means a body of water running or flowing on the earth's surface, or a channel with a defined bed and banks in which such flow occurs. Flow may be seasonally intermittent.

(jjj) UNSTABLE SOIL means a portion of land surface or area which is prone to slipping, sloughing or landslides, or is identified by Natural Resources Conservation Service methodology as having a low soil strength.

(kkk) USEPA means the United States Environmental Protection Agency.

(lll) WASTEWATER means any water that is contaminated by any of the following, but not limited to gasoline, fuel oil, hydrocarbon based chemicals, paint, paint washing liquids or other paint wastes, sanitary wastes, or any other Ohio EPA regulated contaminants.

(mmm) WATERCOURSE means any natural, perennial, or intermittent channel with a defined bed and banks, stream, river or brook.

(nnn) WATER QUALITY VOLUME (WQv) means the volume of storm water runoff which must be captured and treated prior to discharge from the developed site after construction is complete.

(ooo) WATER QUALITY BASIN means a detention or retention pond designed and constructed with an appropriate capacity to treat the Wqv.

(ppp) WATER RESOURCES means all streams, lakes, ponds, wetlands, water courses, waterways, drainage systems, and all other bodies or accumulations of surface water, either natural or artificial, which are situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those pri-

vate waters which do not combine or affect a junction with natural surface waters.

(qqq) WETLAND means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 Code of Federal Regulations (CFR) 232, as amended). Wetlands shall be delineated by a site survey approved by the City of Lakewood using delineation protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of application of this regulation. If a conflict exists between the delineation protocols of these two agencies, the delineation protocol that results in the most inclusive area of wetlands shall apply.

(rrr) WETLAND SETBACK means those lands adjacent to wetlands where earth disturbing activities will not take place and natural vegetation will not be removed.

(sss) WINTER means the period of time between October 1 of any given year and April 1 of the following year.

1339.03 DISCLAIMER OF LIABILITY.

Neither submission of a plan under the provisions herein, nor compliance with the provisions of this chapter, shall relieve any person or entity from responsibility for damage to any person or property that is otherwise imposed by law.

1339.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this chapter imposes a greater restriction upon land than is imposed or required by other City of Lakewood provisions of law, ordinance, contract or deed, the provisions of this chapter shall prevail.

(b) If a court of competent jurisdiction declares any clause, section, or provision of this chapter invalid or unconstitutional, the validity of the remainder shall not be affected thereby.

(c) This chapter shall not be construed as authorizing any person to maintain a private or public nuisance on their property. Compliance with the provisions of this chapter shall not be a defense in any action to abate such nuisance.

(d) Failure of the City of Lakewood to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the owner from the responsibility for the condition or damage resulting there from, and shall not result in the City of Lakewood, its officers, employees, or agents being responsible for any condition or damage resulting there from.

1339.05 CONSULTATIONS.

In implementing this chapter the City Engineer or other City of Lakewood officials may consult with the local county SWCD, state and federal agencies and other technical experts as necessary. Any costs associated with such consultations may be assessed to the applicant.

1339.06 ISSUANCE OF BUILDING PERMITS.

(a) No person shall begin soil disturbing activity unless all necessary local, county, state and federal permits have been granted to the owner or operator, including permits for construction that falls within the scope of this chapter.

(b) Two building permits will be issued for all construction that falls within the scope of this chapter:

(1) The first building permit will allow the construction of the footers, basement walls or slabs, and utility service laterals. The first building permit will not be issued until the Storm Water Management Plan (SWMP) is approved.

(2) No additional construction shall be performed and no additional building materials shall be allowed on the site until the City of Lakewood has issued the second building permit. The City Engineer may approve the stockpiling of additional construction materials on the site prior to the issuance of the second permit if a suitable location can be identified. Proper Soil Erosion and Sediment Control must be maintained on the stockpile area prior to, during, and after the area is used for stockpiling.

(3) The second building permit will allow delivery of the remaining building materials and prosecution of the remaining construction activities. This second building permit will not be issued until the City Engineer certifies that the required BMPs and any other BMPs identified in the Storm Water Management Plan submitted with the Application for the first building permit have been properly installed.

1339.07 APPLICATION PROCEDURES FOR STORM WATER MANAGEMENT PLANS (SWMP).

(a) Applicants or their consultants may request a pre-application meeting with the City Engineer and Building Department to review all SWMP requirements and fees.

(b) SWMPs developed by the site owners and approved by the City of Lakewood in accordance with this regulation do not relieve the site owner of responsibility for obtaining and complying with all other necessary permits and/or approvals from federal, state, county, and local agencies and departments. If requirements vary, the most stringent requirement shall be followed. SWMPs submitted to the City Engineer for review and approval shall be accompanied by all other required permits and documentation relevant to the project, including but not limited to the permits required and issued by the US Army Corps Of Engineers, Ohio EPA and ODNR Division of Water.

(c) The application must include a letter or report from the Cuyahoga Soil and Water Conservation District (CSWCD) that states the SWMP has been reviewed and meets all requirements of the Ohio EPA and this chapter.

(d) Three (3) sets of the SWMP documents and all items required by this chapter shall be submitted to the City Engineer with text material being submitted on 8.5 by 11 inch paper and drawings on no larger than 24 by 36 inch sized paper with scaled reductions on 11 by 17 inch paper.

(e) The City Engineer shall review the documents, including the review report from the CSWCD, and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the

plan as described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.

(f) Approved SWMPs shall terminate twenty-four months after the effective date of the plan approval if the owner or operator has not undertaken a continuing program of installation or modification or has not entered into a binding contractual obligation to undertake and complete, within a reasonable time, a continuing program of installation or modification. The City Engineer may extend these dates of expiration by up to twelve months if the applicant submits, within a reasonable time before the termination date, a written request containing information that, in the judgment of the City Engineer, adequately justifies an extension of time.

(g) The City of Lakewood will perform construction inspections until the site reaches final stabilization as determined by the City Engineer.

(h) The Storm Water Management Plan review, filing and inspection fee is part of the complete application submittal and must be paid in full by the applicant/owner prior to the commencement of any reviews by the City. The City Engineer shall establish a fee schedule based upon the actual estimated cost for providing these services. At such time that the fee reserve balance falls below 35 percent of its original balance the applicant/owner will be required to deposit additional funds to cover the anticipated costs of future fees or return the reserve to the original balance, as determined by the City Engineer. Upon Final Acceptance, all funds remaining will be returned to the applicant/owner. The schedule of fees is available in Section 1339.16.

1339.08 STORM WATER MANAGEMENT PLAN.

The Storm Water Management Plan (SWMP), BMPs and specifications used to satisfy the conditions of this chapter shall meet the standards and specifications in the current edition of the Ohio Rain Water and Land Development manual. The plans must make use of the practices that preserve the existing natural condition to the Maximum Extent Practicable.

(a) Development Sites Under One (1) Acre. Individual development sites that are larger than 8,000 square feet and smaller than one (1) acre (43,560 square feet) in total size of disturbed area, shall submit an Abbreviated SWMP. The Abbreviated SWMP must include the following items, in addition to any other items from this chapter that are required by the City Engineer:

Abbreviated SWMP items:

(1) Storm Water Issues. A statement as to how the storm water runoff that will be caused by the planned development project will be handled. This statement must identify the Best Management Practices (BMPs) the new construction project will include addressing storm water runoff.

(2) Soil Erosion and Sediment Issues. A topographic plan of the entire development site must be submitted that identifies the location of:

A. All existing and planned impervious areas, storm water inlets, drainage swales, wetlands, streams, conservation easements and other natural features to be saved and protected on the property.

B. All existing and planned temporary and permanent conservation practices for the site, to include at a minimum the following elements as approved by the City Engineer:

(i) The existing and proposed topography shown in the appropriate contour intervals as approved by the City Engineer (generally one-foot contours are used), and;

(ii) Soil erosion and sediment control BMPs, and;

(iii) Construction Entrance, and;

(iv) Temporary Grass Seeding with proper erosion control measures, and;

(v) Storm Drain Inlet Protection around every storm yard inlet on the site or accepting drainage from the site, and;

(vi) Silt Fence protection for any stream located on or close to the site and lacking an adequate vegetative buffer, and;

(vii) Silt Fence to prevent sediment discharge into street storm sewer inlets where no centralized sediment control exists for the drainage area that includes the lot, and;

(viii) Construction fence to protect any conservation easements, riparian setbacks and wetland setbacks from encroachment by construction activities.

(3) Temporary Seeding Schedule. The schedule for the use of Temporary Seeding developed according to the Temporary Seeding Table contained in the Minimum Standards Section of this chapter must be included.

(4) Material Stockpile Locations. The location of construction material stockpile areas with a description of the Soil Erosion and Sediment Controls to be maintained on the stockpile area prior to, during, and after the area is used for stockpiling.

(b) Development Sites One (1) Acre or Larger. All developments that have a larger common plan of development or sale equal to or larger than one (1) acre in size of disturbed area shall prepare and submit a Comprehensive SWMP. The Comprehensive SWMP must include the following items, in addition to any other items from this chapter that are required by the City Engineer:

Comprehensive SWMP items:

(1) Site Description. A statement that includes text describing:

A. Prior land uses of the site;

B. The nature and type of construction activity (e.g., low density residential, shopping mall, highway, etc.);

C. Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavating, filling or grading, including off-site borrow, fill or spoil areas and off-site utility installation areas);

D. An estimate of the impervious area and percent imperviousness created by the construction activity;

E. An onsite, detailed Soils Engineering Report identifying the types of soils within, or affected by, the development area; and

F. The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water and the major river watersheds in which it is located.

(2) Proposed Development Plan. A drawing showing locations of:

A. The larger common plan of development or sale;

B. The development area; and

C. All pertinent surrounding natural features within 200 feet of the development site including, but not limited to:

(i) Water resources such as wetlands, springs, lakes, ponds, rivers and streams (including intermittent streams with a defined bed and bank);

(ii) Conservation Easements;

(iii) Other sensitive natural resources;

(iv) The sensitive areas receiving runoff from the development; and

(v) All off-site utility installation areas that are related to the planned project.

(3) Storm Water Pollution Prevention Plan (SWP3). The permittee must adhere to all requirements of the EPA Construction General Permit "SWP3 Requirements" section. In addition, the following items shall also be shown on the SWP3 drawing:

A. Drainage patterns during major phases of construction (multiple drawings may be needed);

B. All off-site borrow or spoil areas; and

C. The location of each proposed soil erosion and sediment control BMP, including at a minimum:

(i) Permanent soil erosion control practices to be left in place after construction operations have been completed (e.g. level spreaders, permanent erosion control matting, gabions, rock lined channels, etc.);

(ii) Areas likely to require temporary stabilization during the course of site development;

(iii) Designated construction entrances where vehicles will access the construction site;

(iv) In-stream activities including stream crossings;

(v) Areas designated for the storage or disposal of solid, sanitary and toxic wastes;

(vi) Dumpsters;

(vii) Concrete truck washout;

(viii) Fuel tanks;

(ix) BMPs that divert runoff away from disturbed areas and steep slopes where practicable including rock check dams, pipe slope drains, diversions to direct flow away from exposed soils, and protective grading practices; and

(x) Sediment settling ponds drawn to scale.

D. Existing and proposed locations of buildings, roads, parking facilities and utilities.

E. Boundaries of wetlands and stream channels the owner intends to fill or relocate for which the owner is seeking approval from the US Army Corps of Engineers and/or Ohio EPA.

F. Identification of size, maintenance requirements, design calculations and detail drawings for each BMP.

G. The type and amount of plant seed, live plants, fertilizer, agricultural ground limestone and mulch to be used. Specification of soil testing requirements for fertility and lime requirements will be included. Specification for the use of perennial grass seed will also be included.

H. Scheduling, phasing, and coordination of construction operations and erosion and sediment control BMPs, including vegetative plantings and mulch.

I. All other soil erosion and sediment control related BMPs and items that are required by the City Engineer.

(4) Post-Construction Storm Water Management Plan. The permittee must adhere to all requirements of the current EPA Construction General Permit "Post-Construction Storm Water Management" section. Specific items of the Construction General Permit that the permittee should be aware of and adhere to include the water quality volume calculation, runoff coefficients based on the type of land use, and target drain times for structural post-construction BMPs. In addition, the following items shall be included in the Post-Construction Storm Water Management Plan:

A. A general description of the strategies proposed to meet this chapter;

B. An As-Built SWMP drawing showing the location, drawn to scale, of permanent storm water conveyance, detention and retention structures, other storm water control structures and storm water easements;

C. Design calculations for all permanent BMPs;

D. Long-term maintenance requirements and inspection schedules for all permanent BMPs;

E. The landowner, person or entity financially responsible for assuring the performance of long-term maintenance and inspections of permanent BMPs;

F. The method of funding long-term maintenance and inspection of all storm water management practices;

G. Features of the design that facilitates maintenance of the practice. Include a written plan for providing an area for dewatering of dredged sediment, or the need to truck sediment from the site;

H. Any other storm water related items required by the City Engineer;

I. A prohibition on alteration of any BMPs without prior written approval from the City Engineer; and

J. An Inspection and Maintenance Agreement, as defined in Section 1339.11 of this chapter.

1339.09 CONSTRUCTION MINIMUM STANDARDS.

In order to control sediment pollution of water resources, the owner or person responsible for the development area shall use conservation planning and practices to maintain the level of conservation established in the following standards. The permittee must adhere to all requirements of the EPA Construction General Permit. In addition, the following items are general guidelines and shall not limit the right of the City Engineer to impose at any time additional, more stringent requirements, nor shall the guidelines limit the right of the City Engineer to waive, in writing, individual requirements.

(a) The plan shall include measures that control the flow of runoff from disturbed areas so as to prevent soil erosion from occurring.

(b) Structural Practices shall be used to control erosion and trap sediment from areas remaining disturbed for more than 21 days.

(c) Sediment Barriers: Sheet flow runoff from denuded areas shall be intercepted by Silt Fence or Diversions to protect adjacent properties and water resources from sediment. Where intended to provide sediment control, Silt Fence shall be placed on a level contour. The relationship between the maximum drainage areas to Silt Fence for a particular slope is shown in the table below:

Table 1: Silt Fence Applicability

Maximum drainage area (in acres) to 100 linear feet of Silt Fence	Range of slope for a particular drainage area (in percent)
0.5	<2%
0.25	> 2% but < 20%
0.125	>20% but < 50%

This does not preclude the use of other sediment barriers designed to control sheet flow runoff. The total runoff flow treated by a sediment barrier shall not exceed the design capacity for that sediment barrier. Straw Bale Barriers are not acceptable.

(d) Storm Water Diversion Practices: Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes where practicable. Such practices, which include Swales, Dikes or Berms, Pipe Slope Drains and Diversions, may receive storm water runoff from areas up to ten (10) acres. Storm water diversion practices alone are not considered a sediment control practice unless those are used in conjunction with a sediment settling pond.

(e) All Sediment Control Practices must be capable of ponding runoff in order to be considered functional.

(f) Clearing and Grubbing will be done in two (2) or more phases. The first phase will include only those locations necessary to install the perimeter soil erosion, sediment and storm water control BMPs. After the perimeter controls are in place and functioning, the remaining phase(s) of clearing and grubbing may continue.

(g) Timing of Sediment Trapping Practices: Sediment control practices shall be functional throughout all phases of up slope earth disturbing activity. Settling facilities, perimeter controls and other practices intended to trap sediment shall be implemented prior to grading and within seven (7) days from the start of grubbing. They shall continue to function until the up slope development area is permanently re-stabilized. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns.

(h) Stabilization of Denuded Areas: Disturbed areas must be stabilized as specified in the tables below, or according to the Ohio EPA NPDES Storm Water Permit Rules, whichever is most restrictive:

Table 2: Permanent Stabilization

Area requiring permanent stabilization	Time frame to apply erosion controls
Any areas that will lie dormant for one (1) year or more	Within seven (7) days of the most recent disturbance
Any areas within fifty (50) feet of a stream and at final grade	Within two (2) days of reaching final grade
Any other areas at final grade	Within seven (7) days of reaching final grade within that area

Table 3: Temporary Stabilization

Area requiring permanent stabilization	Time frame to apply erosion controls
Any disturbed areas within fifty (50) feet of a stream and not at final grade	Within two (2) days of the most recent disturbance if the area will remain idle for twenty-one (21) days or more

Disturbed areas that will be dormant for more than 21 days but less than one (1) year and not within fifty (50) feet of a stream	Within seven (7) days of the most recent disturbance within the area.
Disturbed areas that will be idle over winter	Prior to the onset of winter weather

Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed.

In any case, Temporary or Permanent Stabilization will be properly installed, pursuant to the most recent edition of the Ohio Rainwater and Land Development manual, before the second building permit is issued.

(i) Sediment Settling Ponds: Storm water runoff that exceeds the design capacity of sediment barriers and concentrated storm water flows shall pass through a sediment settling facility.

(1) Where storm sewer drainage areas include 10 or more acres disturbed at one time, a temporary (or permanent) sediment settling pond must be provided until final stabilization of the site. In single-family residential construction, final stabilization is after the houses are built and permanent landscaping is done.

A. Alternative equivalent controls may be used if the owner can show, in writing, that the Ohio EPA approved the use of the alternatives in the Storm Water Pollution Prevention Plan (SWP3) for the site, subject to the approval of the City Engineer.

B. It is recommended that for drainage locations of less than 10 acres, smaller sediment settling basins and/or Sediment Traps be used.

(2) Each facility's storage capacity shall be no less than sixty-seven (67) cubic yards per acre of total contributing drainage area. The storage volume will be measured from the bottom of the basin to the top of the primary (principal) spillway.

(3) Permanent storm water management ponds that are designed to trap sediment during construction shall be designed to provide for a slow release of sediment-laden water. The draw down time shall meet the criteria in the Ohio Rainwater and Land Development manual.

(4) The design configuration between inlet(s) and the outlet of settling ponds must provide at least two units of length for each one unit of width (> 2:1 length to width ratio).

(5) The depth of the sediment settling pond must be less than or equal to five (5) feet.

(6) Sediment must be removed from the sediment settling ponds when the design capacity has been reduced by 40%.

(7) Public safety, especially as it relates to children, must be considered in the design. Alternative sediment controls must be used where site limitations would preclude a safe design.

(8) Temporary sediment settling ponds will not be constructed in any stream channel.

(j) Storm Sewer Inlet Protection:

(1) All storm sewer inlets that accept water runoff from the development area shall be protected so that sediment-laden water will not enter the storm sewer, unless the storm drain system drains to a Sediment Settling Pond and is exempted in writing by the City Engineer. In areas where construction will be ongoing, such as subdivisions, the storm sewer protection shall be maintained until all up slope areas reach final stabilization, as determined by the City Engineer.

(2) At the end of this period the site owner shall hydraulically clean the storm sewers to the satisfaction of the City Engineer. All sediments shall be removed from the system and shall not be flushed downstream.

(k) Working Near, Or Crossing Streams and Wetlands:

(1) Construction vehicles shall avoid water resources, wetlands, riparian areas, and their setbacks. If construction vehicles must cross these areas during construction, an approved temporary crossing shall be constructed. Streams, including intermittent streams with a defined bed and banks, shall be restabilized immediately after in-channel work is completed, interrupted, or stopped. Erodible materials will not be used in making stream crossings.

(2) No soil, rock, debris, or any other material shall be dumped or placed into a water resource or into such proximity that it may slough, slip, or erode into a water resource unless such dumping or placing is authorized by the approving authority and, when applicable, the US Army Corps Of Engineers and Ohio EPA, for such purposes as, but not limited to, constructing bridges, culverts, and erosion or sediment control structures.

(3) If construction activities disturb areas adjacent to streams, structural practices shall be designed and implemented on site to protect the adjacent streams from the impacts of sediment runoff.

(l) Construction Entrance:

(1) Measures shall be taken to prevent soil transport onto public roads, or surfaces where runoff is not checked by sediment controls.

(2) Stone with geotextile construction entrance(s) shall be implemented as required by the City Engineer and the Ohio EPA. These will be planned and installed according to the requirements in the most recent edition of the Ohio Rainwater and Land Development manual.

(3) Where soil is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day, or more frequently, in order to ensure public safety. Soil shall be removed from paved surfaces by shoveling or sweeping. Street washing shall be allowed only after shoveling or sweeping has removed most of the sediment and street sewer inlet protection is properly installed unless end of sewer sediment ponds exist and are properly functioning.

(4) Erodible material ramps in streets will not be used to enable equipment to cross curbs. Non-erosive materials (e.g. wood and stone) can be used.

(m) Stabilization of Outfalls and Channels: Outfalls and constructed or modified channels shall be designed and constructed to withstand the expected velocity of flow from the planned post-development frequency storm without eroding. The planned post-construction velocity and flow shall include the entire contributing watershed.

(n) Establishment of Permanent Vegetation: A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until ground cover is achieved which, in the opinion of the City Engineer, has 70% vegetative density over the entire disturbed area and provides adequate cover, and is mature enough to satisfactorily control soil erosion and survive adverse weather conditions.

(o) Disposition of Temporary Practices: All temporary soil erosion and sediment control practices shall be disposed of immediately after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise required by the City Engineer. Trapped sediment shall be permanently stabilized to prevent further erosion. The Construction Maintenance Guarantee shall not be released by the City of Lakewood until all temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and any trapped sediment has been stabilized.

(p) Underground Utility Construction: The construction of underground utility lines, pipes, etc. shall be subject to the following criteria:

(1) Trenches shall remain open for no more than five days, unless approved by the City Engineer.

(2) There shall be no turbid discharges to surface waters resulting from dewatering activities. If trench or ground water contains sediment, it must pass through a sediment settling pond or other equally effective sediment control device, prior to being discharged from the construction site or to waters of the state.

(3) When discharging clean ground water care must be taken to ensure that it does not become pollutant laden by crossing over disturbed soils or other pollutant sources.

(q) Inspections: In general, inspections will be performed in accordance with the Ohio EPA Construction Site Inspection Checklist.

(1) If inspections or other information indicates a control has been used inappropriately or incorrectly or it has failed, it must be replaced or modified for the site conditions.

(2) The owner of the development area shall have the site inspected for soil erosion, sediment control and other environmental concerns every seven (7) calendar days, and within twenty-four (24) hours of a 0.5 inch or greater rainfall event until the City Engineer certifies the site as being stable. The City Engineer certification does not relieve the permittee from meeting the Ohio EPA NPDES inspection requirements.

(3) The owner, or his designated representative, shall keep a written log of each inspection and any subsequent improvements to the soil erosion, sediment control or other environmental controls. The inspections shall include the date of the

inspection, the name of the inspector, weather conditions, and the actions needed to correct the identified problems.

(4) The inspection log will include the date and actions taken to correct problems noted in past inspection logs.

(5) If the construction site is subject to Ohio EPA's National Pollutant Discharge Elimination System (NPDES) permit for construction activity, a copy of all of the required inspection sheets will be submitted to the City Engineer within three (3) working days of the date that the inspection was conducted.

(6) Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system.

(7) Erosion and sediment controls identified in the Storm Water Pollution Prevention Plan shall be observed to ensure that they are operating correctly.

(8) Discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters.

(9) Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.

(10) If the inspection reveals that a control practice is in need of repair or maintenance, with the exception of sediment settling ponds, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.

(11) If any inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the Construction Site Conservation Plan must be amended and the new control practice must be installed within 10 days of the inspection.

(12) If the inspection reveals that a control practice has not been implemented in the time required by this ordinance it must be installed within ten (10) days from the date of inspection.

(13) If the inspection reveals that a planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.

(r) Control of Materials and Debris: Site management practices shall be implemented to prevent toxic materials, hazardous materials, or other debris from entering the City of Lakewood's and state's water resources or wetlands. These practices shall include, but are not limited to, the following:

(1) A covered dumpster shall be made available for the proper disposal of construction site waste materials.

(2) The washing of excess concrete material into a street, catch basin, or other public facility or natural resource shall not occur. A designated area for concrete washouts shall be made available and used for all concrete washouts.

(3) All fuel tanks and drums shall be stored in a marked storage area. A dike shall be constructed around this storage area with a minimum capacity equal to 110% of the volume of the largest container in the storage area. All additional requirements of the local fire authority must be followed. If the fuel tanks have a self-contained "dike," the plug will be kept in the "dike" tank at all times.

(4) Any toxic or hazardous wastes and/or contaminated soils must be disposed of according to all applicable environmental laws and statutes. Local health districts and Ohio EPA can provide guidance on these issues.

(5) On a site with a prior industrial land use or a site that is contaminated with gasoline, fuel oil, hydrocarbon based chemicals or other Ohio EPA regulated contaminants, the storm water is considered wastewater. A permit from Ohio EPA is required to address these sites.

(6) Proper permits shall be obtained for development projects on solid waste landfill sites.

(7) Paint, paint washing liquids, excess paints and other paint wastes are considered solid wastes and shall be disposed of in accordance with applicable state regulations. Appropriate handling of these wastes shall occur at the site so as to prevent the discharge of these wastes into surface or ground waters.

(8) Restroom facilities will be provided for site workers at all times that workers are present on the site and during all phases of the construction.

(s) Storm Water Basins: All storm water basins shall be constructed in accordance with the Ohio Rainwater and Land Development manual.

(t) Soil limitations shall be determined by using the current edition of the county soil survey written by the NRCS, USDA.

1339.10 POST-CONSTRUCTION MINIMUM STANDARDS.

The permittee must adhere to all requirements of the current EPA Construction General Permit "Post-Construction Storm Water Management" section. Specific items of the Construction General Permit that the permittee should be aware of and adhere to include the water quality volume calculation, runoff coefficients based on the type of land use, and target drain times for structural post-construction BMPs. In addition, the permittee must also adhere to the following items:

(a) Storm Water Detention. The Post-Construction BMP(s) chosen must be able to detain storm water runoff for protection of the stream channels, stream erosion control, and improved water quality.

(b) Properly Sized BMPs. The BMP(s) chosen must be sized to treat the water quality volume (WQv) and ensure compliance with Ohio's Water Quality Standards in OAC Chapter 3745-1. The WQv shall be equivalent to the volume of runoff from a 0.75-inch rainfall.

(c) Runoff Rate. The peak runoff rate from the development area shall not be greater after development than it was before development. The applicant shall provide calculations proving no increase in the runoff rates from the one (1), two (2), five (5), ten (10), twenty-five (25), fifty (50) and one hundred (100) year storms.

(d) Runoff Volume. Increases in the runoff volume shall be offset by further restricting runoff rates. Where the land use will be mixed, the runoff coefficient should be calculated using a weighted average. Based on the increase in runoff volume, the applicant shall determine the critical storm for the development area. The runoff rate from the critical storm shall be restricted to the one (1) year pre-development storm runoff rate. The critical storm shall be calculated as follows:

(1) Determine the total volume of runoff from a one-year frequency, twenty-four hour storm, occurring on the development area before and after development.

(2) From the volumes in paragraph (A) determine the percent of increase in volume of runoff due to development and, using this percentage, select the critical storm from this table:

Table 4: Critical Storm Selection

Equal To Or Greater Than	And Less Than	The 24-Hour "Critical Storm" For Discharge is
0	10	1 Year
10	20	2 Years
20	50	5 Years
50	100	10 Years
100	250	25 Years
250	500	50 Years
500	---	100 Years

(e) Detention Or Retention Basin Exemption For Redevelopment Or For Expansion Of Existing Facilities.

(1) For any development regulated by this chapter, the construction of a detention or retention basin may not be required for the development if the post-development peak discharge for a 100 year frequency 24 hour storm increases the existing peak discharge by one (1) cubic foot per second or less using the TR-55 method of calculation or other method approved by the City Engineer. The City Engineer can waive this requirement if existing storm sewers and drainage structures can safely handle the expected increase in flow.

(2) Only one (1) exemption will be allowed per parcel. Any subsequent expansion must provide for detention or retention and must include the previously exempted area.

(f) Where the City Engineer determines that site constraints exist in a manner that compromises the intent of this chapter to improve the management of storm water runoff as established in this section, practical alternatives may be used to result in an improvement of water quality and/or a reduction of storm water run-

off. Such alternatives must be in keeping with the intent and likely cost of those measures that would otherwise be required to meet the objectives of this section. When possible, all practical alternatives shall be implemented within the drainage area of the proposed development project. Practical alternatives can include, but are not limited to:

- (1) Fees paid in an amount specified by the City of Lakewood, which shall be applied by the City of Lakewood to storm water management practices;
- (2) Implementation of off-site storm water management practices;
- (3) Watershed or stream restoration;
- (4) Retrofitting of an existing storm water management practice;
- (5) Other practices approved by the City Engineer in keeping with the intent of this section.

1339.11 MAINTENANCE.

Any portion of the permanent drainage and soil erosion systems, including on-site and off-site storage facilities that are constructed by the owner, will be continuously maintained into perpetuity.

(a) Maintenance Plans. Maintenance plans shall be provided by the permittee to both the City Engineer and the post-construction operator of the BMP (including homeowner associations) upon completion of construction activities and prior to the City of Lakewood issuing a Certificate of Occupancy and Final Acceptance.

(b) Single Family and Multi-family Residential Developments: For any development containing common area(s) a Homeowners' Association shall be created and placed in the title of the affected lands. The Homeowner's Association or property owner shall be continuously responsible for post-construction maintenance and inspections into perpetuity unless such maintenance and inspection responsibilities become officially accepted by the City of Lakewood.

(c) Apartments, Commercial and Industrial Developments: The plans will clearly state that the owner of the property shall be continuously responsible for post-construction maintenance and inspections into perpetuity unless the City of Lakewood officially accepts such maintenance and inspection responsibilities.

(d) Maintenance Design: All temporary and permanent soil erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements. Multi-use facilities incorporating assets such as aesthetics and recreation may be incorporated into the design of the drainage facilities. All permanent drainage, soil erosion, sediment control, water quality/quantity management systems and BMPs, including on-site and off-site structures and vegetation that are constructed or planted, must be inspected and maintained into perpetuity by the responsible party designated in the plans. Inspections and maintenance will be incorporated periodically throughout the year to ensure that the facilities are properly operational.

(e) Perpetual Maintenance Inspections.

(1) The Homeowner's Association or property owner, at its expense, shall obtain one (1) inspection with a written report annually. The written report will be

given to the City of Lakewood by May 1st of each and every year after the Best Management Practice (BMP) has been completed. The report shall be stamped by a professional engineer, landscape architect or Certified Professional In Erosion and Sediment Control (CPESC). The report shall include the status of permanent soil erosion, sediment control, water quality/quantity management systems and the status of the related easements. Single Family and Two Family dwellings shall be exempt from the required annual inspections.

(2) BMPs that have a potential loss of life. A written and stamped covering the status of all BMPs that have a potential for loss of life, bodily injury, or damage to structures or infrastructure will be prepared by a professional engineer or other individual possessing a valid state license that authorizes them to design the same type of BMP for construction.

(f) Inspection and Maintenance Agreement.

(1) This agreement will be binding on the owner and all subsequent owners of lands served by the approved system of storm water management practices required for the site. Such Agreements shall include all post-construction BMPs, shall be recorded with the deed to the property(ies) within the site, and shall provide and stipulate the following:

- A. The location of each storm water management practice;
- B. The method of funding long-term maintenance and inspection of all storm water management practices;
- C. Features of the design that facilitate maintenance of the practice, including a written plan for providing an area for dewatering of dredged sediment, or the need to truck sediment from the site;
- D. Long-term maintenance plans, requirements and inspection schedules, which plans must ensure that pollutants collected within structural Post-Construction BMP practices be disposed of in accordance with local, state and federal guidelines;
- E. The party responsible for long-term maintenance, including repairs;
- F. A prohibition on alteration of the practice without prior written approval from the City Engineer;
- G. Description of any easements required by this chapter;
- H. Permission for the City of Lakewood or its agent to enter upon the property and take whatever action is deemed necessary to maintain facilities that do not perform as specified in the Inspection and Maintenance Agreement, and to be reimbursed by the property owner(s) served by the facility for all expenses incurred within 30 days of receipt of invoice from the City of Lakewood; and
- I. A release of the City of Lakewood from all damages, accidents, casualties, occurrences, or claims that might arise or be asserted against said parties from the construction, presence, existence, or maintenance of the storm water management practices.

(2) Alteration or termination of these stipulations is prohibited. The applicant must provide a draft of this Inspection and Maintenance Agreement as part of

the Comprehensive SWMP submittal. Once a draft is approved, a recorded copy of the Agreement must be submitted to the City of Lakewood to receive final acceptance of the site.

1339.12 EASEMENTS.

Future access to floodplains, flood control facilities, runoff drainage ditches and channels, runoff storage facilities, storm sewers and other drainage ways and structures, as required by the City Engineer, shall be secured by means of easements. Easement dimensions noted below may be modified as necessary by the City Engineer upon receipt of adequate documentation showing site-specific restrictions that necessitate modifications.

(a) The easements shall be recorded in the name of the City of Lakewood and, in single-family residential developments, the homeowners association.

(b) Such easements shall be not less than twenty-five (25) feet in width in addition to the width of the ditch, channel, or other facility it is to serve. Access easements of this type shall be provided on one (1) side of the flood control or storm drainage ditch, channel, or similar type facility.

(c) Access along the initial drainage system shall be by means of easements. Such easements shall be not less than twenty-five (25) feet in width, with a minimum ten (10) foot width on either side of the drainage system.

(d) Access adjacent to storage facilities shall consist of a twenty-five (25) foot easement in the case of detention (dry) basins, and a twenty-five (25) foot easement with a twenty-five (25) foot level bench in the case of retention (wet) basins, measured from the top of the bank, and shall include the storage facility itself.

(e) Easements for the emergency flow ways shall be a minimum of twenty-five (25) feet in width, or larger if required by the City Engineer.

(f) Flood control or storm drainage easements containing underground facilities shall have a minimum width of twenty-five (25) feet, with a minimum ten (10) foot width on either side of the facility.

(g) The legal description of the easements shall restrict the planting of trees, shrubbery or plantings with woody growth characteristics, and shall also restrict the construction of buildings, accessory buildings, fences, walls or any other obstructions to the free flow of storm water and the movement of inspectors and maintenance equipment. Any variations to the final grade from that described by the grading plan shall be as approved by the City Engineer.

1339.13 CONSTRUCTION AND MAINTENANCE GUARANTEE.

(a) All permanent storm water, soil erosion, other wastes control, and water quality practices not specifically waived by the City of Lakewood shall be constructed prior to the granting of Final Acceptance. Upon the request of the owner, the City of Lakewood may allow the construction or installation of a permanent storm water, soil erosion, sediment, or other wastes control or water quality practice to be deferred where, in the City Engineer's judgment, such proper construction or installation is not immediately necessary for the protection of the public health and safety; and where the prior installation or construction of such improvement would constitute an undue hardship on the owner because in the

case of new vegetation or weather conditions, or because in the case of concrete, building construction could cause cracking and excessive wear and tear on new structures. In such event, the City of Lakewood shall require a Security Bond, Escrow Account, Certified Check or Cash to guarantee that such deferred improvements will be properly constructed or installed within an agreed specified time, but not to exceed six (6) months after the Final Acceptance.

(b) The Guarantee. The Construction and Maintenance Guarantee will be in the form of a Security Bond, Escrow Account, Verified Check or Cash. Ohio municipalities and counties may require performance bonds or other guarantees for water management improvement as stated in Chapter 711.101 of the Ohio Revised Code.

(1) No soil disturbing activities shall be permitted until the Guarantee has been posted to the satisfaction of the City Engineer.

(2) The Guarantee will be maintained in an amount of not less than 120 percent of the estimated cost to construct all temporary and permanent storm water BMPs. The estimate shall be certified by a licensed Professional Engineer and approved by the City Engineer.

(3) The Guarantee will be used by the City of Lakewood to complete any construction or removal of improvements or temporary and permanent soil erosion, sediment, and other wastes control practices that are not adequately completed, maintained or removed by the owner in a timely manner, as determined by the City Engineer.

(c) Time Extension. The City Engineer may extend for cause the time allowed for the installation of the improvements for which the Guarantee has been provided with the receipt of a written request from the owner.

(d) Completion. The owner shall notify the City Engineer upon completion of all construction improvements or temporary and/or permanent soil erosion, sediment, and other wastes control practices and the removal of the temporary soil erosion, sediment, and other wastes control practices for which the guarantee has been provided.

(e) Final Acceptance. The City of Lakewood will grant Final Acceptance and release the Guarantee when the following criteria are met:

- (1) Final Stabilization is achieved, as approved by the City Engineer;
- (2) All water quality BMPs are installed and functioning as per the approved SWMP, as witnessed by the City Engineer during an as-built inspection;
- (3) An As-Built SWMP is approved by and filed with the City Engineer, which As-Built SWMP shall include, at a minimum:
 - (4) Location and dimensions of all permanent BMPs;
 - (5) Maintenance requirements of each BMP;
 - (6) Identification of the entity responsible for long-term maintenance; and
 - (7) Signature, seal and date approved by a Professional Engineer.

(f) An approved Inspection and Maintenance Agreement is filed with the Building Department. The agreement must be signed by the contractor, City of Lakewood and the private owner or homeowner's association who will take long-term responsibility for the permanent BMPs.

1339.16 STORM WATER MANAGEMENT FEES.

The following fees must be deposited with the City of Lakewood Building Department prior to the commencement of soil disturbing activities:

(a) Abbreviated SWP3	
(1) Review/Inspection Reserve Fee*	\$750.00
(2) Control Performance Bond**	1,500.00
(b) Comprehensive SWP3	
(1) Review/Inspection Reserve Fee* (per disturbed whole acre, Example: 1.25 Acre disturbance = \$1500)	750.00
(2) Erosion Control Performance Bond**	1,500.00

(per disturbed whole acre)

* to be posted at time of SWP3 submittal

** to be posted at time applicable permits are issued.

(c) Funds shall be withdrawn from the Review/Inspection Reserve at the following hourly rates for any work completed by representatives of the City Engineer related to the review, inspection and enforcement of full and abbreviated SWP3s (assessed in 1/2-hr. increments):

(1) City Engineer	\$75.00
(2) Construction Site Inspections	65.00
(3) Project Engineer	65.00
(4) Engineering Technician	50.00

1339.99 PENALTIES.

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

(b) Whoever violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the first degree and shall be fined no more than one thousand dollars (\$1,000.00) or imprisoned for no more than one hundred eighty (180) days, or both, for each offense.

(c) A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(d) Upon notice from the City Engineer, or designated representative, that a project site does not meet the requirements of this chapter, such work shall immediately stop. Such notice shall be in writing and shall be either hand-delivered or sent by certified mail, return receipt requested, to the owner or person responsible for the development area, or person performing the work, and shall state the conditions under which such work may be resumed; provided, however, in instances where immediate action is deemed necessary for public safety or the public interest, the City Engineer may require that work be stopped upon verbal order pending issuance of the written order.

(e) The imposition of any other penalties provided herein shall not preclude the City of Lakewood, by or through its Law Director and/or any of his or her assistants, from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful development or to restrain, correct or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, or ordinances, rules or regulations or the orders of the City Engineer.

shall be and is hereby amended to read as follows:

1339.01 PURPOSE AND SCOPE.

(a) The intent of this chapter is to establish technically feasible and economically reasonable standards to achieve a level of storm water management, and erosion and sediment control that will minimize damage to public and private property and degradation of water resources, and will promote and maintain the health, safety, and welfare of the residents of the City of Lakewood. The standards, or Best Management Practices (BMP), referred to and required by this chapter shall be in accordance with the current version of the Ohio Rainwater and Land Development Manual promulgated by the Ohio Department of Natural Resources.

(b) This chapter applies to all parcels and projects located within the City of Lakewood that disturb an area greater than 8,000 square feet regardless of public sewer configuration in the project area, unless specifically exempted in Section 1339.01.

(c) This chapter does not require a Storm Water Management Plan for routine public maintenance projects, such as sewer or watermain replacement or street reconstruction, which does not result in the installation of additional impervious surface and does not disturb more than 5 acres, as determined by the City Engineer.

(d) This chapter requires owners who develop or re-develop their property within the City of Lakewood to:

(1) Control the volume, rate and quality of storm water runoff from their property to minimize the potential for downstream flooding, erosion, and sedimentation;

(2) Reduce damage to receiving water resources and drainage systems that are caused by new development or redevelopment activities;

- (3) Preserve to the maximum extent practicable the natural drainage characteristics of the building site and minimize the need to construct, repair, and replace enclosed storm drain systems;
- (4) Preserve to the maximum extent practicable natural infiltration and groundwater recharge, and maintain subsurface flow that replenishes water resources, wetlands, and wells;
- (5) Assure that storm water controls are incorporated into site planning and design at the earliest possible stage;
- (6) Prevent unnecessary stripping of vegetation and loss of soil, especially adjacent to water resources and wetlands;
- (7) Reduce the need for costly maintenance and repairs to roads, embankments, sewage systems, ditches, water resources, wetlands, and storm water management practices that are the result of inadequate control of soil erosion, sediment and storm water;
- (8) Reduce the long-term expense of remedial projects needed to address problems caused by inadequate control of storm water, erosion and sediment;
- (9) Maximize the use of storm water management practices that serve multiple purposes including, but not limited to, flood control, soil erosion and sediment control, and water quality protection; and encourage such practices that promote recreation and habitat preservation;
- (10) Ensure that all storm water management, soil erosion and sediment control practices are properly designed, constructed, and maintained;
- (11) Protect and maintain the receiving stream's physical, chemical, biological characteristics and stream functions;
- (12) Incorporate water quality protection practices that encourage and promote habitat preservation; and
- (13) Provide perpetual management of storm water runoff quality and quantity.

1339.02 DEFINITIONS.

As used in this chapter:

- (a) APPROVING AUTHORITY means the official responsible for administering the applicable program(s).
- (b) BEST MANAGEMENT PRACTICE (BMP) means any practice or combination of practices that is determined to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources of pollution to a level compatible with water quality goals. BMPs may include structural practices, conservation practices and operation and maintenance procedures.
- (c) CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC) means a person that has subscribed to the Code of Ethics and

has met the requirements established by the CPESC Council of Certified Professional in Erosion and Sediment Control, Inc. to be a Certified Professional in Erosion and Sediment Control.

(d) CHANNEL means a natural stream that conveys water, or a ditch or channel excavated for the natural flow of water.

(e) CITY means the City of Lakewood, Ohio and its designated agents and representatives.

(f) CONCENTRATED STORM WATER RUNOFF means surface water runoff which converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels or storm sewers, and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control sheet flow.

...

(s) EXISTING means in existence at the time of the passage of this chapter.

~~(t) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) means the agency with overall responsibility for administering the National Flood Insurance Program.~~

~~(t) FINAL STABILIZATION means established uniform ground cover at a growth density of 80 percent or better.~~

(t) FREQUENCY STORM means a rainfall event of a magnitude having a specified average recurrence interval and calculated with Natural Resources Conservation Service, USDA Type II twenty-four hour curves or depth-duration frequency curves.

...

(z) LANDSLIDE means the rapid mass movement of soil and rock material downhill under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.

...

(ee) OHIO RAINWATER AND LAND DEVELOPMENT MANUAL means the latest version issued by ODNR Division of Soil & Water Resources.

...

(ii) PROFESSIONAL ENGINEER means a person registered in the State of Ohio as a Professional Engineer with specific education and experience in water resources engineering, acting in strict conformance with the Code of Ethics of the Ohio Board of Registration for Engineers and Surveyors.

(jj) QUALIFIED INSPECTION PERSONNEL means a person knowledgeable in the principles and practice of erosion and sediment controls, who possesses the skills to assess all conditions and the construction site that could impact storm quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.

(kk) REDEVELOPMENT means the demolition or removal of existing structures or land uses and construction of new ones.

...

~~(nn) RUNOFF means surface water runoff which converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels or storm sewers, and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control sheet flow.~~

...

(rr) SEDIMENT BARRIER means a sediment control device such as a geotextile Silt Fence, staked silt socks, or a grass Filter Strip, usually capable of controlling only small flow rates. (Straw bale barriers are not acceptable.) Waddles are only to be used in the winter season.

~~(ss) SEDIMENT BASIN means a temporary Settling Pond that releases runoff at a controlled rate. It is designed to slowly release runoff, detaining it long enough to allow most of the sediment to settle out of the water. The outlet structure is usually a designed pipe riser and barrel. The entire structure is removed after construction. Permanent storm water detention structures can be modified to function as temporary Sediment Basins.~~

(ss) SEDIMENT POLLUTION means a failure to use management or conservation practices to control wind or water erosion of the soil and to minimize the degradation of water resources by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed for commercial, industrial, residential, or other purposes.

...

(eee) STORM WATER CONTROL STRUCTURE means a practice used to control accelerated storm water runoff from development areas.

(fff) STORM WATER CONVEYANCE means all storm sewers, channels, streams, ponds, lakes, etc., used for conveying concentrated storm water runoff, or for storing storm water runoff.

(ggg) STORM WATER POLLUTION PREVENTION PLAN (SWP3) means the plan required by Ohio EPA to meet the requirements of its National Pollutant Discharge Elimination System (NPDES) Permit program for construction activities.

(hhh) STORM WATER RUNOFF means surface water runoff which converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels or storm sewers, and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control sheet flow.

~~(hhh) STORM WATER RUNOFF has the same meaning as the term "Runoff."~~

(iii) STREAM means a body of water running or flowing on the earth's surface, or a channel with a defined bed and banks in which such flow occurs. Flow may be seasonally intermittent.

...

(lll) WASTEWATER means any water that is contaminated by any of the following, but not limited to with gasoline, fuel oil, and hydrocarbon based chemicals, paint, paint washing liquids or other paint wastes, sanitary wastes, or any other Ohio EPA regulated contaminants.

...

(nnn) WATER RESOURCES means all streams, lakes, ponds, wetlands, water courses, waterways, drainage systems, and all other bodies or accumulations of surface water, either natural or artificial, which are situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those private waters which do not combine or affect a junction with natural surface waters.

(ooo) WETLAND means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 Codified Federal Register (CFR) 232, as amended). Wetlands shall be delineated by a site survey approved by the City using delineation protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of application of this regulation. If a conflict exists between the delineation protocols of these two agencies, the delineation protocol that results in the most inclusive area of wetlands shall apply.

1339.03 DISCLAIMER OF LIABILITY.

Neither submission of a plan under the provisions herein, nor compliance with the provisions of this chapter, shall relieve any person or entity from responsibility for damage to any person or property that is otherwise imposed by law.

1339.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this chapter imposes a greater restriction upon land than is imposed or required by other City of Lakewood provisions of law, ordinance, contract or deed, the provisions of this chapter shall prevail.

(b) If a court of competent jurisdiction declares any clause, section, or provision of this chapter invalid or unconstitutional, the validity of the remainder shall not be affected thereby.

(c) This chapter shall not be construed as authorizing any person to maintain a private or public nuisance on their property. Compliance with the provisions of this chapter shall not be a defense in any action to abate such nuisance.

(d) Failure of the City of Lakewood to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the owner from the responsibility for the condition or damage resulting there from, and shall not result in the City of Lakewood, its officers, employees, or agents being responsible for any condition or damage resulting there from.

1339.05 CONSULTATIONS.

In implementing this chapter the City Engineer or other City of Lakewood officials may consult with the local county SWCD, state and federal agencies and other technical experts as necessary. Any costs associated with such consultations may be assessed to the applicant.

1339.06 COMPLIANCE WITH OTHER RULES AND REGULATIONS.

(a) Ohio Dam Safety Laws: The provisions of the Ohio Dam Safety Laws shall be followed. Proof of compliance with the Ohio Dam Safety Law administered by the ODNR Division of Water shall be, but is not limited to, a copy of the ODNR Division of Water permit number or a copy of the project approval letter from the ODNR Division of Water or a letter from the site owner explaining why the Ohio Dam Safety Law is not applicable. The written proof will be provided to the City Engineer before a construction permit will be issued.

(b) NPDES Permits: The provisions of the National Pollutant Discharge Elimination System (NPDES) Permits for construction activity, by the Ohio EPA, shall be followed. Proof of compliance shall be, but is not limited to, a copy of the Ohio EPA NPDES Permit number or a letter from the site owner explaining why the NPDES Permit is not applicable. The written proof will be provided to the City Engineer before a construction permit will be issued.

(c) Federal And State Wetland Permits: The provisions of the U.S. Army Corps of Engineers dredge and fill permits for federally-protected wetlands shall be followed. The provisions of Ohio EPA's Isolated Wetlands Permits shall also be followed. Wetlands and other waters of the United States shall be delineated by protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of the application of these regulations. Written proof of compliance with both permit programs will be provided to the City Engineer before a construction permit will be issued. Proof of compliance shall be, but is not limited to, the following:

(1) A copy of the U.S. Army Corps of Engineers Individual Permit, if required for the project, showing project approval and any restrictions that apply to site activities; or

(2) A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit; or

(3) A letter from the site owner verifying that a qualified professional has surveyed the site and found no wetlands or other waters of the United States. Such a letter shall be noted on site plans submitted to the City.

1339.067 ISSUANCE OF BUILDING PERMITS.

(a) No person shall begin soil disturbing activity unless all necessary local, county, state and federal permits have been granted to the owner or operator, including permits for construction that falls within the scope of this chapter.

(b) Two building permits will be issued for all construction that falls within the scope of this chapter:

(1) The first building permit will allow the construction of the footers, basement walls or slabs, and utility service laterals. The first building permit will not be issued until the Storm Water Management Plan (SWMP) is approved.

(2) No additional construction shall be performed and no additional building materials shall be allowed on the site until the City of Lakewood has issued the second building permit. The City Engineer may approve the stockpiling of additional construction materials on the site prior to the issuance of the second permit if a suitable location can be identified. Proper Soil Erosion and Sediment Control must be maintained on the stockpile area prior to, during, and after the area is used for stockpiling.

(3) The second building permit will allow delivery of the remaining building materials and prosecution of the remaining construction activities. This second building permit will not be issued until the City Engineer certifies that the required BMPs and any other BMPs identified in the Storm Water Management Plan submitted with the Application for the first building permit have been properly installed.

1339.078 APPLICATION PROCEDURES FOR STORM WATER MANAGEMENT PLANS (SWMP) AND ABBREVIATED STORM WATER POLLUTION PREVENTION PLANS (SWP3).

(a) Applicants or their consultants may request a pre-application meeting with the City Engineer and Building Department to review all SWMP or abbreviated SWP3 requirements and fees.

(b) Sites with a disturbed area of 8,000 SF or less shall submit their plan, SWMPs or abbreviated SWP3, hydraulics and hydrology report, and application to the City Engineer for approval.

(c) Sites with a disturbed area of 8,000 SF or more shall submit their plan, hydraulics and hydrology report and application directly to the City Engineer. The City and local soil and water conservation district shall review and provide comments (if any). The process shall repeat until approval is reached (i.e., a recommendation of approval from the local soil and water conservation district).

(d) SWMPs and SWP3s developed by the site owners and approved by the City of Lakewood in accordance with this regulation do not relieve the site owner of responsibility for obtaining and complying with all other necessary permits and/or approvals from federal, state, county, and local agencies and departments. If requirements vary, the most stringent requirement shall be followed. SWMPs submitted to the City Engineer for review and approval shall be accompanied by all other required permits and documentation relevant to the project, including but not limited to the permits required and issued by the US Army Corps of Engineers, Ohio EPA and ODNR Division of Water.

(e) The application must include a letter or report from the Cuyahoga Soil and Water Conservation District (CSWCD) that states the SWMP has been reviewed and meets all requirements of the Ohio EPA and this chapter.

(f) Three (3) sets of the SWMP documents or abbreviated SWP3s and all items required by this chapter shall be submitted to the City Engineer with text material being submitted on 8.5 by 11 inch paper and drawings on no larger than 24 by 36 inch sized paper with scaled reductions on 11 by 17 inch paper.

(g) The City Engineer shall review the documents, including the review report from the CSWCD, and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the

plan as described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.

(fh) Approved SWMPs or abbreviated SWP3s shall terminate twenty-four months after the effective date of the plan approval if the owner or operator has not undertaken a continuing program of installation or modification or has not entered into a binding contractual obligation to undertake and complete, within a reasonable time, a continuing program of installation or modification. The City Engineer may extend these dates of expiration by up to twelve months if the applicant submits, within a reasonable time before the termination date, a written request containing information that, in the judgment of the City Engineer, adequately justifies an extension of time.

(gi) The City of Lakewood will perform construction inspections until the site reaches final stabilization as determined by the City Engineer.

(hj) The Storm Water Management Plan review, filing and inspection fee is part of the complete application submittal and must be paid in full by the applicant/owner prior to the commencement of any reviews by the City. The City Engineer shall establish a fee schedule based upon the actual estimated cost for providing these services. At such time that the fee reserve balance falls below 35 percent of its original balance the applicant/owner will be required to deposit additional funds to cover the anticipated costs of future fees or return the reserve to the original balance, as determined by the City Engineer. Upon Final Acceptance, all funds remaining will be returned to the applicant/owner. The schedule of fees is available in Section 1339.16.

1339.08 STORM WATER MANAGEMENT PLAN CONTROLLING CONSTRUCTION SITE SOIL EROSION, SEDIMENT AND OTHER WASTES AND STORM WATER RUNOFF.

~~The Storm Water Management Plan (SWMP), BMPs and specifications used to satisfy the conditions of this chapter shall meet the standards and specifications in the current edition of the Ohio Rain Water and Land Development manual. The plans must make use of the practices that preserve the existing natural condition to the Maximum Extent Practicable.~~

(a) Comprehensive Storm Water Management Plan: The Construction Site Conservation Plan developed to meet this regulation will be coordinated and combined with the Riparian and Wetland Setback Plan and the Post-Construction Water Quality Plan that are developed for the same site. These plans will be titled and numbered in one consecutive sequence to make a Comprehensive Storm Water Management Plan for the site. The Comprehensive Storm Water Management Plan so developed will serve as the Storm Water Pollution Prevention Plan (SWP3) required by Ohio EPA as part of the NPDES Storm Water Permit for General Construction.

(1) Purpose: The intent of this regulation is to establish consistent technically feasible and operationally practical standards to achieve a level of storm water management, and erosion and sediment control that will minimize damage to public and private property and the degradation of water resources, and will promote and maintain the health, safety, and welfare of the residents of the City.

(2) This regulation further intends, but is not limited, to:

A. Allow development while minimizing increases in downstream flooding, erosion, and sedimentation.

B. Reduce damage to receiving water resources and drainage systems that are caused by new development or redevelopment activities.

C. Control storm water runoff resulting from soil disturbing activities.

D. Assure that development site owners control the volume and rate of storm water runoff originating from their property so that surface water and ground water are protected, soil erosion is controlled, and flooding potential is not increased.

E. Preserve to the maximum extent practicable the natural drainage characteristics of the building site and minimize the need to construct, repair, and replace enclosed storm drain systems.

F. Preserve to the maximum extent practicable natural infiltration and groundwater recharge, and maintain subsurface flow that replenishes water resources, wetlands, and wells.

G. Assure that storm water controls are incorporated into site planning and design at the earliest possible stage.

H. Prevent unnecessary stripping of vegetation and loss of soil, especially adjacent to water resources and wetlands.

I. Reduce the need for costly maintenance and repairs to roads, embankments, sewage systems, ditches, water resources, wetlands, and storm water management practices that are the result of inadequate soil erosion, sediment and storm water control.

J. Reduce the long-term expense of remedial projects needed to address problems caused by inadequate storm water, erosion and sediment control.

K. Require the construction of storm water management practices that serve multiple purposes including flood control, soil erosion and sediment control, and require water quality protection; and encourage such practices that promote recreation and habitat preservation.

L. Ensure that all storm water management, soil erosion and sediment control practices are properly designed, constructed, and maintained.

(3) Scope: This regulation applies to development areas having new or relocated projects involving highways, underground cables, pipelines, subdivisions, industrial projects, commercial projects, building activities on farms, redevelopment of urban areas and all other land uses not specifically exempted. This regulation does not apply to:

A. Land disturbing activities related to producing agricultural crops or Silviculture operations regulated by the Ohio Agricultural Sediment Pollution Abatement Rules (1501: 15-3-01 to 1501: 15-3-09 of the Ohio Administrative Code) and existing at the time of passage of this regulation.

B. Coal surface mining operations regulated by Chapter 1513 of the Ohio

Revised Code and existing at the time of passage of this regulation.

C. Other surface mining operations regulated by Chapter 1514 of the Ohio Revised Code and existing at the time of passage of this regulation.

(b) Construction Site Conservation Plan: In order to control storm water damage and sediment pollution of water resources, wetlands, riparian areas, other natural areas, and public and private lands, the owner of each development area shall be responsible for developing a comprehensive Construction Site Conservation Plan. This plan will address storm water management (volume and peak rate of runoff), soil erosion, sediment and other wastes control. This plan must contain a description of controls appropriate for each construction operation covered by these regulations, and the operator must implement the planned controls in a timely manner. The plan and BMPs used to satisfy the conditions of these regulations shall meet the standards and specifications in the current edition of the Ohio Rain Water and Land Development manual. The plan must make use of the practices that preserve the existing natural condition to the Maximum Extent Practicable. The plan shall identify the subcontractors engaged in activities that could impact storm water runoff. The Construction Site Conservation Plan shall contain signatures from all of the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the Construction Site Conservation Plan.

(c) Development Sites less than 8,000 square feet in disturbed area: Individual development sites that are less than 8,000 square feet in total size of disturbed area, shall submit an abbreviated soil erosion and sediment control plans with the topography plan for the requested permit(s). The abbreviated SWP3 shall cover the following items that are applicable to the planned improvements, in addition to any other items from this regulation that are required by the City Engineer:

(1) The abbreviated plan shall include temporary soil erosion and sediment control BMPs such as silt fence and filter socks, construction entrance, temporary seeding, inlet protection, cement washout areas for cement mixer delivery trucks or any other BMP that may be applicable to the site.

(ad) Development Sites Under between 8,000 square feet and One (1) Acre. Individual development sites that are larger than 8,000 square feet and smaller than one (1) acre (43,560 square feet) in total size of disturbed area, shall submit an Abbreviated SWMP. The Abbreviated SWMP must include the following items, in addition to any other items from this chapter that are required by the City Engineer:

Abbreviated SWMP items:

(1) Storm Water Issues. A statement as to how the storm water runoff that will be caused by the planned development project will be handled. This statement must identify the Best Management Practices (BMPs) the new construction project will include addressing storm water runoff.

(2) Schedule. A schedule for the perpetual maintenance of the Post-Construction BMPs and the responsible party for annual inspection, reporting, and maintenance.

(3) Riparian and Wetland Setbacks. All riparian and wetland setback areas will be identified in the plan in the field before construction starts.

~~(2.4) Soil Erosion and Sediment Issues. A topographic plan of the entire development site must be submitted that identifies the location of:~~

~~A. All existing and planned impervious areas, storm water inlets, drainage swales, wetlands, streams, conservation easements and other natural features to be saved and protected on the property.~~

~~B. All existing and planned temporary and permanent conservation practices for the site, to include at a minimum the following elements as approved by the City Engineer:~~

~~(i) The existing and proposed topography shown in the appropriate contour intervals as approved by the City Engineer (generally one foot contours are used); and;~~

~~(ii) Soil erosion and sediment control BMPs, and;~~

~~(iii) Construction Entrance, and;~~

~~(iv) Temporary Grass Seeding with proper erosion control measures, and;~~

~~(v) Storm Drain Inlet Protection around every storm yard inlet on the site or accepting drainage from the site, and;~~

~~(vi) Silt Fence protection for any stream located on or close to the site and lacking an adequate vegetative buffer, and;~~

~~(vii) Silt Fence to prevent sediment discharge into street storm sewer inlets where no centralized sediment control exists for the drainage area that includes the lot, and;~~

~~(viii) Construction fence to protect any conservation easements, riparian setbacks and wetland setbacks from encroachment by construction activities.~~

~~(3) Temporary Seeding Schedule. The schedule for the use of Temporary Seeding developed according to the Temporary Seeding Table contained in the Minimum Standards Section of this chapter must be included.~~

~~(4) Material Stockpile Locations. The location of construction material stockpile areas with a description of the Soil Erosion and Sediment Controls to be maintained on the stockpile area prior to, during, and after the area is used for stockpiling.~~

~~(b) Development Sites One (1) Acre or Larger. All developments that have a larger common plan of development or sale equal to or larger than one (1) acre in size of disturbed area shall prepare and submit a Comprehensive SWMP. The Comprehensive SWMP must include the following items, in addition to any other items from this chapter that are required by the City Engineer:~~

~~Comprehensive SWMP items:~~

~~(1) Site Description. A statement that includes text describing:~~

~~A. Prior land uses of the site;~~

~~B. The nature and type of construction activity (e.g., low density residential, shopping mall, highway, etc.);~~

~~C. Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavating, filling or grading, including off-site borrow, fill or spoil areas and off-site utility installation areas);~~

~~D. An estimate of the impervious area and percent imperviousness created by the construction~~

~~E. An onsite, detailed Soils Engineering Report identifying the types of soils within, or affected by, the development area; and~~

~~F. The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water and the major river watersheds in which it is located.~~

~~(2) Proposed Development Plan. A drawing showing locations of:~~

~~A. The larger common plan of development or sale;~~

~~B. The development area; and~~

~~C. All pertinent surrounding natural features within 200 feet of the development site including, but not limited to:~~

~~(i) Water resources such as wetlands, springs, lakes, ponds, rivers and streams (including intermittent streams with a defined bed and bank);~~

~~(ii) Conservation Easements;~~

~~(iii) Other sensitive natural resources;~~

~~(iv) The sensitive areas receiving runoff from the development; and~~

~~(v) All off-site utility installation areas that are related to the planned project.~~

~~(3) Storm Water Pollution Prevention Plan (SWP3). The permittee must adhere to all requirements of the EPA Construction General Permit "SWP3 Requirements" section. In addition, the following items shall also be shown on the SWP3 drawing:~~

~~A. Drainage patterns during major phases of construction (multiple drawings may be needed);~~

~~B. All off-site borrow or spoil areas; and~~

~~C. The location of each proposed soil erosion and sediment control BMP, including at a minimum:~~

~~(i) Permanent soil erosion control practices to be left in place after construction operations have been completed (e.g. level spreaders, permanent erosion control matting, gabions, rock-lined channels, etc.);~~

~~(ii) Areas likely to require temporary stabilization during the course of site development;~~

~~(iii) Designated construction entrances where vehicles will access the construction site;~~

~~(iv) In-stream activities including stream crossings;~~

~~(v) Areas designated for the storage or disposal of solid, sanitary and toxic wastes;~~

~~(vi) Dumpsters;~~

~~(vii) Concrete truck washout;~~

~~(viii) Fuel tanks;~~

~~(ix) BMPs that divert runoff away from disturbed areas and steep slopes where practicable including rock check dams, pipe slope drains, diversions to direct flow away from exposed soils, and protective grading practices; and~~

~~(x) Sediment settling ponds drawn to scale.~~

~~D. Existing and proposed locations of buildings, roads, parking facilities and utilities.~~

~~E. Boundaries of wetlands and stream channels the owner intends to fill or relocate for which the owner is seeking approval from the US Army Corps of Engineers and/or Ohio EPA.~~

~~F. Identification of size, maintenance requirements, design calculations and detail drawings for each BMP.~~

~~G. The type and amount of plant seed, live plants, fertilizer, agricultural ground limestone and mulch to be used. Specification of soil testing requirements for fertility and lime requirements will be included. Specification for the use of perennial grass seed will also be included.~~

~~H. Scheduling, phasing, and coordination of construction operations and erosion and sediment control BMPs, including vegetative plantings and mulch.~~

~~I. All other soil erosion and sediment control related BMPs and items that are required by the City Engineer.~~

~~(4) Post-Construction Storm Water Management Plan. The permittee must adhere to all requirements of the current EPA Construction General Permit "Post-Construction Storm Water Management" section. Specific items of the Construction General Permit that the permittee should be aware of and adhere to include the water quality volume calculation, runoff coefficients based on the type of land use, and target drain times for structural post-construction BMPs. In addition, the following items shall be included in the Post-Construction Storm Water Management Plan:~~

~~A. A general description of the strategies proposed to meet this chapter;~~

~~B. An As-Built SWMP drawing showing the location, drawn to scale, of permanent storm water conveyance, detention and retention structures, other storm water control structures and storm water easements;~~

- ~~C. Design calculations for all permanent BMPs;~~
- ~~D. Long term maintenance requirements and inspection schedules for all permanent BMPs;~~
- ~~E. The landowner, person or entity financially responsible for assuring the performance of long term maintenance and inspections of permanent BMPs;~~
- ~~F. The method of funding long term maintenance and inspection of all storm water management practices;~~
- ~~G. Features of the design that facilitates maintenance of the practice. Include a written plan for providing an area for dewatering of dredged sediment, or the need to truck sediment from the site;~~
- ~~H. Any other storm water related items required by the City Engineer;~~
- ~~I. A prohibition on alteration of any BMPs without prior written approval from the City Engineer; and~~
- ~~J. An Inspection and Maintenance Agreement, as defined in Section 1339.11 of this chapter.~~
- A. All existing and planned impervious areas, storm water inlets, drainage swales, wetlands, streams, conservation easements and other natural features to be saved and protected on the property.
- B. All existing and planned temporary and permanent BMPs for the site. All lots shall include at a minimum the following:
- C. Soil erosion and sediment control BMPs, and;
- D. Construction Entrance, and;
- E. Temporary Grass Seeding Schedule with 2 tons per acre of straw mulch, and;
- F. Storm Drain Inlet Protection around every storm yard inlet on the site or accepting drainage from the site, and;
- G. Silt Fence or Filter Socks protection for any stream located on or close to the site and lacking an adequate vegetative buffer, and;
- H. Silt Fence or Filter Socks to prevent sediment discharge into street storm sewer inlets where no centralized sediment control exists for the drainage area that includes the lot, and;
- I. Cement Truck Washout area for cement mixer delivery trucks, and;
- J. Material stockpile locations, and;
- K. Covering of dumpsters at the end of the work day, and;
- L. Construction fence to protect any conservation easements, riparian setbacks and wetland setbacks from encroachment by construction activities.

(5) The schedule for the use of Temporary Seeding developed according to the Temporary Seeding Table contained in the Minimum Standards Section of this regulation must be included. The location of construction material stockpile areas, if such have been approved by the City Engineer, with a description of the Soil Erosion and Sediment Controls to be maintained on the stockpile area prior to, during, and after the area is used for stockpiling.

(e) Development Sites 1 (One) Acre In Size or Larger: All developments that have a larger common plan of development or sale equal to or larger than one (1) acre in size of disturbed area are subject to this regulation and shall follow all of the requirements set forth in this regulation.

(f) Description of the Plan of Construction: The following information shall be included in the Construction Site Conservation Plan:

(1) Site Description:

- A. A description of the prior land uses of the site.
- B. A description of the nature and type of construction activity (e.g., low density residential, shopping mall, highway, etc.).
- C. A description of the total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavating, filling or grading, including off-site borrow, fill or spoil areas and off-site utility installation areas).
- D. An estimate of the impervious area and percent imperviousness created by the construction activity.
- E. The types of soils within, or affected by, the development area, and the location of all highly erodible or unstable soils as determined by the most current edition of the soil survey of the county, by the Natural Resources Conservation Service (NRCS).
- F. An onsite, detailed Soils Engineering Report if required by the City Engineer.
- G. The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water and the major river watersheds in which it is located.

(2) A vicinity sketch locating:

- A. The larger common plan of development or sale
- B. The development areas
- C. All pertinent surrounding natural features within 200 feet of the development site including, but not limited to: Water resources such as wetlands, springs, lakes, ponds, rivers and streams (including intermittent streams with a defined bed and bank)
- D. Conservation Easements
- E. Other sensitive natural resources

F. The sensitive areas receiving runoff from the development

G. All off-site borrow or spoil areas

H. All off-site utility installation areas that are related to the planned project

(3) The existing and proposed topography shown in the appropriate contour intervals as approved by the City Engineer (generally one-foot contours are used).

(4) The location and description of existing and proposed drainage patterns and facilities, including any allied drainage facilities beyond the development area and the larger common plan of development or sale.

(5) Existing and proposed watershed boundary lines, direction of flow and watershed acreage.

(6) The person or entity responsible for continued maintenance of all vegetative and/or mechanical BMPs for both the construction and post-construction phases of the development.

(7) Long-term maintenance requirements and schedules of all BMPs for both the construction and post-construction phases of the development.

(8) Long-term maintenance inspection schedules.

(9) The person or entity financially responsible for conducting the inspections of, and the maintenance of, permanent storm water conveyance and storage structures and all other conservation practices.

(10) The method of ensuring that funding will be available to conduct the long-term maintenance and inspections of all permanent storm water, soil erosion and sediment control and water quality practices.

(11) The location of any existing or planned riparian and/or wetland setback areas on the property.

(12) The plan must clearly describe, for each major construction activity, the appropriate BMPs and the general timing (or sequence) during the construction process of when the measures will be implemented; and, who (which contractor) will be responsible for implementation (e.g., Contractor A will clear, grub and install perimeter controls and Contractor B will maintain perimeter controls until final stabilization; Contractor C will conduct and document the scheduled inspections.)

(13) Location and description of any storm water discharges associated with dedicated asphalt and concrete plants covered by this regulation and the Best Management Practices to address pollutants in these storm water discharges.

(14) Construction Site Conservation Plan Elements: The Construction Site Conservation Plan shall include, at a minimum, the following information:

(1) The Construction Site Conservation Plan shall include a map showing the location of:

A. The limits of earth disturbing activity including excavations, filling, grading or clearing.

B. Drainage patterns during major phases of construction.

C. The location of each proposed soil erosion and sediment control BMP, including:

i. Permanent soil erosion control practices to be left in place after construction operations have been completed (e.g. level spreaders, permanent erosion control matting, gabions, rock lined channels, etc.).

ii. Areas likely to require temporary stabilization during the course of site development.

iii. Designated construction entrances where vehicles will access the construction site.

iv. In-stream activities including stream crossings.

v. Areas designated for the storage or disposal of solid, sanitary and toxic wastes.

vi. Dumpsters.

vii. Cement truck washout.

viii. Fuel tanks

ix. BMPs that divert runoff away from disturbed areas and steep slopes where practicable including rock check dams, pipe slope drains, diversions to direct flow away from exposed soils, and protective grading practices.

x. Sediment settling ponds drawn to scale.

xi. Existing and proposed locations of buildings, roads, parking facilities and utilities.

xii. Boundaries of wetlands and stream channels the owner intends to fill or relocate for which the owner is seeking approval from the US Army Corps of Engineers and/or Ohio EPA.

(2) The Construction Site Conservation Plan shall include a list of soil erosion and sediment control BMPs being used and the standards and specifications, including detailed drawings, for each BMPs. This list shall include:

A. Methods of controlling the flow of runoff from disturbed areas so as to prevent or minimize erosion.

B. Identification of the Structural Practices to be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. A description shall be included of how each selected control will store runoff so as to let sediments settle out and/or divert flows away from exposed soils or act to limit runoff from exposed areas.

C. Identification for each Structural Practice of its size, detail drawings.

maintenance requirements and design calculations.

D. The type and amount of plant seed, live plants, fertilizer, agricultural ground limestone and mulch to be used. Specification of soil testing requirements for fertility and lime requirements will be included. Specification for the use of perennial grass seed will also be included.

E. Settling ponds will be identified with basic dimensions and the calculations for size and volume.

F. Detailed drawings and installation requirements of all other structural control BMPs.

G. Any other soil erosion and sediment control related BMPs and items that are required by the City Engineer.

H. For developments where the overall plan does not call for centralized sediment control capable of controlling multiple individual lots, a detail drawing of a project specific typical individual lot showing standard individual lot soil erosion and sediment control practices and the sequence and timing of BMP installation for the individual lots. This does not remove or eliminate the responsibility to designate and install specific soil erosion and sediment control practices for the storm water discharges.

(3) Construction Site Conservation Plan shall include the scheduling, phasing, and coordination of construction operations and erosion and sediment control BMPs, including vegetative plantings and mulch.

(4) The Construction Site Conservation Plan shall include a description of the Storm Water Management (SWM) practices to be used on the site. The SWM element of the Plan shall include, at a minimum, the following:

A. A map showing the location, drawn to scale, of permanent SWM conveyance, detention and retention structures, other SWM control structures and the SWM easements.

B. A general description of the SWM strategy proposed to meet this regulation.

C. Design calculations for all permanent SWM conveyance, detention and retention structures, and other SWM control structures.

D. Any other SWM related items required by the City Engineer.

1339.09 CONSTRUCTION MINIMUM STANDARDS.

In order to control sediment pollution of water resources, the owner or person responsible for the development area shall use conservation planning and practices to maintain the level of conservation established in the following standards. The permittee must adhere to all requirements of the EPA Construction General Permit. In addition, the following items are general guidelines and shall not limit the right of the City Engineer to impose at any time additional, more stringent requirements, nor shall the guidelines limit the right of the City Engineer to waive, in writing, individual requirements.

(a) The plan shall include measures that control the flow of runoff from disturbed areas so as to prevent soil erosion from occurring.

(b) Structural Practices shall be used to control erosion and trap sediment from areas remaining disturbed for more than 21 days.

(c) Sediment Barriers: Sheet flow runoff from denuded areas shall be intercepted by Silt Fence or Diversions to protect adjacent properties and water resources from sediment. Where intended to provide sediment control, Silt Fence shall be placed on a level contour. The relationship between the maximum drainage areas to Silt Fence for a particular slope is shown in the table below:

Table 1: Silt Fence Applicability

Maximum drainage area (in acres) to 100 linear feet of Silt Fence	Range of slope for a particular drainage area (in percent)
0.5	< 2%
0.25	> 2% but < 20%
0.125	> 20% but < 50%

This does not preclude the use of other sediment barriers designed to control sheet flow runoff. The total runoff flow treated by a sediment barrier shall not exceed the design capacity for that sediment barrier. Straw Bale Barriers are not acceptable.

(d) Storm Water Diversion Practices: Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes where practicable. Such practices, which include Swales, Dikes or Berms, Pipe Slope Drains and Diversions, may receive storm water runoff from areas up to ten (10) acres. Storm water diversion practices alone are not considered a sediment control practice unless those are used in conjunction with a sediment settling pond.

(e) All Sediment Control Practices must be capable of ponding runoff in order to be considered functional.

(f) Clearing and Grubbing will be done in two (2) or more phases. The first phase will include only those locations necessary to install the perimeter soil erosion, sediment and storm water control BMPs. After the perimeter controls are in place and functioning, the remaining phase(s) of clearing and grubbing may continue.

(g) Timing of Sediment Trapping Practices: Sediment control practices shall be functional throughout all phases of up slope earth disturbing activity. Settling facilities, perimeter controls and other practices intended to trap sediment shall be implemented prior to grading and within seven (7) days from the start of grubbing. They shall continue to function until the up slope development area is permanently re-stabilized. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns.

(h) Stabilization of Denuded Areas: Disturbed areas must be stabilized as specified in the tables below, or according to the Ohio EPA NPDES Storm Water Permit Rules, whichever is most restrictive:

Table 2: Permanent Stabilization

Area requiring permanent stabilization	Time frame to apply erosion controls
Any areas that will lie dormant for one (1) year or more	Within seven (7) days of the most recent disturbance
Any areas within fifty (50) feet of a stream and at final grade	Within two (2) days of reaching final grade
Any other areas at final grade	Within seven (7) days of reaching final grade within that area

Table 3: Temporary Stabilization

Area requiring permanent stabilization	Time frame to apply erosion controls
Any disturbed areas within fifty (50) feet of a stream and not at final grade	Within two (2) days of the most recent disturbance if the area will remain idle for twenty-one (21) <u>fourteen (14)</u> days or more
Disturbed areas that will be dormant for more than 21 days but less than one (1) year and not within fifty (50) feet of a stream <u>For all construction activities, any disturbed areas that will be dormant for more than fourteen (14) days but less than one (1) year and not within fifty (50) feet of a surface water of the state</u>	Within seven (7) days of the most recent disturbance within the area. <u>For residential subdivisions, disturbed areas must be stabilized at least seven (7) days prior to transfer or permit coverage for the individual lot(s).</u>
Disturbed areas that will be idle over winter	Prior to the onset of winter weather

(i) Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed.

In any case, Temporary or Permanent Stabilization will be properly installed, pursuant to the most recent edition of the Ohio Rainwater and Land Development manual, before the second building permit is issued.

(j) Sediment Settling Ponds: A sediment settling pond is required for any one of the following conditions:

(1) Concentrated storm water runoff (e.g., storm sewer or ditch);

(2) Runoff from drainage areas, which exceed the design capacity of silt fence or other sediment barriers;

(3) Runoff from drainage areas that exceed the design capacity of inlet protection; or

(4) Runoff from common drainage locations with 10 or more acres of disturbed land.

(5) Alternative controls can be used if the owner can show, in writing, that the Ohio EPA approved the use of alternatives that the owner demonstrated to be equivalent in effectiveness to a sediment settling pond.

(k) Sediment Settling Ponds: Storm water runoff that exceeds the design capacity of sediment barriers and concentrated storm water flows shall pass through a sediment settling facility. shall be dewatered at the pond surface using a skimmer (or City approved equivalent device). The sediment settling pond volume consists of both a dewatering zone and a sediment storage zone.

(1) Where storm sewer drainage areas include 10 or more acres disturbed at one time, a temporary (or permanent) sediment settling pond must be provided until final stabilization of the site. In single-family residential construction, final stabilization is after the houses are built and permanent landscaping is done.

A. Alternative equivalent controls may be used if the owner can show, in writing, that the Ohio EPA approved the use of the alternatives in the Storm Water Pollution Prevention Plan (SWP3) for the site, subject to the approval of the City Engineer.

B. It is recommended that for drainage locations of less than 10 acres, smaller sediment settling basins and/or Sediment Traps be used.

(2) Each facility's storage capacity shall be no less than ~~sixty-seven (67) cubic yards~~ 1800 cubic feet of dewatering zone area per acre of total contributing drainage area and 1000 cubic feet per disturbed acre of sediment storage zone area. The storage volume will be measured from the bottom of the basin to the top of the primary (principal) spillway.

(3) Permanent storm water management ponds that are designed to trap sediment during construction shall be designed to provide for a slow release of sediment-laden water. The draw down time shall be at least 48 hours, or meet the criteria in the Ohio Rainwater and Land Development manual whichever is more stringent.

(4) The design configuration between inlet(s) and the outlet of settling ponds must provide at least two units of length for each one unit of width (> 2:1 length to width ratio) a length to width ration of 4:1 is recommended.

(5) The depth of the dewatering zone of the sediment settling pond must be less than or equal to five (5) feet.

(6) Sediment must be removed from the sediment settling ponds when the design capacity has been reduced by 40%.

(7) Public safety, especially as it relates to children, must be considered in the design. Alternative sediment controls must be used where site limitations would preclude a safe design.

(8) Temporary sediment settling ponds will not be constructed in any stream channel.

(j) Storm Sewer Inlet Protection:

(1) All storm sewer inlets that accept water runoff from the development area shall be protected so that sediment-laden water will not enter the storm sewer, unless the storm drain system drains to a Sediment Settling Pond and is exempted in writing by the City Engineer. In areas where construction will be ongoing, such as subdivisions, the storm sewer protection shall be maintained until all up slope areas reach final stabilization, as determined by the City Engineer.

(2) All inlets receiving runoff from drainage areas of one or more acres will require a sediment settling pond.

(23) At the end of this period the site owner shall hydraulically clean the storm sewers to the satisfaction of the City Engineer. All sediments shall be removed from the system and shall not be flushed downstream.

(k) Storm Sewer & Other Drainage Outlets: All storm sewers, footer drains, roof gutter drains and all other drains will be outletted at the bottom of the slope. The slope below the outlet will be able to control the water being drained through the storm sewer or other drains without causing erosion of the stream or channel banks or channel bottom or other areas that the water is outletted on.

(kl) Working Near, Or Crossing Streams and Wetlands:

(1) Construction vehicles shall avoid water resources, wetlands, riparian areas, and their setbacks. If construction vehicles must cross these areas during construction, an approved temporary crossing shall be constructed. Streams, including intermittent streams with a defined bed and banks, shall be restabilized immediately after in-channel work is completed, interrupted, or stopped. Erodible materials will not be used in making stream crossings.

(2) No soil, rock, debris, or any other material shall be dumped or placed into a water resource or into such proximity that it may slough, slip, or erode into a water resource unless such dumping or placing is authorized by the approving authority and, when applicable, the US Army Corps Of Engineers and Ohio EPA, for such purposes as, but not limited to, constructing bridges, culverts, and erosion or sediment control structures.

(3) If construction activities disturb areas adjacent to streams, structural practices shall be designed and implemented on site to protect the adjacent streams from the impacts of sediment runoff.

(4) No temporary or permanent sediment controls will be constructed in a stream channel.

(5) Streams and wetland setbacks required by the City will be implemented. As a minimum setback of 25 feet, as measured from the ordinary high water mark of the surface water, will be maintained in its natural state as a permanent buffer.

(lm) Construction Entrance:

(1) Measures shall be taken to prevent soil transport onto public roads, or surfaces where runoff is not checked by sediment controls.

(2) Stone with geotextile construction entrance(s) shall be implemented as required by the City Engineer and the Ohio EPA. These will be planned and in-

stalled according to the requirements in the most recent edition of the Ohio Rainwater and Land Development manual.

(3) Where soil is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day, or more frequently, in order to ensure public safety. Soil shall be removed from paved surfaces by shoveling or sweeping. Street washing shall be allowed only after shoveling or sweeping has removed most of the sediment and street sewer inlet protection is properly installed unless end of sewer sediment ponds exist and are properly functioning.

(4) Erodible material ramps in streets will not be used to enable equipment to cross curbs. Non-erosive materials (e.g. wood and stone) can be used.

~~(m)~~ Unstable Soils:

(1) Unstable soils will be as determined by the local county Soil Survey or by a detailed soils report. The City Engineer may require detailed soil reports when deemed necessary.

(2) Unstable soils prone to slipping or land sliding shall not be graded, excavated, filled or have loads imposed upon them unless the work is performed in accordance with a qualified professional engineer's recommendations to correct, eliminate, or adequately address the problems.

(n) Cut And Fill Slopes: Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion and slippage. Consideration shall be given to the length and steepness of the slope, soil type, up slope drainage area, groundwater conditions and slope stabilization. The minimum final unreinforced soil slopes will have a horizontal to vertical ratio of 2:1 (the horizontal will be two (2) times the vertical).

(o) Stabilization of Outfalls and Channels: Outfalls and constructed or modified channels shall be designed and constructed to withstand the expected velocity of flow from the planned post-development frequency storm without eroding. The planned post-construction velocity and flow shall include the entire contributing watershed. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide non-erosive velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

~~(p)~~ Establishment of Permanent Vegetation: A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until ground cover is achieved which, in the opinion of the City Engineer, has 780% vegetative density over the entire disturbed area and provides adequate cover, and is mature enough to satisfactorily control soil erosion and survive adverse weather conditions.

~~(q)~~ Disposition of Temporary Practices: All temporary soil erosion and sediment control practices shall be disposed of immediately after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise required by the City Engineer. Trapped sediment shall be permanently stabilized to prevent further erosion. The Construction Maintenance Guarantee shall not be released by the City of Lakewood until all temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and any trapped sediment has been stabilized.

(pr) Underground Utility Construction: The construction of underground utility lines, pipes, etc. shall be subject to the following criteria:

(1) Trenches shall remain open for no more than five days, unless approved by the City Engineer.

(2) There shall be no turbid discharges to surface waters resulting from de-watering activities. If trench or ground water contains sediment, it must pass through a sediment settling pond or other equally effective sediment control device, prior to being discharged from the construction site or to waters of the state.

(3) When discharging clean ground water care must be taken to ensure that it does not become pollutant laden by crossing over disturbed soils or other pollutant sources.

(qs) Inspections: In general, inspections will be performed in accordance with the Ohio EPA Construction Site Inspection Checklist.

(1) If inspections or other information indicates a control has been used inappropriately or incorrectly or it has failed, it must be replaced or modified for the site conditions.

(2) The owner of the development area shall have the site inspected for soil erosion, sediment control and other environmental concerns every seven (7) calendar days, and within twenty-four (24) hours of a 0.5 inch or greater rainfall event until the City Engineer certifies the site as being stable. The City Engineer certification does not relieve the permittee from meeting the Ohio EPA NPDES inspection requirements.

(3) The owner, or his designated representative, shall keep a written log of each inspection and any subsequent improvements to the soil erosion, sediment control or other environmental controls. The inspections shall include the date of the inspection, the name of the inspector, weather conditions, and the actions needed to correct the identified problems.

(4) The inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions (e.g., the site is covered with snow, ice, or the ground is frozen.) A waiver of inspection requirements is available until one month before thawing conditions are expected to result in a discharge if all of the following conditions are met: the project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month); land disturbance activities have been suspended; and the beginning and ending dates of the waiver period are documented. Once a definable area has been fully stabilized, you may mark this on your plans and no further inspection requirements apply to that portion of the site.

(5) Following each inspection, a checklist must be completed and signed by the qualified inspection personnel representative. At a minimum, the inspection report must include: i) the inspection date; ii) names, titles, and qualifications of personnel making the inspection; iii) weather information for the period since the last inspection including the timing, duration, and depth of any storms; iv) weather information and a description of any discharges occurring at the time of the inspection; v) location(s) of discharges of sediment or other pollutants from

the site; vi) location(s) of BMPs that need to be maintained; vii) location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; viii) location(s) where additional BMPs are needed that did not exist at the time of the inspection; and, ix) corrective action required including any necessary changes to the Comprehensive Storm Water Management Plan and implementation dates.

(6) The inspection log will include the date and actions taken to correct problems noted in past inspection logs.

(7) If the construction site disturbed area is 8,000 SF or larger, is subject to Ohio EPA's National Pollutant Discharge Elimination System (NPDES) permit for construction activity, a copy of all of the required inspection sheets will be submitted to the City Engineer within three (3) working days of the date that the inspection was conducted. A log book of the inspections shall remain on-site until the notice of termination is accepted by the Ohio EPA.

(8) Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system.

(9) Erosion and sediment controls identified in the Storm Water Pollution Prevention Plan shall be observed to ensure that they are operating correctly.

(10) Discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters.

(11) Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.

(12) Sensitive areas including riparian and wetland setbacks shall be observed to ensure that they remain well marked and undisturbed.

(13) If the inspection reveals that a control practice is in need of repair or maintenance, with the exception of sediment settling ponds, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.

(14) If any inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the Construction Site Conservation Plan must be amended and the new control practice must be installed within 10 days of the inspection.

(15) If the inspection reveals that a control practice has not been implemented in the time required by this ordinance it must be installed within ten (10) days from the date of inspection.

(16) If the inspection reveals that a planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.

(F) Control of Materials and Debris: Site management practices shall be implemented to prevent toxic materials, hazardous materials, or other debris from entering the City of Lakewood's and state's water resources or wetlands. These practices shall include, but are not limited to, the following:

(1) A covered dumpster shall be made available for the proper disposal of construction site waste materials, garbage, plaster, drywall, grout, gypsum and etc. A second covered dumpster will be provided for the proper disposal of toxic and hazardous wastes.

(2) The washing of excess concrete material into a street, catch basin, or other public facility or natural resource shall not occur. A designated area for concrete washouts shall be made available and used for all concrete washouts.

(3) All fuel tanks and drums shall be stored in a marked storage area. A dike shall be constructed around this storage area with a minimum capacity equal to 110% of the volume of the largest container in the storage area. All additional requirements of the local fire authority must be followed. If the fuel tanks have a self-contained "dike," the plug will be kept in the "dike" tank at all times.

(4) Any toxic or hazardous wastes and/or contaminated soils must be disposed of according to all applicable environmental laws and statutes. Local health districts and Ohio EPA can provide guidance on these issues.

(5) On a site with a prior industrial land use or a site that is contaminated with gasoline, fuel oil, hydrocarbon based chemicals or other Ohio EPA regulated contaminants, the storm water is considered wastewater. A permit from Ohio EPA is required to address these sites.

(6) Proper permits shall be obtained for development projects on solid waste landfill sites.

(7) Paint, paint washing liquids, excess paints and other paint wastes are considered solid wastes and shall be disposed of in accordance with applicable state regulations. Appropriate handling of these wastes shall occur at the site so as to prevent the discharge of these wastes into surface or ground waters.

(8) Restroom facilities will be provided for site workers at all times that workers are present on the site and during all phases of the construction.

(9) All required permits from appropriate federal, state, or local agencies are required to develop land with a previous industrial or commercial use or another use that may have led to soil contamination by a regulated pollutant.

(u) Pre-winter Stabilization: If the development area will, or is planned to remain, active through the winter months, the owner of the development area shall hold a Pre-Winter Stabilization Meeting. The meeting will be held before October 1st. The owner shall invite the operator, developer, engineer, contractor, City Engineer and anyone else requested by the City Engineer to the meeting.

~~(s) Storm Water Basins: All storm water basins shall be constructed in accordance with the Ohio Rainwater and Land Development manual.~~

~~(t) Soil limitations shall be determined by using the current edition of the county soil survey written by the NRCS, USDA.~~

(v) Storm Water Basins:

(1) Pool Geometry: The minimum length-to-width ratio for the pond is 3:1 (the length will be three (3) times the width).

(2) Riser in Embankment: The riser shall be located within the embankment for purposes of maintenance access. Access to the riser will be by manholes.

(3) Water Drains: Each retention basin shall have a drainpipe that can completely drain the pond. The drain shall have an elbow within the pond to prevent sediment deposition from plugging the drain.

(4) Adjustable Gate Valves: Both the storm water management and water quality basin drains shall have adjustable gate valves. Valves shall be located inside the riser at a point where they will remain dry and can be operated in a safe and convenient manner. During the annual inspections the valves shall be fully opened and closed at least once, and the certifying official shall attest to this on the inspection form. To prevent vandalism, the handwheel shall be chained to a ringbolt or manhole step.

(5) Principal Spillway: Each principal spillway shall be designed in accordance with the NRCS standards and specifications for the office serving the county. Each principal spillway shall have the capacity to pass the 100-year design storm flow. The inlet or riser size for the pipe drops shall be designed so that the flow through the structure goes from weir flow control to pipe flow control without going into orifice control in the riser. The crest elevation of the primary spillway shall be no less than one foot below the emergency spillway crest. Premium joint pipe is required and a removable trash rack shall be installed at each location. Anti-seep collars shall be provided for all pipe conduits through an embankment.

(6) Emergency Spillway: An emergency spillway shall be provided on each storm water management basin. Emergency spillways shall convey flood flows safely past the embankment, and shall be designed in accordance with NRCS standards and specifications for the office serving the local county. Emergency spillways shall have a 100-year design storm capacity unless exempted in writing by the City Engineer.

(7) Embankments: Each dam embankment shall be designed in accordance with the NRCS standards and specifications for the office serving the county that the project is located in. Anti-seep collars shall be provided for all pipe conduits through an embankment.

(8) Safety Features:

A. The primary spillway opening shall not permit access to the public and other non-maintenance personnel.

B. The perimeter of all water pool areas that are deeper than three (3) feet shall be surrounded by benches that meet the following:

i. A safety bench, with a maximum slope of 3%, which extends outward, on dry land, from the shoreline. This bench will be a minimum of 25 feet wide to provide for the safety of individuals and maintenance vehicles that are adjacent to the water pool. The safety bench may be landscaped, without the use of structures, to prevent access to the water pool.

ii. Side slopes between the safety bench and the aquatic bench shall not be steeper than 3:1 (3 feet horizontal for every 1 foot vertical).

iii. An aquatic bench that extends inward from the shoreline far enough to ensure public safety and has a maximum depth of 15 inches below the normal water surface elevations. The aquatic bench may be landscaped to prevent access to the deeper water pool.

iv. Side slopes beyond the aquatic bench and below the permanent water level shall not be steeper than 2:1 (2 feet horizontal for every 1 foot vertical).

v. The contours of the pond will be designed and managed to eliminate drop-offs and other hazards.

vi. Side slopes getting to the pond shall not exceed 3:1 and shall terminate on a safety bench.

vii. Soil erosion and sediment control practices used to satisfy these standards shall meet the standards and specifications in the current edition of the Ohio Rainwater and Land Development manual, NRCS Field Office Technical Guide for the local county or the Ohio EPA, whichever is most stringent.

C. These standards are general guidelines and shall not limit the right of the City Engineer to impose at any time additional, more stringent requirements, nor shall the standards limit the right of the City Engineer to waive, in writing, individual requirements.

D. Soil limitations shall be determined by using the current edition of the county soil survey written by the NRCS, USDA.

E. Methods for controlling increases in storm water runoff peaks and volumes may include, but are not limited to:

i. Retarding flow velocities by increasing friction; for example, grassed road ditches rather than paved street gutters where practical, discharging roof water to vegetated areas, or grass and rock-lined drainage channels.

ii. Grading and use of grade control structures to provide a level of control in flow paths and stream gradients.

iii. Induced infiltration of increased storm water runoff into the soil, where practical; for example, constructing special infiltration areas where soils are suitable, retaining topsoil for all areas to be vegetated, or providing good infiltration areas with proper emergency overflow facilities.

iv. Provisions for detention and retention, for example, permanent retention ponds and lakes, dry detention basins, and subsurface detention tanks.

(w) Minimum Storm Water Management Design Criteria:

(1) The permittee must adhere to all requirements of the current EPA Construction General Permit "Post-Construction Storm Water Management" section. Specific items of the Construction General Permit that the permittee should be aware of and adhere to include the water quality volume calculation, runoff coefficients based on the type of land use, and target drain times for structural post-construction BMPs.

(2) In addition, the permittee must also adhere to the following items:

i. Storm Water Detention. The Post-Construction BMP(s) chosen must be able to detain storm water runoff for protection of the stream channels, stream erosion control, and improved water quality.

ii. Properly Sized BMPs. The BMP(s) chosen must be sized to treat the water quality volume (WQv) and ensure compliance with Ohio's Water Quality Standards in OAC Chapter 3745-1. The WQv shall be equivalent to the volume of runoff from a 0.75-inch rainfall.

iii. Runoff Rate: The peak runoff rate from the development area shall not be greater after development than it was before development. The applicant shall provide calculations proving no increase in the runoff rates from the one (1), two (2), five (5), ten (10), twenty-five (25), fifty (50) and one hundred (100) year storms.

iv. Runoff Volume: Increases in the runoff volume shall be offset by further restricting runoff rates.

(3) Based on the increase in runoff volume, the applicant shall determine the critical storm for the development area. The runoff rate from the critical storm shall be restricted to the one (1) year pre- development storm runoff rate. The critical storm shall be calculated as follows:

i. Determine the total volume of runoff from a one-year frequency, twenty-four hour storm, occurring on the development area before and after development.

ii. From the volumes in paragraph (1) determine the percent of increase in volume of runoff due to development according to the equation (Q after divided by the Q before) X 100 and, using this percentage, select the critical storm from this table:

Table 4: Critical Storm Selection

<u>The Percentage Increase In Volume Of Runoff Is:</u>		
<u>Equal To Or Greater Than</u>	<u>And Less Than</u>	<u>The 24-Hour "Critical Storm" for Discharge Will Be</u>
0	10	1 Year
10	20	2 Years
20	50	5 Years
50	100	10 Years
100	250	25 Years
250	500	50 Years
500	----	100 Years

iii. Detention Or Retention Basin Exemption For Redevelopment Or For Expansion Of Existing Facilities:

(4) For any development regulated by this regulation, the construction of a detention or retention basin may not be required for the development if the post-development peak discharge for a 100 year frequency 24 hour storm increases the existing peak discharge by one (1) cubic foot per second or less using the TR-55 method of calculation or other method approved by the City Engi-

neer. The City Engineer can waive this requirement if existing storm sewers and drainage structures can safely handle the expected increase in flow.

(5) Only one (1) exemption will be allowed per parcel. Any subsequent expansion must provide for detention or retention and must include the previously exempted area.

i. Where the City Engineer determines that site constraints exist in a manner that compromises the intent of this regulation to improve the management of storm water runoff as established in this section, practical alternatives may be used to result in an improvement of water quality and/or a reduction of storm water runoff. Such alternatives must be in keeping with the intent and likely cost of those measures that would otherwise be required to meet the objectives of this section. When possible, all practical alternatives shall be implemented within the drainage area of the proposed development project. Practical alternatives can include, but are not limited to:

ii. Fees shall be paid in an amount specified by the City Engineer. These fees shall be applied by the City to storm water management practices that reduce existing storm water runoff.

iii. Implementation of off-site storm water management practices.

iv. Watershed or stream restoration.

v. Retrofitting of an existing storm water management practice.

vi. Other practices approved by the City Engineer in keeping with the intent of this section.

(x) Application Procedures for Construction Conservation Plans (CCP):

(1) This plan will be combined with the Post-Construction Water Quality, Riparian Setback and Wetland Setback Plans that have also been developed for the site.

(2) Plans developed by the site owners and approved by the City in accordance with this regulation do not relieve the site owner of responsibility for obtaining and complying with all other necessary permits and/or approvals from federal, state, county, and local agencies and departments. If requirements vary, the most stringent requirement shall be followed. Plans submitted to the City Engineer for review and approval shall be accompanied by all other required permits and documentation relevant to the project, including but not limited to the permits required and issued by the US Army Corps of Engineers, Ohio EPA and ODNR Division of Water.

(3) The application must include a letter or report from the local county SWCD that states that the Construction Site Conservation Plan, the Riparian and Wetland Setback Plan and the Post-construction Water Quality Plan have been reviewed for consistency with Ohio EPA and local regulations.

(4) Five (5) sets of the plans and necessary data required by this regulation shall be submitted to the City Engineer with text material being submitted on 8.5 by 11 inch paper and drawings on no larger than 24 by 36 inch sized paper. Submittals shall include:

A. At the preliminary plan approval request, the preliminary plans only need to show all of the following existing and planned features: streams, water bodies, wetlands, riparian and wetland setback areas, permanent BMPs and storm water management detention and retention basins.

B. At the improvement plan approval request, the entire Comprehensive Storm Water Management Plan must be submitted.

(5) The City Engineer shall review the plans, including the review report from the local county SWCD, and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the plan as described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.

(6) Approved plans shall remain valid for two (2) years from the date of approval. After two (2) years the plan(s) approval automatically expires.

(7) No soil disturbing activity shall begin before all necessary local, county, state and federal permits have been granted to the owner or operator.

(8) The City will do construction inspections until the site reaches final stabilization as determined by the City Engineer.

1339.10 CONTROLLING POST-CONSTRUCTION MINIMUM STANDARDS WATER QUALITY RUNOFF.

~~The permittee must adhere to all requirements of the current EPA Construction General Permit "Post Construction Storm Water Management" section. Specific items of the Construction General Permit that the permittee should be aware of and adhere to include the water quality volume calculation, runoff coefficients based on the type of land use, and target drain times for structural post-construction BMPs. In addition, the permittee must also adhere to the following items:~~

~~(a) Storm Water Detention. The Post Construction BMP(s) chosen must be able to detain storm water runoff for protection of the stream channels, stream erosion control, and improved water quality.~~

~~(b) Properly Sized BMPs. The BMP(s) chosen must be sized to treat the water quality volume (WQv) and ensure compliance with Ohio's Water Quality Standards in OAC Chapter 3745-1. The WQv shall be equivalent to the volume of runoff from a 0.75-inch rainfall.~~

~~(c) Runoff Rate. The peak runoff rate from the development area shall not be greater after development than it was before development. The applicant shall provide calculations proving no increase in the runoff rates from the one (1), two (2), five (5), ten (10), twenty-five (25), fifty (50) and one hundred (100) year storms.~~

~~(d) Runoff Volume. Increases in the runoff volume shall be offset by further restricting runoff rates. Where the land use will be mixed, the runoff coefficient should be calculated using a weighted average. Based on the increase in runoff volume, the applicant shall determine the critical storm for the development area. The runoff rate from the critical storm shall be restricted to the one (1) year pre-development storm runoff rate. The critical storm shall be calculated as follows:~~

(1) Determine the total volume of runoff from a one-year frequency, twenty-four hour storm, occurring on the development area before and after development.

(2) From the volumes in paragraph (A) determine the percent of increase in volume of runoff due to development and, using this percentage, select the critical storm from this table:

Table 4: Critical Storm Selection

The Percentage Increase In Volume Of Runoff is:		
Equal To Or Greater Than	And Less Than	The 24 Hour "Critical Storm" For Discharge is
0	10	1 Year
10	20	2 Years
20	50	5 Years
50	100	10 Years
100	250	25 Years
250	500	50 Years
500	—	100 Years

(e) Detention Or Retention Basin Exemption For Redevelopment Or For Expansion Of Existing Facilities:

(1) For any development regulated by this chapter, the construction of a detention or retention basin may not be required for the development if the post-development peak discharge for a 100 year frequency 24 hour storm increases the existing peak discharge by one (1) cubic foot per second or less using the TR-55 method of calculation or other method approved by the City Engineer. The City Engineer can waive this requirement if existing storm sewers and drainage structures can safely handle the expected increase in flow.

(2) Only one (1) exemption will be allowed per parcel. Any subsequent expansion must provide for detention or retention and must include the previously exempted area.

(f) Where the City Engineer determines that site constraints exist in a manner that compromises the intent of this chapter to improve the management of storm water runoff as established in this section, practical alternatives may be used to result in an improvement of water quality and/or a reduction of storm water runoff. Such alternatives must be in keeping with the intent and likely cost of those measures that would otherwise be required to meet the objectives of this section. When possible, all practical alternatives shall be implemented within the drainage area of the proposed development project. Practical alternatives can include, but are not limited to:

~~(1) Fees paid in an amount specified by the City of Lakewood, which shall be applied by the City of Lakewood to storm water management practices;~~

~~(2) Implementation of off site storm water management practices;~~

~~(3) Watershed or stream restoration;~~

~~(4) Retrofitting of an existing storm water management practice;~~

~~(5) Other practices approved by the City Engineer in keeping with the intent of this section.~~

(a) Comprehensive Storm Water Management Plan: The Post-Construction Water Quality Plan developed to meet this regulation will be coordinated and combined with the Riparian and Wetland Setback Plan and the Construction Site Conservation Plan that are developed for the same site. These plans will be titled and numbered in one consecutive sequence to make a Comprehensive Storm Water Management Plan for the site. The Comprehensive Storm Water Management Plan so developed will serve as the Storm Water Pollution Prevention Plan (SWP3) required by Ohio EPA as part of the NPDES Storm Water Permit for General Construction.

(b) Purpose: The intent of this regulation is to:

(1) Allow development while reducing damage to receiving water resources and drainage systems that may be caused by new development or redevelopment activities.

(2) Protect and maintain the receiving stream's physical, chemical, biological characteristics and stream functions.

(3) Provide perpetual management of storm water runoff quality and quantity.

(4) Establish consistent technically feasible and operationally practical standards to achieve a level of storm water quantity and quality control that will minimize damage to public and private property and degradation of water resources, and will promote and maintain the health, safety, and welfare of the residents of the City.

(5) Preserve, to the maximum extent practicable (MEP), the natural drainage characteristics of the building site.

(6) Reduce the need for costly treatment and mitigation for the damage to and loss of water resources that are the result of inadequate storm water quality control.

(7) Require the incorporation of water quality protection that encourages and promotes habitat preservation into the construction of storm water management practices.

(8) Recharge the aquifers by requiring that commercial development or redevelopment lying within reach of subsurface soils classified as "UoB and UeA" shall be required to utilize post construction BMPs that promote infiltration and recharge unless the design engineer evaluation proves a negative impact.

(c) Scope: This regulation applies to development areas having new or re-located projects involving highways, underground cables, pipelines, subdivi-

sions, industrial projects, commercial projects, building activities on farms, re-development of urban areas and all other land uses not specifically exempted. This regulation does not apply to:

(1) Land-disturbing activities related to producing agricultural crops or Silviculture operations regulated by the Ohio Agricultural Sediment Pollution Abatement Rules (1501: 15-3-01 to 1501: 15-3-09 of the Ohio Administrative Code) and existing at the time of passage of this regulation.

(2) Strip mining operations regulated by Chapter 1513 of the Ohio Revised Code and existing at the time of passage of this regulation.

(3) Surface mining operations regulated by Chapter 1514 of the Ohio Revised Code and existing at the time of passage of this regulation.

(4) Construction activities that do not include the installation of any impervious surface (e.g., soccer fields), abandoned mine reclamation activities regulated by the Ohio Department of Natural Resources, stream and wetland restoration activities, and wetland mitigation activities.

(5) Linear construction projects, (e.g., pipeline or utility line installation), which do not result in the installation of impervious surface and are independent of other construction projects (not part of a larger common plan of development or sale). However, linear construction projects must be designed to minimize the number of stream crossings and the width of disturbance and achieve final stabilization of the disturbed area as defined in the "Definitions" section of this regulation.

(6) Transportation projects that are subject to industry specific Ohio EPA Rules are exempt from these rules.

(7) It is not the role of the City to point out each and every part of the rules and how to implement them on the individual job sites. It is the project owner's responsibility to be proactive in meeting the intent, purpose and requirements of these regulations.

(d) Post-Construction Water Quality Control Plan: In order to control Post-Construction water quality damage and damage to public and private lands, the owner of each development area shall be responsible for developing a Post-Construction Storm Water Management Plan.

(1) This plan will be combined with the Construction Site Conservation Plan and the Riparian Setback and Wetland Setback Plans that are also developed for the site.

(2) This plan will contain a description of controls appropriate for each construction operation covered by these regulations, and the operator will implement such controls in a timely manner.

(3) The BMPs used to satisfy the conditions of these regulations shall meet the standards and specifications in the current edition of the Ohio Rain Water and Land Development manual, ODOT Post-Construction storm water standards, or other manual that is acceptable to the City Engineer or Ohio EPA.

(4) The plan must make use of the practices that preserve the existing natural condition to the Maximum Extent Practicable (MEP).

(5) To meet the Post-Construction requirements of this regulation, the Post-Construction Water Quality Plan must contain a description of the Post-Construction Best Management Practices (BMPs) that will be installed during construction for the site and the rationale for their selection. The rationale must address the anticipated impacts on the channel and floodplain morphology, hydrology, and water quality.

(6) Structural post-construction BMPs cannot be installed within a State surface water (e.g., wetland or stream) unless it is authorized by a Clean Water Act Section 401 water quality certification and/or Clean Water Act Section 404 Permit.

(7) This plan will identify the person or entity responsible for continued maintenance of all vegetative and/or mechanical BMPs for both the construction and Post-Construction phases of the development.

(8) Long-term maintenance requirements and schedules of all BMPs for both the construction and Post-Construction phases of the development will be provided as a standalone document to the Post-Construction operator and the City.

(9) This plan will contain long-term maintenance inspection schedules, including the printed name and contact point of the Post-Construction landowner (e.g., president of the homeowners association, store manager, apartment complex manager, etc.).

(10) This plan will identify the person or entity that will serve as the Post-Construction operator who will be financially responsible for maintaining the perpetual inspection and maintenance of permanent storm water conveyance and storage structures and other conservation practices.

(11) The method of ensuring that funding will be available to conduct the long-term maintenance and inspections of all permanent storm water, soil erosion and sediment control and water quality practices will be identified.

(12) Maintenance plans must ensure that pollutants collected within structural Post-Construction practices, be disposed of in accordance with local, state, and federal regulations.

(13) Maintenance plans must include legally binding perpetual maintenance easements and agreements. Easement documents must provide for City access.

(14) The Post-Construction Plan will also contain the following information depending on the size of the development sites as well as any additional information required by the City Engineer:

(e) Development Sites Smaller than One Acre: A development site that will disturb 8,000 SF or more, but less than one (1) acre of land and is not a part of a larger common plan of development or sale which will disturb five or more acres of land shall identify:

(1) Storm Water Issues: A statement as to how the decreased storm water quality that will be caused by the planned development project will be handled.

(2) Description of Measures: A description of the BMPs that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed.

(3) Upland Areas: Structural measures placed on upland areas to the degree attainable.

(4) Map: A map of the entire site showing the overall development.

(5) Riparian and/or Wetland Setback: All riparian and wetland setback areas will be identified on the plans. They will also be marked in the field prior to the start of construction.

(6) BMPs: Best Management Practices used in the Post-Construction Water Quality Plan may include but are not limited to:

A. Permanent Storm Water Detention ponds that provide extended detention of the water volume.

B. Flow attenuation by use of open vegetated swales and natural depressions

C. Onsite infiltration of runoff

D. Sequential systems that combine several practices

E. Permanent conservation easements, preferably with the easement being held by a third party with no vested interest in ever seeing the property developed

F. Natural Channel Design for drainage-ways

G. Bioengineering in drainage-ways

H. Recreating floodplains

I. Chemical and biological filters in storm sewer inlets

J. Sand Filters

K. Allowing roof water from buildings to run across lawn areas to remove pollutants

L. Onsite sewage disposals system replacement or conversion to sanitary sewers

M. Low Impact Development Design

N. Countryside Development Design meeting the criteria of the Western Reserve Resource Conservation and Development Area.

O. Aquatic benches in Retention Basins and ponds.

(f) Technical Basis: The plan will contain a statement of the rationale utilized to select the BMPs used to control pollution and to maintain and protect water quality.

(g) Development Sites 1 Acre or Larger: A development site that disturbs one (1) or more acres of land shall identify:

(1) Storm Water Detention: The Post-Construction BMP(s) chosen must be able to detain storm water runoff for protection of the stream channels, stream erosion control, and improved water quality.

(2) Structural BMPs: Structural (designed) Post-Construction storm water treatment practices shall be incorporated into the permanent drainage system for the site.

(3) Properly Sized BMPs: The BMP(s) chosen must be sized to treat the water quality volume (WQv) and ensure compliance with Ohio's Water Quality Standards in OAC Chapter 3745-1. The WQv shall be equivalent to the volume of runoff from a 0.75-inch rainfall and shall be determined according to the following equation:

A. $WQv = C * P * A / 12$ where: WQv = water quality volume in acre-feet C = runoff coefficient appropriate for storms less than 1 inch (either using Table 1 or the following formula: $C = 0.858i - 0.78i^2 + 0.774i + 0.04$ where i = fraction of post-construction impervious area) P = 0.75 inch precipitation depth A = area draining into the BMP in acres.

Table 1 Runoff Coefficients Based on the Type of Land Use

Land Use	Runoff Coefficient
Industrial & Commercial	0.8
High Density Residential (>8 dwellings/acre)	0.5
Medium Density Residential (4 to 8 dwellings/acre)	0.4
Low Density Residential (<4 dwellings/acre)	0.3
Open Space and Recreational Areas	0.2

(4) Where the land use will be mixed, the runoff coefficient should be calculated using a weighted average. For example, if 60% of the contributing drainage area to the storm water treatment structure is Low Density Residential, 30% is High Density Residential, and 10% is Open Space, the runoff coefficient is calculated as follows $(0.6)(0.3) + (0.3)(0.5) + (0.1)(0.2) = 0.35$.

(5) An additional volume equal to 20 percent of the WQv shall be incorporated into the BMP for sediment storage and/or reduced infiltration capacity. The BMPs will be designed according to the methodology included in the Ohio *Rainwater and Land Development* manual, ODOT Post-Construction storm water standards, or other manual that is acceptable to Ohio EPA.

(6) The BMPs listed in Table 2 below shall be considered standard BMPs approved for general use. However, communities with a regulated MS4 may limit the use of some of these BMPs. BMPs shall be designed such that the drain time is long enough to provide treatment, but short enough to provide storage available for successive rainfall events and avoid the creation of nuisance conditions. The outlet structure for the post-construction BMP must not discharge more than the first half of the WQv in less than one-third of the drain time.

Table 2: Target Drain Times for Structural Post-Construction BMPs

<u>BMPs Suitable for Drainage Areas ≥ 5</u>		<u>BMPs Suitable for Drainage Areas < 5</u>	
<u>Best Management Practice</u>	<u>Drain Time</u>	<u>Best Management Practice</u>	<u>Drain Time</u>
<u>Dry Extended Detention Basin*</u>	<u>48 Hours</u>	<u>Infiltration Basins or Trench[^]</u>	<u>24-48 Hours</u>
<u>Wet Extended Detention Basin **</u>	<u>24 Hours</u>	<u>Bioretention Area/Cell</u>	<u>24 Hours</u>
<u>Constructed Wetlands⁺</u>	<u>24 Hours</u>	<u>Sand & Other Media Filters</u>	<u>24 Hours</u>
<u>Infiltration Basins[^]</u>	<u>24-48 Hours</u>	<u>Enhanced Water Quality Swales</u>	<u>24 Hours</u>
		<u>Pocket Wetlands[#]</u>	<u>24 Hours</u>
		<u>Vegetated Filter Strips</u>	<u>24 Hours</u>
		<u>Permeable Pavement Infiltration</u>	<u>48 Hours</u>
		<u>Permeable Pavement Ext. Detention</u>	<u>24 Hours</u>

* Dry basins must include forebay and micropool each sized at 10% of the WQv

** Provide both a permanent pool and an EDv above the permanent pool, each sized at 0.75 WQv.

+ Extended detention shall be provided for the full WQv above the permanent water pool.

[^] The WQv shall completely infiltrate within 48 hours so there is no standing or residual water in the BMP.

[#] Pocket wetlands must have a wet pool equal to the WQv, with 25% of the WQv in a pool and 75% in marshes. The EDv above the permanent pool must be equal to the WQv.

(7) The owner may request approval from the City Engineer to use alternative structural Post-Construction BMPs if the owner can demonstrate, in a way that is acceptable to Ohio EPA rules and regulations, that the alternative BMPs are equivalent in effectiveness to those listed in Table 2 above. The use of alternative or vendor supplied Post-Construction BMPs should be limited to redevelopment projects where justification is provided that the traditional BMPs in Table 2 are technically and economically infeasible.

(8) Construction activities shall be exempt from this condition if it can be demonstrated that the WQv is provided within an existing structural Post-Construction BMP that is part of a larger common plan of development or sale or if structural Post-Construction BMPs are addressed in a regional or local storm water management plan. A municipally operated regional storm water BMP can be used as a post-construction BMP provided that the BMP can detain the WQv from the entire drainage area and release it over a 24 hour period upon written permission from the City Engineer.

(9) For redevelopment projects (i.e., developments on previously developed property), Post- Construction practices shall either ensure a 20 percent net re-

duction of the site impervious area, provide for treatment of at least 20 percent of the WQv, or a combination of the two. Where projects are a combination of new development and redevelopment, the total WQv that must be treated shall be calculated by a weighted average based on acreage, with the new development at 100 per cent WQv and redevelopment at 20 percent WQv.

(h) Site Description:

(1) The prior land uses of the site

(2) The nature and type of construction activity (e.g., low density residential, shopping mall, highway, etc.)

(3) Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavating, filling or grading, including off-site borrow, fill or spoil areas and off-site utility installation areas)

(4) Amount of the impervious area and percent imperviousness created by the construction activity

(5) Name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water and the major river watersheds in which it is located.

(i) A vicinity sketch locating:

(1) The development area

(2) The larger common plan of development or sale

(3) All pertinent surrounding natural features within 200 feet of the development site including, but not limited to:

(4) Water resources such as wetlands, springs, lakes, ponds, rivers and streams (including intermittent streams with a defined bed and bank) (e) Conservation Easements

(5) Other sensitive natural resources and areas receiving runoff from the development

A. The existing and proposed topography shown in the appropriate contour intervals as determined by the City Engineer (generally one-foot contours are used).

B. The location and description of existing and proposed drainage patterns and facilities, including any allied drainage facilities beyond the development area and the larger common plan of development or sale.

C. Existing and proposed watershed boundary lines, direction of flow and watershed acreage.

D. The person or entity responsible for continued maintenance of all permanent vegetative and/or mechanical Post-Construction water quality conservation practices (BMPs).

E. The location of any existing or planned riparian and/or wetland setback areas on the property.

(j) Easements: Future access to all permanent vegetative and/or mechanical Post-Construction water quality conservation practices (BMPs) and other areas, as required by the City Engineer, shall be secured by means of perpetual easements.

(1) The easements shall be recorded in the name of the City and, in single-family residential developments, the homeowners association. Recorded easements must provide for City access.

(2) Such easements shall be not less than twenty-five (25) feet in width, in addition to the width of the ditch, channel, or other facility it is to serve. Further, an easement of this type shall be provided on one (1) side of the flood control or storm drainage ditch, channel, or similar-type facility.

(3) Access along the initial drainage system shall be by means of easements. Such easements shall not be less than twenty-five (25) feet in width, with a minimum ten (10) foot width on either side of the centerline.

(4) Access adjacent to storage facilities shall consist of a twenty-five (25) foot easement in the case of detention (dry) basins, and a twenty-five (25) foot easement with a twenty-five 25 foot level bench in the case of retention (wet) basins, measured from the top of the bank, and shall include the storage facility itself.

(5) Easements for the emergency flow ways shall be a minimum of twenty-five (25) feet in width, or larger if required by the City Engineer.

(6) Flood control or storm drainage easements containing underground facilities shall have a minimum width of twenty-five (25) feet.

(7) The easements shall be restricted against the planting within said easement of trees, shrubbery or plantings with woody growth characteristics, and against the construction therein of buildings, accessory buildings, fences, walls or any other obstructions to the free flow of storm water and the movement of inspectors and maintenance equipment and also restricted against the changing of final grade from that described by the grading plan.

(k) Maintenance: Any portion of the permanent Post-Construction water quality management systems, including on-site and off-site treatment/storage facilities that are constructed by the owner, will be continuously maintained into perpetuity.

(1) Detail drawings and maintenance plans must be provided for all Post-Construction Best Management Practices (BMPs).

(2) Maintenance plans must ensure that pollutants collected within structural Post-Construction BMP practices are disposed of in accordance with local, state and federal guidelines.

(3) Maintenance plans shall be provided by the permittee to both the City Engineer and the Post-Construction operator of the BMP (including homeowner associations) upon completion of construction activities and prior to the City Engineer giving final approval for the completed construction.

(4) Single-Family Residential Developments: A Homeowners' Association shall be created and placed in title of the affected lands and shall be continuously re-

sponsible for Post-Construction maintenance and inspections into perpetuity unless such maintenance and inspections become officially accepted by the City.

(5) Multi-Family, Commercial and Industrial Developments: The plans will clearly state that the owner of the property shall be continuously responsible for Post-Construction maintenance and inspections into perpetuity unless such maintenance and inspections become officially accepted by the City.

(6) Maintenance Design: Low maintenance requirements are a priority in the design and construction of all facilities. Multi-use facilities incorporating assets such as aesthetics and recreation may be incorporated into the design of the drainage facilities. All permanent drainage, soil erosion, sediment vegetation that are constructed or planted, must be inspected and maintained into perpetuity by the responsible party designated in the plans and the requirements of this regulation. Inspections and maintenance will be incorporated periodically throughout the year to ensure that the facilities are properly operational.

(7) Perpetual Maintenance Inspections: One (1) inspection with a written report will be performed each year. The written report will be given to the City Engineer by May 1st of each and every year after the Best Management Practice (BMP) has been completed. This inspection shall be performed by the City of Lakewood or its designated representative. The owner of record shall be responsible for fees associated with the inspection and subsequent inspections should maintenance be required.

(8) Structures that require a permit from the Ohio Division of Water: A written and stamped report from a professional engineer on the status of all structural BMPs that require a permit from the Ohio Department of Natural Resources (ODNR) Division of Water. This applies to all BMPs that require a permit either at the time of construction or fall under the jurisdiction of ODNR Division of Water at any time after construction is completed.

(9) Easements: A written report from an inspector or SWCD on the status of all storm water management easements for each project shall be submitted to the City Engineer by May 1st of each year into perpetuity. These reports will document if restricted plantings, fences and structures are on the easement and will identify the location of the noted easement restriction violations.

(10) Best Management Practices (BMPs) that do not have a high risk for loss of life, bodily injury, or damage to structures or infrastructure related to imminent failure as determined by the City Engineer: A written and stamped report from a professional engineer, landscape architect or Certified Professional In Erosion and Sediment Control (CPESC) on the status of permanent soil erosion, sediment control, water quality management systems and the status of the related easements shall be submitted to the City Engineer by May 1st of each year into perpetuity.

(11) BMPs that have a potential loss of Life: A written and stamped report covering the status of all BMPs that have a potential for loss of life, bodily injury, or damage to structures or infrastructure will be prepared by a professional engineer or other individual possessing a valid state license that authorizes them to design the same type of BMP for construction.

(l) Minimum Standards: In order to control pollution of water resources, the owner or person responsible for the development area shall use conservation

planning and practices to maintain the level of conservation established in the following standards.

(m) Standards and Specifications: Post-Construction runoff practices used to satisfy these standards shall meet the standards and specifications in the current edition of the *Rainwater and Land Development* manual, NRCS Field Office Technical Guide for the local county, or the Ohio EPA, whichever is most stringent. The construction of new roads and roadway improvement projects by public entities shall implement Post-Construction BMPs in compliance with the current version of the Ohio Department of Transportation's Location and Design Manual, Volume Two: Drainage Design that has been accepted by Ohio EPA.

(n) Water Quality Basins:

(1) Pool Geometry: The minimum length-to-width ratio for the pond is 3:1 (the length will be three (3) times the width).

(2) Riser in Embankment: The riser shall be located within the embankment for purposes of maintenance access. Access to the riser will be by manholes.

(3) Water Drains: Each retention basin shall have a drainpipe that can completely drain the pond. The drain shall have an elbow within the pond to prevent sediment deposition from plugging the drain.

(4) Adjustable Gate Valves: Both the Water Quality and the Storm Water Management Basin drains shall have adjustable gate valves. Valves shall be located inside of the riser at a point where they will remain dry and can be operated in a safe and convenient manner. During the annual inspections the valves shall be fully opened and closed at least once, and the certifying official shall attest to this on the inspection form. To prevent vandalism, the handwheel shall be chained to a ringbolt or manhole step.

(5) Principal Spillway: Each principal spillway shall be designed in accordance with the Natural Resources Conservation Service (NRCS) standards and specifications for the office serving the local county. Each principal spillway shall have the capacity to pass the 100 year design storm flows. The inlet or riser size for the pipe drops shall be designed so that the flow through the structure goes from weir flow control to pipe flow control without going into orifice control in the riser. The crest elevation of the primary spillway shall be no less than one foot below the emergency spillway crest. Premium joint pipe is required and a removable trash rack shall be installed at each location. Anti-seep collars shall be provided for all pipe conduits through an embankment.

(6) Emergency Spillway: An emergency spillway shall be provided on each Water Quality and Storm Water Management basin. Emergency spillways shall convey flood flows safely past the embankment, and shall be designed in accordance with NRCS standards and specifications for the office serving the local county. Emergency spillways shall have a 100-year design storm capacity unless exempted in writing by the City Engineer.

(7) Embankments: Each dam embankment shall be designed in accordance with the NRCS standards and specifications for the office serving the county that the project is located in. Anti-seep collars shall be provided for all pipe conduits through an embankment.

(o) Safety Features:

(1) The primary spillway opening shall not permit access to the public and other non-maintenance personnel.

(2) The perimeter of all water pool areas that are deeper than three (3) feet shall be surrounded by benches that meet the following:

A. A safety bench, with a maximum slope of 3%, which extends outward, on dry land, from the shoreline. This bench will be a minimum of 25 feet wide to provide for the safety of individuals and maintenance vehicles that are adjacent to the water pool. The safety bench may be landscaped, without the use of structures, to prevent access to the water pool.

B. Side slopes between the safety bench and the aquatic bench shall not be steeper than 3:1 (3 feet horizontal for every 1 foot vertical).

C. An aquatic bench that extends inward from the shoreline far enough to ensure public safety and has a maximum depth of 15 inches below the normal water surface elevations. The aquatic bench may be landscaped to prevent access to the deeper water pool. The aquatic bench may also be incorporated into the Post-Construction Water Quality Plan.

D. Side slopes beyond the aquatic bench and below the permanent water level shall not be steeper than 2:1 (2 feet horizontal for every 1 foot vertical).

E. The contours of the pond will be designed and managed to eliminate drop-offs and other hazards. Side slopes getting to the pond shall not exceed 3:1 and shall terminate on a safety bench.

(p) Water Quality Basin: If a Water Quality Basin is needed and cannot be incorporated into an existing or planned Detention or Retention Basin then a separate Water Quality Basin will need to be planned, designed, constructed and maintained into perpetuity. Water Quality Basins will not be constructed in any permanent or intermittent stream channel.

(q) Flexibility: These standards are general guidelines and shall not limit the right of the City Engineer to impose at any time additional and/or more stringent requirements nor shall the standards limit the right of the City Engineer to waive, in writing, individual requirements.

(1) If the City Engineer waives, in writing, individual requirements the owner will provide the City Engineer with the information and documentation required to assure Ohio EPA that the waived requirement will not degrade water quality.

(r) Re-Development Projects: Sites that have been previously developed where no Post-Construction BMPs were installed shall either ensure a 20 percent net reduction of the site impervious area, provide for treatment of at least 20 percent of the WQv, or a combination of the two. A one-for-one credit towards the 20 percent net reduction of impervious area can be obtained through the use of pervious pavement and/or green roofs. Where projects are a combination of new development and redevelopment, the total WQv that must be treated shall be calculated by a weighted average based on acreage, with new development at 100 percent and redevelopment at 20 percent WQv.

(s) Alternative Actions: Where the City Engineer determines that site constraints exist in a manner that compromises the intent of this regulation to improve the management of storm water runoff as established in this regulation, practical alternatives may be used to result in an improvement of water quality and/or a reduction of storm water runoff. Such alternatives must be in keeping with the intent and likely cost of those measures that would otherwise be required to meet the objectives of this section. All practical alternatives shall be implemented within the drainage area of the proposed development project unless specifically authorized in writing by the City Engineer.

(t) Implementation of off-site storm water management practices: The use of any off-site Post- Construction BMPs requires written approval from Ohio EPA and this approval must be received prior to design approval and/or issuance of any building permits. Practical alternatives to be considered include:

(1) Retrofitting of an existing storm water management practice.

(2) Watershed or stream restoration.

(3) Fees paid in an amount specified by the City Engineer. The City shall apply these fees to storm water management practices that improve the existing water quality.

(u) Use of Alternative Post-Construction BMPs: Permittees must supply written approval from Ohio EPA to use Post-Construction BMPs that have been demonstrated to be equivalent to the effectiveness of those listed in Table 2 above. Approval from Ohio EPA must be received prior to design approval and/or issuance of any building permits.

(1) Other practices approved by the City Engineer in keeping with the intent of this section.

(v) Application Procedures for Post-Construction Water Quality Plans:

(1) This plan will be combined with the Soil Erosion and Sediment Control, Storm Water Management, Riparian Setback and Wetland Setback Plans that have also been developed for the site.

(2) Plans developed by the site owners and approved by the City in accordance with this regulation do not relieve the site owner of responsibility for obtaining all other necessary permits and/or approvals from federal, state, county, and local agencies and departments. If requirements vary, the most stringent requirement shall be followed.

(3) The site owner shall submit a report from the local county soil and water conservation district, which reviews the owner's development, plans and improvement plans. The applicant or his or her designated representative will pay any costs associated with obtaining the report(s) from the local county SWCD. These reports shall address the planned development, and Soil Erosion and Sediment Control, Storm Water Management, Riparian Setback and Wetland Setback Plans and Other Sensitive Areas.

(4) Plans submitted to the City Engineer for, review and approval, shall be accompanied by other required permits and documentation relevant to the project, including but not limited to the US Army Corps Of Engineers, Ohio EPA,

ODNR Division of Water and Ohio EPA NPDES Permit for Construction Activities

(5) Five (5) sets of the plans and necessary data required by this regulation shall be submitted to the City Engineer as follows:

A. Format:

i. Text material will be on 8.5 by 11 inch paper.

ii. Drawings will be on paper sized no larger than 24 inch by 36 inches.

(w) Construction projects:

(1) At the preliminary plan approval request the preliminary plans shall show all of the following existing and planned features: streams, water bodies, wetlands, riparian and wetland setback areas permanent BMPs, storm water management detention and retention basins.

(2) At the Improvement plan approval request.

(x) For general clearing projects: Thirty (30) working days prior to any soil-disturbing activities.

(y) Permits List: A list of all the permits that will be needed from federal, state and local agencies.

(z) Long-term Maintenance:

(1) The requirements and schedules of all permanent vegetative and/or mechanical Post-Construction water quality conservation BMPs.

(2) Long-term maintenance inspection schedules for all permanent vegetative and/or mechanical Post-Construction water quality conservation BMPs.

(3) The person or entity financially responsible for inspecting and maintaining all permanent vegetative and/or mechanical Post-Construction water quality conservation BMPs.

(4) The method of ensuring that funding will be available to conduct the long-term maintenance and inspections of all permanent vegetative and/or mechanical Post-Construction water quality conservation BMPs.

(5) SWCD Approval: A letter or report from the local county SWCD that states that the Soil Erosion and Sediment Control, Storm Water Management and Riparian Setback and Wetland Setback Plans all appear to meet Ohio EPA and local regulations. It should be noted that only the Ohio EPA and the local communities can state that any plans or activities meet their regulations and rules.

(6) The City Engineer shall review the plans, including the approval report from the local county SWCD, and shall approve or return these with comments and recommendations for revisions, within thirty (30) working days after receipt of the plan as described above. A plan rejected because of deficiencies shall receive a report stating specific problems and the procedures for filing a revised plan. At the time of receipt of a revised plan another thirty (30) day review period shall begin.

(7) Approved plans shall remain valid for two (2) years from the date of approval. After two (2) years the plan(s) approval automatically expires.

(8) No soil-disturbing activity shall begin before all necessary local, county, state and federal permits have been granted to the owner or operator.

(9) The City will perform construction inspections until the site is stabilized as determined by the City Engineer. The construction will not be considered completed until the City Engineer has conducted the Post-Construction inspections.

1339.11 MAINTENANCE.

Any portion of the permanent drainage and soil erosion systems, including on-site and off-site storage facilities that are constructed by the owner, will be continuously maintained into perpetuity.

(a) Maintenance Plans. Maintenance plans shall be provided by the permittee to both the City Engineer and the post-construction operator of the BMP (including homeowner associations) upon completion of construction activities and prior to the City of Lakewood issuing a Certificate of Occupancy and Final Acceptance.

(b) Single Family and Multi-family Residential Developments: For any development containing common area(s) a Homeowners' Association shall be created and placed in the title of the affected lands. The Homeowner's Association or property owner shall be continuously responsible for post-construction maintenance and inspections into perpetuity unless such maintenance and inspection responsibilities become officially accepted by the City of Lakewood.

(c) Apartments, Commercial and Industrial Developments: The plans will clearly state that the owner of the property shall be continuously responsible for post-construction maintenance and inspections into perpetuity unless the City of Lakewood officially accepts such maintenance and inspection responsibilities.

(d) Maintenance Design: All temporary and permanent soil erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements. Multi-use facilities incorporating assets such as aesthetics and recreation may be incorporated into the design of the drainage facilities. All permanent drainage, soil erosion, sediment control, water quality/quantity management systems and BMPs, including on-site and off-site structures and vegetation that are constructed or planted, must be inspected and maintained into perpetuity by the responsible party designated in the plans. Inspections and maintenance will be incorporated periodically throughout the year to ensure that the facilities are properly operational.

(e) Perpetual Maintenance Inspections.

(1) The Homeowner's Association or property owner, at its expense, shall obtain one (1) inspection with a written report annually. The written report will be given to the City of Lakewood by May 1st of each and every year after the Best Management Practice (BMP) has been completed. The report shall be stamped by a professional engineer, landscape architect or Certified Professional In Erosion and Sediment Control (CPESC). The report shall include the status of permanent soil erosion, sediment control, water quality/quantity management systems and the status of the related easements. The City Engineer shall forward the report to the Homeowner's Association or property owner along with the in-

spection fees. If the report indicates that the site needs work, then the owner shall perform the work within the timeline established by the City Engineer. The fees associated with the inspections shall be paid in full within thirty (30) days by the Homeowner's Association or property owner. Single Family and Two Family dwellings shall be exempt from the required annual inspections.

(2) BMPs that have a potential loss of life. A written and stamped covering the status of all BMPs that have a potential for loss of life, bodily injury, or damage to structures or infrastructure will be prepared by a professional engineer or other individual possessing a valid state license that authorizes them to design the same type of BMP for construction.

(3) BMPs that do not have a high risk for loss of life, bodily injury, or damage to structure or infrastructure related to imminent failure as determined by the City Engineer. A written and stamped report from a professional engineer or Certified Professional in Erosion and Sediment Control (CPESC) on the status of permanent soil erosion, sediment control, water quality management systems and the status of the related easements shall be submitted to the /city Engineer by May 1st of each year into perpetuity.

(f) Structures that Require a permit from the Ohio Division of Water. A written and stamped report from a professional engineer on the status of all structural BMPs that require a permit from the Ohio Department of Natural Resources (ODNR) Division of Water. This applies to all BMPs that require a permit either at the time of construction or fall under the jurisdiction of the ODNR Division of Water at any tm after construction is completed.

(fg) Inspection and Maintenance Agreement.

(1) This agreement will be binding on the owner and all subsequent owners of lands served by the approved system of storm water management practices required for the site. Such Agreements shall include all post-construction BMPs, shall be recorded with the deed to the property(ies) within the site, and shall provide and stipulate the following:

- A. The location of each storm water management practice;
- B. The method of funding long-term maintenance and inspection of all storm water management practices;
- C. Features of the design that facilitate maintenance of the practice, including a written plan for providing an area for dewatering of dredged sediment, or the need to truck sediment from the site;
- D. Long-term maintenance plans, requirements and inspection schedules, which plans must ensure that pollutants collected within structural Post-Construction BMP practices be disposed of in accordance with local, state and federal guidelines;
- E. The party responsible for long-term maintenance, including repairs;
- F. A prohibition on alteration of the practice without prior written approval from the City Engineer;
- G. Description of any easements required by this chapter;

H. Permission for the City of Lakewood or its agent to enter upon the property and take whatever action is deemed necessary to maintain facilities that do not perform as specified in the Inspection and Maintenance Agreement, and to be reimbursed by the property owner(s) served by the facility for all expenses incurred within 30 days of receipt of invoice from the City of Lakewood; and

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

(2) Alteration or termination of these stipulations is prohibited. The applicant must provide a draft of this Inspection and Maintenance Agreement as part of the Comprehensive SWMP submittal. Once a draft is approved, a recorded copy of the Agreement must be submitted to the City of Lakewood to receive final acceptance of the site.

(h) Easements. A written report from an inspector on the status of all storm water management easements for each project shall be submitted to the City Engineer by May 1st of each year into perpetuity. These reports will document if restricted plantings, fences and structures are on the easement and will identify the location of the noted easement restriction violations.

1339.12 EASEMENTS.

Future access to floodplains, flood control facilities, runoff drainage ditches and channels, runoff storage facilities, storm sewers and other drainage ways and structures, as required by the City Engineer, shall be secured by means of easements. Easement dimensions noted below may be modified as necessary by the City Engineer upon receipt of adequate documentation showing site-specific restrictions that necessitate modifications.

(a) The easements shall be recorded in the name of the City of Lakewood and, in single-family residential developments, the homeowners association.

(b) Such easements shall be not less than twenty-five (25) feet in width in addition to the width of the ditch, channel, or other facility it is to serve. Access easements of this type shall be provided on one (1) side of the flood control or storm drainage ditch, channel, or similar type facility

(c) Access along the initial drainage system shall be by means of easements. Such easements shall be not less than twenty-five (25) feet in width, with a minimum ten (10) foot width on either side of the drainage system.

(d) Access adjacent to storage facilities shall consist of a twenty-five (25) foot easement in the case of detention (dry) basins, and a twenty-five (25) foot easement with a twenty-five (25) foot level bench in the case of retention (wet) basins, measured from the top of the bank, and shall include the storage facility itself.

(e) Easements for the emergency flow ways shall be a minimum of twenty-five (25) feet in width, or larger if required by the City Engineer.

(f) Flood control or storm drainage easements containing underground facilities shall have a minimum width of twenty-five (25) feet, with a minimum ten (10) foot width on either side of the facility.

(g) The legal description of the easements shall restrict the planting of trees, shrubbery or plantings with woody growth characteristics, and shall also restrict the construction of buildings, accessory buildings, fences, walls or any other obstructions to the free flow of storm water and the movement of inspectors and maintenance equipment. Any variations to the final grade from that described by the grading plan shall be as approved by the City Engineer.

1339.13 CONSTRUCTION AND MAINTENANCE GUARANTEE.

(a) All permanent storm water, soil erosion, other wastes control, and water quality practices not specifically waived by the City of Lakewood shall be constructed prior to the granting of Final Acceptance. Upon the request of the owner, the City of Lakewood may allow the construction or installation of a permanent storm water, soil erosion, sediment, or other wastes control or water quality practice to be deferred where, in the City Engineer's judgment, such proper construction or installation is not immediately necessary for the protection of the public health and safety; and where the prior installation or construction of such improvement would constitute an undue hardship on the owner because in the case of new vegetation or weather conditions, or because in the case of concrete, building construction could cause cracking and excessive wear and tear on new structures. In such event, the City of Lakewood shall require a Security Bond, Escrow Account, Certified Check or Cash to guarantee that such deferred improvements will be properly constructed or installed within an agreed specified time, but not to exceed six (6) months after the Final Acceptance.

(b) The owner will provide a maintenance guarantee for all permanent improvements, and soil erosion, wastes controls, and water quality practices.

(bc) The Guarantee. The Construction and Maintenance Guarantee will be in the form of a Security Bond, Escrow Account, Verified Check or Cash to guarantee that the planned temporary and permanent soil erosion, sediment, and other wastes controls and water quality practices will be constructed and removed in a timely manner, as determined by the City Engineer. The Security Bond, Escrow Account, Verified Check or Cash will be in the total amount of both the performance guarantee and the maintenance guarantee. Ohio municipalities and counties The City may require performance bonds or other guarantees for water management improvement as stated in Chapter 711.101 of the Ohio Revised Code. The Security Bond, Escrow Account, Verified Check or Cash shall be deposited with the City prior to review by the City Engineer and/or its consultants to cover professional services of the City Engineer, Building Commissioner, Building Inspector and any other experts required by the City Engineer, City Council, Mayor or reviewing board or commission.

(1) No soil disturbing activities shall be permitted until the Guarantee has been posted to the satisfaction of the City Engineer.

(2) The Guarantee will be maintained in an amount of not less than 120 percent of the estimated cost to construct all temporary and permanent storm water BMPs. The estimate shall be certified by a licensed Professional Engineer and approved by the City Engineer.

(3) The Guarantee will be used by the City of Lakewood to complete any construction or removal of improvements or temporary and permanent soil erosion, sediment, and other wastes control practices that are not adequately completed,

maintained or removed by the owner in a timely manner, as determined by the City Engineer.

(ed) Time Extension. The City Engineer may extend for cause the time allowed for the installation of the improvements for which the Guarantee has been provided with the receipt of a written request from the owner.

(de) Completion. The owner shall notify the City Engineer upon completion of all construction improvements or temporary and/or permanent soil erosion, sediment, and other wastes control practices and the removal of the temporary soil erosion, sediment, and other wastes control practices for which the guarantee has been provided.

(ef) Final Acceptance. The City of Lakewood will grant Final Acceptance and release the performance guarantee when the following criteria are met:

- (1) Final Stabilization is achieved, as approved by the City Engineer;
- (2) All water quality BMPs are installed and functioning as per the approved SWMP, as witnessed by the City Engineer during an as-built inspection;
- (3) An As-Built SWMP is approved by and filed with the City Engineer, which As-Built SWMP shall include, at a minimum:
 - (4) Location and dimensions of all permanent BMPs;
 - (5) Maintenance requirements of each BMP;
 - (6) Identification of the entity responsible for long-term maintenance; and
 - (7) Signature, seal and date approved by a Professional Engineer.

(fg) An approved Inspection and Maintenance Agreement is shall be filed with the Building Department. The agreement must be signed by the contractor, City of Lakewood and the private owner or homeowner's association who will take long-term responsibility for the permanent BMPs.

(h) The Maintenance Guarantee Bond shall be maintained for a period of not less than two (2) years after final acceptance of the storm water, soil erosion, sediment, and other wastes control practices in an amount equal to 20% of the estimate approved by the City Engineer, of the construction and , where necessary, removal of such practices.

(i) Slow Release Devices. Performance and maintenance guarantees will be maintained on the temporary sediment removal slow release devices installed in detention and retention basins until the entire site has reached final soil stabilization. Final stabilization in single-family residential developments is when 90% of the homes are constructed with their lawn completely installed and nay remaining unbuilt lots having been permanently stabilized with a uniform ground cover at a growth density of 80% or better.

(j) Release. The Construction Maintenance Guarantee shall not be released by the City until all temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and any trapped sediment has been stabilized.

1339.16 STORM WATER MANAGEMENT FEES.

The following fees must be deposited with the City of Lakewood Building Department prior to the commencement of soil disturbing activities:

<u>(a) Abbreviated SWP3</u>	
(1) Review/Inspection Reserve Fee*	\$750.00
(2) Control Performance Bond**	1,500.00
<u>(b) Comprehensive SWP3</u>	
(1) Review/Inspection Reserve Fee* (per disturbed whole acre, Example: 1.25 Acre disturbance = \$1500)	750.00
(2) Erosion Control Performance Bond**	1,500.00

(per disturbed whole acre)

* to be posted at time of SWP3 submittal

** to be posted at time applicable permits are issued.

(c) Funds shall be withdrawn from the Review/Inspection Reserve at the following hourly rates for any work completed by representatives of the City Engineer related to the review, inspection and enforcement of full and abbreviated SWP3s (assessed in 1/2-hr. increments):

(1) City Engineer	\$75.00
(2) Construction Site Inspections	65.00
(3) Project Engineer	65.00
(4) Engineering Technician	50.00

1339.17 HYDROLOGIC AND HYDRAULIC STUDY AND REPORT

(a) In addition to the plan requirement submittals, the necessary data required in Sections 1339.09 and 1339.10 (i.e., text material) shall be submitted along with a bound Hydrologic and Hydraulic study report. An electronic file of the entire submittal shall be submitted to the City Engineer. The developer shall submit an organized report of the Hydrologic and Hydraulic study which shall include but not limited to: the necessary data required in Sections 1339.09 and 1339.10, supporting documentation for the site complying with all federal, state, and/or local regulations, discussion of the site's pre-development storm water flows, discussion of the site's post-development storm water flows, design methodology incorporated, rationale for BMP selection, hydrographs, pipe sizing calculations, detention and/or retention calculations, items listed below, and any additional information requested by the City Engineer or SWCD.

(b) Report shall include, but not be limited to (sketches and maps may be placed on 11" by 17" sheets of paper folded into report):

(c) Soil map (1" = 200' Scale):

(1) w/2' - interval contours.

(2) All soil types w/all ground cover, woodland, and other ground conditions noted.

(3) Total drainage area w/before and after conditions noted.

(4) Legends for soils, area in acres, and soil groups.

(5) Copy of the U.S. Department of Agriculture SCS Soil Survey of Cuyahoga County showing the entire drainage area and sub-area.

(6) All existing drainage facilities.

(d) Drainage Area Maps - before and after development:

(1) An aerial photograph w/a scale 1"=200', along w/the entire drainage area and all sub-areas noted along w/all existing land use condition, contour shall be 2' interval minimum (any other submittal shall meet w/prior approval of City Engineer).

(2) All existing drainage facilities w/necessary field data.

(3) All natural waterways and cross sections of all waterways w/any other data to sufficiently determine the exact time of concentration/travel time (label flow types sheet, concentrated, channel etc.).

(4) All existing and proposed modifications to drainage system, pertinent drainage facilities beyond the development area.

(5) A complete storm sewer design noting all proposed storm sewers, culverts, and other storm sewer management facilities.

(6) Emergency flow way, the flow route for a 100-year storm conveyed thru the proposed project and to the storm inlet or channel outside the project site.

(e) Summary of Long-Term Maintenance Plan

(1) Statement of the person or entity who will own the detention or retention facilities, BMPs, storm water structures, etc. when the construction is completed.

(2) Statement of the person or entity responsible for long-term maintenance, repairs, and replacement of the BMPs, storm water conveyance, storage structures, basins, and all storm water related items.

(3) Statement of the person or entity responsible for the annual inspections of the post construction BMPs.

1339.18 FINAL COMPLETION

(a) Completion. The owner shall notify the City Engineer upon completion of all construction improvements or temporary and/or permanent soil erosion, sediment, and other wastes control practices and the removal of the temporary soil erosion, sediment, and other wastes control practices for which the guarantee has been provided.

(b) Final Acceptance. The City of Lakewood will grant Final Acceptance and release the Guarantee when the following criteria are met:

(1) Final Stabilization is achieved, as approved by the City Engineer;

(2) All water quality BMPs are installed and functioning as per the approved SWMP, as witnessed by the City Engineer during an as-built inspection;

(3) An As-Built SWMP is approved by and filed with the City Engineer, which As-Built SWMP shall include at a minimum:

A. Location and dimensions of all permanent BMPs;

B. Maintenance requirements of each BMP;

C. Identification of the entity responsible for long-term maintenance;

D. Posting of a two (2) year maintenance bond in the amount of 25% of the storm water infrastructure installed value as determined by the City Engineer; and

E. Signature, seal and date approved by a Professional Engineer.

(c) Perpetual Agreement. An approved Inspection and Maintenance Agreement shall be filed with the Building Department. The agreement must be signed by the contractor, City of Lakewood and the private owner or homeowner's association who will take long-term responsibility for the permanent BMPs.

1339.99 PENALTIES.

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

(b) Whoever violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the first degree and shall be fined no more than one thousand dollars (\$1,000.00) or imprisoned for no more than one hundred eighty (180) days, or both, for each offense.

(c) A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(d) Upon notice from the City Engineer, or designated representative, that a project site does not meet the requirements of this chapter, such work shall immediately stop. Such notice shall be in writing and shall be either hand-delivered or sent by certified mail, return receipt requested, to the owner or person responsible for the development area, or person performing the work, and shall state the conditions under which such work may be resumed; provided, however, in instances where immediate action is deemed necessary for public safety or the public interest, the City Engineer may require that work be stopped upon verbal order pending issuance of the written order.

(e) The imposition of any other penalties provided herein shall not preclude the City of Lakewood, by or through its Law Director and/or any of his or her assis-

tants, from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful development or to restrain, correct or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, or ordinances, rules or regulations or the orders of the City Engineer.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in its preamble, and provided it receives the affirmative vote of at least five members of Council this ordinance shall take effect and be in force immediately, or otherwise shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor



12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650

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Lakewood City Council
MARY LOUISE MADIGAN, PRESIDENT
RYAN NOWLIN, VICE PRESIDENT

Council at Large
RYAN NOWLIN
TOM BULLOCK
CINDY MARX

Ward Council
WARD I - DAVID ANDERSON
WARD II - SAM O'LEARY
WARD III - SHAWN JURIS
WARD IV - MARY LOUISE MADIGAN

June 16, 2014

Lakewood City Council
12650 Detroit Avenue
Lakewood, Ohio 44107

Re: Two additional pieces of legislation to implement recommendations from the Lakewood Tree Task Force

Dear Members of Council:

Please see attached two additional pieces of legislation to implement Tree Task Force recommendations:

- a resolution to endorse the principles for tree care and the urban forestry management goals recommended by the Lakewood Tree Task Force; and
- a proposed ordinance that would prohibit actions harmful to the tree trunk flare zone of trees in public areas, such as the use of excessive mulch, a common problem that can prematurely cut short the lives of trees and thereby undermine the time, personnel hours, and tax dollars invested in public trees.

I request a referral to the Public Works Committee for further deliberation.

Sincerely,

Thomas R. Bullock III
Member of Council, at Large

RESOLUTION NO.:

By:

A RESOLUTION to endorse the principles for tree care and the urban forestry management goals recommended by the Lakewood Tree Task Force.

WHEREAS, healthy, mature, and safe trees are beneficial to property values, air quality, storm water management, energy use reduction, and the beautification of the City of Lakewood; and

WHEREAS, attaining success in the City's urban forestry goals will require, by definition, long-term planning and consistent policies over many decades; and

WHEREAS, the attainment of a lasting mature tree canopy requires prudence, foresight, and many decades of investment which, once lost, cannot be regained for decades; and

WHEREAS, adopting a "right tree, right place" policy to guide City tree plantings will allow the City to minimize tree death and infrastructure impacts while increasing the long-term viability of trees, thereby make efficient use of public dollars and more effectively attaining City urban forestry goals; and

WHEREAS, always planting the largest suitable tree for a given site will maximize the economic and ecological benefits of that site to the community, given the longer lifespan of and greater magnitude of benefits bestowed by larger trees; and

WHEREAS, adopting a policy of varying trees by age and species on any given street, park, or public area will help to mitigate the threat posed to tree survivability by pests, diseases, storms, or old age, thereby reducing the likelihood of large tree losses across the city and resulting in a more consistent tree canopy over time; and

WHEREAS, adopting a policy of consistent watering of newly-planted public trees during the first few years of life, and prioritizing pruning and other tree care techniques during the first ten years of newly-planted public trees' lives, would greatly aide the survival rate of those trees, thereby making efficient use of public dollars and more effectively attaining City urban forestry goals; and

WHEREAS, a goal of increasing the percentage from 28.5 to 38.5 percent of the City's surface area sitting under a canopy of trees has been determined as an ambitious yet attainable goal that would significantly aide storm water management; and

WHEREAS, an annual planting of 500 trees across the community on private, school, and municipally owned properties would enable the City to achieve the 38.5% canopy coverage by 2035; and

WHEREAS, an annual planting by the City of at least 200 trees on City-owned land is a crucial element of the aforementioned community-wide 500-tree annual tree planting goal; and

WHEREAS, the interplay of sidewalks and trees has historically had a significant deleterious impact on City trees planted on tree lawns, occasioning the removal of many such trees when their growth resulted in code citations to private property owners for sidewalk repair, but which impact is greatly mitigated when the City adopts a flexible set of procedures that can abate sidewalk quality problems while still preserving tree lawn trees ; and

WHEREAS, many available tree lawn planting sites that are either vacant or not currently accommodating the maximum possible number of trees permitted by the space could greatly contribute to a citywide tree canopy increase if they were planted with the maximum possible number of trees; and

WHEREAS, a master plan for all City Parks and public areas would increase the number of trees and increase the diversity of the tree species, which is known to increase survivability and improve the consistency of the tree canopy; and

WHEREAS, monetary and other donations by private citizens in tree plantings in parks and public areas can improve the number of trees and breadth of the tree canopy, and should be encouraged; and

WHEREAS, City education of residents concerning the availability of complimentary tree planting on tree lawns as well as opportunity to participate in a low-cost purchase of trees for private yards would help to increase private participation in tree planting and help attain the aforementioned community-wide annual tree planting goals; and

WHEREAS, developing standards for tree plantings and canopy maintenance on commercial properties would help to attain the tree canopy goals of the City; and

WHEREAS, providing training on proper mowing, trimming, machinery operation, digging, concrete work, construction work, and similar activities would reduce negative impacts to tree roots, limbs, and other vulnerable tree elements, and should be pursued by the City for all relevant employees; and

WHEREAS, standards for proper mowing, trimming, machinery operation, digging, concrete work, construction work, and similar activities would reduce negative impacts to tree roots, limbs, and other vulnerable tree elements, and should be implemented and required by the City for all contractors seeking permits to work in the City; and

WHEREAS, a sufficient number of licensed arborists to conduct annual pruning and maintenance of trees will aide in attaining the City's tree canopy goals by allowing small and medium trees to successfully grow and mature trees to live for the maximum safe period, and ought to be maintained by the City at all times; and

WHEREAS, resident education about the economic, health, infrastructure, and aesthetic benefits of trees can improve resident motivation to plant private trees and donate and care for public trees on tree lawns, and ought to be pursued by the City; and

WHEREAS, mature trees located on private property are a major contributor to community-wide tree canopy goals, and, if not properly maintained, can pose a significant hazard to health and property, and therefore ought to be appropriately regulated by the City; and

WHEREAS, a healthy and consistently robust urban forest canopy can serve as a "green trademark" for the community, helping to attract and retain residents and to distinguish the City of Lakewood as a leader in sustainability in the region; and

WHEREAS, the City of Lakewood's name implicitly incorporates a healthy urban forest as part of the very identity of our community; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. This Council and Mayor of the City of Lakewood hereby indicate support and endorsement of the principles for tree care and the urban forestry management goals recommended by the 2013-14 Lakewood Tree Task Force as set forth in the preamble of this resolution. Each of the recitals listed in the preamble to this resolution shall be the policy of the City, and the principles and goals therein shall guide City budgeting, decision making, and procedures for urban forestry until such time as they might be updated or repealed by this Council.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. The Clerk of Council is hereby authorized and directed to forward a certified copy of this resolution to the Mayor and a copy of this Resolution shall be spread upon the minutes of this meeting.

Adopted: _____

President

Clerk

Approved: _____

Mayor

Tree Trunk Flare Zone Appropriate Care LCO 565.04 amendment

ORDINANCE NO.

BY:

AN ORDINANCE amending Section 565.01, Definitions, and Section 565.04, Placing Harmful Substances Near Trees, of the Codified Ordinances of the City of Lakewood to prohibit actions harmful to the tree trunk flare zone.

WHEREAS, healthy, mature, and safe trees are beneficial to property values, air quality, storm water management, energy use reduction, and the beautification of our City; and

WHEREAS, the trunk flare zone is critical to the growth, development, and long term health of a tree, and appropriate care for the trunk flare zones of public trees, by prolonging their lives, will conserve taxpayer dollars and help the City achieve its goal of attaining a robust, consistent tree canopy; and

WHEREAS, the Lakewood Tree Task Force recommended tree management policy changes to this effect; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 2. Section 565.01, Definitions, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

565.01 DEFINITIONS.

The following words, whenever referred to in this chapter, are defined as follows:

(a) "Public place" means any public street, public highway, public park or any property owned or held by the City, within the boundaries of the City.

(b) "Tree" means any tree.

(c) "Arboriculture" or "tree preservation" means and includes the treating, spraying, pruning, maintaining and any other care or work intended for the strengthening of trees, and the removal and prevention of tree pests, blights and diseases of any and all kinds.

(d) "Director of Public Works" or "Director" means the Director of Public Works of the City.

(e) "City" means the City of Lakewood, Ohio.

shall be and hereby is amended to read as follows:

565.01 DEFINITIONS.

- ...
- (b) "Tree" means any tree.
 - (c) "Trunk flare zone" means the area at the base of the tree trunk that widens as it intersects with the root system.
 - (ed) "Arboriculture" or "tree preservation" means and includes the treating, spraying, pruning, maintaining and any other care or work intended for the strengthening of trees, and the removal and prevention of tree pests, blights and diseases of any and all kinds.
 - (de) "Director of Public Works" or "Director" means the Director of Public Works of the City.
 - (ef) "City" means the City of Lakewood, Ohio.

Section 2. Section 565.04, Placing Harmful Substances Near Trees, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

565.04 PLACING HARMFUL SUBSTANCES NEAR TREES.

No person shall permit any natural or artificial gas, salt, brine, water, oil, liquid dye or any other substances deleterious to trees to come in contact with the soil surrounding the roots of any tree upon any public place in this City in such a manner as to kill, injure, deface, destroy or affect the growth of such trees.

shall be and hereby is amended to read as follows:

565.04 PLACING HARMFUL SUBSTANCES NEAR TREES.

(a) No person shall permit any natural or artificial gas, salt, brine, water, oil, liquid dye or any other substances deleterious to trees to come in contact with the soil surrounding the roots of any tree upon any public place in this City in such a manner as to kill, injure, deface, destroy or affect the growth of such trees.

(b) Appropriate care of trunk flare zone

(1) No person shall permit any mulch, soil, or other landscape material to come in contact with the tree trunk or be placed within three inches of the trunk flare zone of any tree upon any public place.

(2) Notwithstanding any other provision of this chapter, whoever violates this subsection is guilty of a minor misdemeanor.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor



12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650
www.onelakewood.com
Lakewood City Council
MARY LOUISE MADIGAN, PRESIDENT
RYAN P. NOWLIN, VICE PRESIDENT

Council at Large
RYAN P. NOWLIN
THOMAS R. BULLOCK III
CINDY MARX

Ward Council
DAVID W. ANDERSON, WARD 1
SAM O'LEARY, WARD 2
SHAWN P. JURIS, WARD 3
MARY LOUISE MADIGAN, WARD 4

Re: Appointment of Zach Brown to the Citizens' Advisory Committee

June 11, 2014

Dear Colleagues and Fellow Citizens,

I am very pleased to announce my appointment of Zach Brown to the Citizens' Advisory Committee for the unexpired term ending December 31, 2014.

Zach is a relatively recent addition to Lakewood, and I am confident that his professional expertise, enthusiasm for service, and eagerness to engage our residents, businesses, and other institutions will serve the citizens of Lakewood well as the Citizens Advisory Committee undertakes its crucial work.

Respectfully Submitted,

/s/ Sam O'Leary – Ward 2

Rules and Ordinances Committee, Chair | Public Works Committee, Member



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Ward Council
DAVID W. ANDERSON, WARD 1
SAM O'LEARY, WARD 2
SHAWN P. JURIS, WARD 3
MARY LOUISE MADIGAN, WARD 4

June 16, 2014

Lakewood City Council
Lakewood, Ohio 44107

Dear Colleagues and Community:

We all know the City of Lakewood has long been a community with smart, talented youth, supportive parents and great schools. As such, celebrating the momentous achievement of Harding Middle School's Power of the Pen team finishing first out of 66 schools in the March 15, 2014 regional competition and 6th in the May 23, 2014 state-wide competition is worthy of high recognition and praise.

That stated, it is our great pleasure to recognize the achievements of the Harding Middle School's seventh and eighth grade Power of the Pen participants through this Resolution. This is the third time in five years the Harding team was awarded the Sweepstakes Trophy for overall performance during the district and regional competitions.

It is also worthy to note that Ms. Ruth Pangrace, a dedicated Harding teacher and one of the two amazing advisors to the Power of the Pen students, was recently awarded the Martha Holden Jennings Foundation's Master Teacher Award for 2014. Congratulations on that esteemed honor, Ms. Pangrace.

So, on behalf of the entire city of Lakewood, please join us in congratulating all the talented and dedicated writers and their coaches, Pam Sheils and Ruth Pangrace.

Yours in service,

David W. Anderson
Member of Council, Ward 1

Sam O'Leary
Member of Council, Ward 2

RESOLUTION NO.

BY:

A RESOLUTION commending the students of Harding Middle School on their outstanding achievements in the state-wide Power of the Pen competition.

WHEREAS the City of Lakewood has long been a community with smart, talented youth, supportive parents and great schools.

WHEREAS celebrating such a momentous achievement as Harding Middle School's Power of the Pen team finishing first out of 66 schools in the March 15, 2014 regional competition and 6th in the state-wide competition held May 23, 2014 is worthy of high recognition.

WHEREAS leading the way for individual writers was 7th-grader Lalia Williams-Riseng, who ranked 13th among all of the individual writers for her performance in all three rounds, and 8th-grader Sophia Parker, who won a trophy for her 6th place showing. Parker also won an honorable mention for her story in the second round, "Write about a color associated with a vivid memory." Eighth-grader Claire Walkosak won a Best of Round for her story and 7th-grader Ella Calleri and 8th-grader Veronica Lee moved closer to having stories published by winning "Best of the Best" plaques for stories they wrote during the district competition.

WHEREAS for the third time in five years, 2014 accomplishments saw the Harding team awarded the Sweepstakes Trophy for overall performance during the districts and regionals.

WHEREAS the Harding team included -- 7th Grade: Nate Bilski, Ella Calleri, Emily Perry, Lalia Williams-Riseng, Samantha Stone and Nina Zanghi -- 8th Grade: Casey Chanter, Micah Inak, Veronica Lee, Sophia Parker, Saige Rook and Claire Walkosak; now, therefore:

BE IT RESOLVED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That this Council and Mayor on behalf of the City of Lakewood, commend and congratulate the talented and dedicated Harding Middle School Power of the Pen Team members and their coaches, Pam Sheils and Ruth Pangrace .

Section 2. That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of this resolution to the Power of the Pen Team c/o Pam Shiels and Ruth Pengrace, and that a copy of this resolution be spread upon the minutes of this meeting.

Adopted: _____

Approved: _____

President

Clerk

Mayor



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CINDY MARX

Ward Council
DAVID W. ANDERSON, WARD 1
SAM O'LEARY, WARD 2
SHAWN P. JURIS, WARD 3
MARY LOUISE MADIGAN, WARD 4

June 16, 2014

Lakewood City Council
Lakewood, OH 44107

Dear Members of Council,

Attached are amendments to our ordinances related to insurance requirements and limits. The intent of this review is to ensure consistent and rational requirements are in place throughout our code. Ideally, these requirements will minimize the risk to the public whether it is in the case of contracting for home repairs, or living near a vacant home or dangerous dog. These recommendations also consider the need to ensure that it is easy for businesses to work within the City of Lakewood. I look forward to further discussion of these amendments in committee.

Sincerely,

Shawn Juris
Councilmember Ward 3

ORDINANCE NO.

BY:

AN ORDINANCE to amend certain provisions of the Codified Ordinances of the City of Lakewood regarding insurance requirements.

WHEREAS, it is necessary and desirable to amend various sections of the Codified Ordinances of the City in order to make provisions regarding insurance requirements consistent throughout the code; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government, and the power to enact laws that are for the health, safety, welfare; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 129.33, Self-Insurance Funds, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

129.33 SELF-INSURANCE FUNDS.

(a) The Recreational Self-Insurance Fund.

- (1) There is hereby established, in and for the City, pursuant to Ohio R.C. 2744.08(A)(2)(a), a special fund to be known as the "City of Lakewood Recreational Programs and Recreational Facilities Self-Insurance Fund" (hereinafter and otherwise referred to as the "Recreational Self-Insurance Fund" or the "Fund").
- (2) The Fund shall be administered in accordance with the Recreational Program and Facilities Self-Insurance Agreement between the City and the School District, dated June 11, 1987, as such Agreement shall be amended from time to time, as authorized by Ohio R.C. 2744.08(A)(2)(b).
- (3) The source and amount of the moneys to be deposited to the credit of the Fund shall be determined in accordance with the Agreement, as it may be amended from time to time.
- (4) The purposes of expenditures and other uses of moneys and the authority to expend such moneys from the Fund shall be determined in accordance with the Agreement, as it may be amended from time to time, including, but not limited to, the purposes of:
 - A. Paying claims, whether by settlement or pursuant to a final judgment;
 - B. Expenses, including, but not limited to, claims-related expenses;
 - C. Withdrawing excess funds as authorized by the Agreement; and

- D. Distributing funds upon termination of the Agreement, as authorized by the Agreement.
- (5) The sum of fifty thousand dollars (\$50,000) shall be appropriated from the City's General Fund to the credit of the Recreational Self-Insurance Fund. Pursuant to Ohio R.C. 2744.08(A)(2)(a), the Director of Finance is hereby authorized to transfer, by way of administrative reimbursement, funds from the City's various funds and accounts to reimburse the General Fund, based upon his determination of the relative exposure and loss experience of the functions of the City that are financed from such funds and accounts.
- (b) The General Liability Self-Insurance Fund.
- (1) There is hereby established, in and for the City, pursuant to Ohio R.C. 2744.08(A)(2)(a), a special fund to be known as the "City of Lakewood General Liability Self-Insurance Fund" (hereinafter and otherwise referred to as the "General Liability Self-Insurance Fund" or the "Fund").
- (2) Council may appropriate, on an annual basis and at such other times as it deems necessary or desirable, such amounts which it believes, in its sole discretion, will be sufficient to wholly or partially fund reserves to pay claims and claims expenses with respect to the City's liability to others arising out of torts, including the City's duty, if any, to indemnify its employees and officials in a proper case. This subsection does not require that any claim reserve or other reserve be established or, if established, that it be fully funded.
- (3) Moneys deposited to the credit of the General Liability Self-Insurance Fund may be expended for the following purposes:
- A. To pay claims, whether by settlement or upon final judgment;
- B. To pay claims-related expenses and other expenses related to the purpose of the Fund;
- C. To purchase liability insurance;
- D. To make contributions for the services provided and the liability coverage extended by a joint self-insurance pool;
- E. To withdraw money for any lawful use if Council determines that excess moneys are to the credit of the Fund; and
- F. To distribute any balance remaining in the Fund for any lawful use, as Council shall determine, upon the determination by Council that this Fund shall be terminated.
- (4) The interest paid on the investment of the moneys to the credit of this Fund shall be paid into the Fund.
- (5) This subsection may be amended from time to time, and moneys deposited to the credit of the Fund prior to any such amendment may be administered and/or expended in the manner provided by the amended provisions.

- (6) The sum of one hundred fifty thousand dollars (\$150,000) shall be appropriated from the General Fund to the credit of the General Liability Self-Insurance Fund. Pursuant to Ohio R.C. 2744.08(A)(2)(a), the Director of Finance is hereby authorized to transfer, by way of administrative reimbursements, funds from the City's various funds and accounts to reimburse the General Fund, based upon his determination of the relative exposure and loss experience of the functions of the City that are financed from such funds and accounts.

shall be and hereby is repealed.

Section 2. Section 506.04, Exception, Registration and Fee, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

506.04 EXCEPTION, REGISTRATION AND FEE.

- (a) Any owner of a dangerous animal as defined in Section 506.03 on the effective date of this section who intends to keep such dangerous animal within the City shall have ninety days from the effective date of this section, or, on a showing of good cause for having failed to adhere to the provisions hereof within ninety days of the effective date of this section, thirty days from the date the owner is notified of his or her noncompliance, to register such dangerous animal with the Director of Public Safety or his or her designee. The fee for such registration shall be fifty dollars (\$50.00). Registration shall take place annually thereafter. Registration shall include providing the name and contact information of the owner of the dangerous animal, the location where the dangerous animal shall be kept, and any other information deemed necessary to ensure the safety of the public by the Director of Public Safety or his or her designee. Registration shall be rejected and the dangerous animal shall be removed from the if the owner fails to show proof annually of compliance with the following conditions:

...

- (3) That the owner has obtained liability insurance with an insurer authorized to write liability insurance in the State, providing coverage for each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000) because of damage or bodily injury to, or death of, a human being caused by the animal and that such insurance policy is paid in full for the entire period of registration.

...

shall be and is hereby amended to read as follows:

506.04 EXCEPTION, REGISTRATION AND FEE.

- (a) Any owner of a dangerous animal as defined in Section 506.03 on the effective date of this section who intends to keep such dangerous animal within the City shall have ninety days from the effective date of this section, or, on a showing of good cause for having failed to adhere to the provisions hereof within ninety days of the effective date of this section, thirty days from the date the owner is notified of his or her noncompliance, to register such dangerous animal with the Director of Public Safety or his or her designee. The

fee for such registration shall be fifty dollars (\$50.00). Registration shall take place annually thereafter. Registration shall include providing the name and contact information of the owner of the dangerous animal, the location where the dangerous animal shall be kept, and any other information deemed necessary to ensure the safety of the public by the Director of Public Safety or his or her designee. Registration shall be rejected and the dangerous animal shall be removed from the if the owner fails to show proof annually of compliance with the following conditions:

...

- (3) That the owner has obtained liability insurance with an insurer authorized to write liability insurance in the State, providing coverage for each occurrence, subject to a limit, exclusive of interest and costs, ~~of not less than one hundred thousand dollars (\$100,000)~~ in an amount approved by the Director of Law because of damage or bodily injury to, or death of, a human being caused by the animal and that such insurance policy is paid in full for the entire period of registration. The owner shall provide a certificate of insurance evidencing that the policy covers the dangerous animal to which this provision applies and that the insurer acknowledges the specific breed and that it has been declared dangerous.

...

Section 3. Section 901.18, Erecting Buildings or Structures on Public Ground, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

901.18 ERECTING BUILDINGS OR STRUCTURES ON PUBLIC GROUND.

- (a) No person shall erect, place or cause to be erected or placed or permit to remain, any building, structure or device of any nature upon any street, lane, alley or public ground within the City except with the consent of the owner thereof and where permitted by statutes of the State and the ordinances of the City, including, but not limited to, zoning provisions.
- (b) No person, firm or corporation shall exclusively use property of the City held for use by the general public except pursuant to rental agreements or permits including provision for the payment of a reasonable rental as may be authorized by ordinance. The term "exclusive use", as used in this section shall mean continuous use of property in the manner hereinabove stated to the exclusion or limitation of the general public for a period of thirty minutes or longer. Applications for rental agreements or permits for the exclusive use of public property of the City shall be made to Council, except as otherwise permitted by ordinance.
- (c) No exclusive use of City property shall be permitted, whether authorized by permit, license, rental agreement or otherwise and whether pursuant to the terms of this section or otherwise, unless such use is permitted subject to the following express conditions and obligations:
 - (1) The user agrees to and shall indemnify, defend and hold harmless the City and its officers, boards, commissions, agents and employees against and from any and all claims, demands, actions, suits, liabilities and judgments of every kind and nature and regardless of the merits of the same, arising out of, occasioned by or related to the exercise or enjoyment of such exclusive

use, including reasonable attorneys' fees and court costs in the defense of any action.

- (2) The user shall, at all times during the term of the exclusive use, pay all premiums for, and file with the City, certificates of insurance and receipts evidencing the payment of premiums for public liability insurance in such amount as will at least protect the user and the City from all claims for damage to property or bodily injury, including death, which may arise from or in connection with the user's exclusive use of City property. Such insurance shall name the City as an additional insured, shall be in the amount of not less than one hundred thousand dollars (\$100,000) combined single limit for any injury to persons and/or damaged property, and shall provide that the insurance coverage shall not be canceled or reduced by the insurance carrier without thirty days prior written notice to the City.
- (d) No structure shall be erected upon City property pursuant to a rental agreement or permit, unless such structure is specifically authorized by a rental agreement or permit, is permitted by ordinance and has a design which meets preexisting standards for such particular structure approved by the Architectural Board of Review or which has been approved by such Board incident to an individual request. All structures shall be firmly secured to protect the public health, safety and welfare in a manner acceptable to the Director of Public Safety.

shall be and is hereby amended to read as follows:

901.18 ERECTING BUILDINGS OR STRUCTURES ON PUBLIC GROUND.

...

- (c) No exclusive use of City property shall be permitted, whether authorized by permit, license, rental agreement or otherwise and whether pursuant to the terms of this section or otherwise, unless such use is permitted subject to the following express conditions and obligations:

...

- (2) The user shall, at all times during the term of the exclusive use, pay all premiums for, and file with the City, certificates of insurance and receipts evidencing the payment of premiums for public liability insurance in such amount as will at least protect the user and the City from all claims for damage to property or bodily injury, including death, which may arise from or in connection with the user's exclusive use of City property. Such insurance shall name the City as an additional insured, shall be in the amount as approved by the Director of Law ~~of not less than one hundred thousand dollars (\$100,000) combined single limit for any injury to persons and/or damaged property~~, and shall provide that the insurance coverage shall not be canceled or reduced by the insurance carrier without thirty days prior written notice to the City.

...

Section 4. Section 1160.14, Liability Insurance, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1160.14 LIABILITY INSURANCE.

There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 Million per occurrence and \$1 Million in the aggregate. Certificates shall be made available to the City upon request.

shall be and is hereby amended to read as follows:

1160.14 LIABILITY INSURANCE.

There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 Million per occurrence and \$1 Million in the aggregate approved by the Director of Law. Certificates shall be made available to the City upon request.

Section 5. Section 1306.44, License Application Form and Fee, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1306.44 LICENSE APPLICATION FORM AND FEE.

(a) In General. An applicant for a housing or vacant property license shall:

(1) Submit to the Building Commissioner or his or her designee (as used in this section, "Building Commissioner") an application on a form prescribed by the Building Commissioner; and

...

(4) In the case of an application for a vacant property license, a copy of the declarations page for at least one policy of liability insurance covering the property; and the combination to a Knox Box system or such other rapid-entry system of comparable quality authorized by the Chief of Fire containing keys necessary to aid the Division of Fire in obtaining access to the structure when responding to calls for an emergency service; and

...

shall be and is hereby amended to read as follows:

1306.44 LICENSE APPLICATION FORM AND FEE.

(a) In General. An applicant for a housing or vacant property license shall:

(1) Submit to the Building Commissioner or his or her designee (as used in this section, "Building Commissioner") an application on a form prescribed by the Building Commissioner; and

...

(4) In the case of an application for a vacant property license, a copy of the declarations page for at least one policy of liability insurance covering the property and acknowledging that the property is vacant; and the combina-

tion to a Knox Box system or such other rapid-entry system of comparable quality authorized by the Chief of Fire containing keys necessary to aid the Division of Fire in obtaining access to the structure when responding to calls for an emergency service; and

...

Section 6. Section 1306.72, Vacant and Abandoned Buildings, of the Lakewood Codified Ordinances, currently reading as follows:

1306.72 VACANT AND ABANDONED BUILDINGS.

...

- (d) Insurance. Sufficient property and liability insurance shall be maintained on the property in an amount at least equal to the fair market value of the property. The City shall provide a written notice of the requirements of this section and that the property is considered vacant or abandoned under this section, to the insurance carrier, if known, and to any lien holder of record. The City may require an owner or agent of a vacant or abandoned property which is in violation of this section to provide proof of insurance, and no owner or agent shall fail to provide such proof when so ordered.

...

shall be and is hereby amended to read as follows:

1306.72 VACANT AND ABANDONED BUILDINGS.

...

- (d) Insurance. Sufficient vacant property and liability insurance shall be maintained on the property in an amount at least equal to the fair market value of the property. The City shall provide a written notice of the requirements of this section and that the property is considered vacant or abandoned under this section, to the insurance carrier, if known, and to any lien holder of record. The City may require an owner or agent of a vacant or abandoned property which is in violation of this section to provide proof of insurance, and no owner or agent shall fail to provide such proof when so ordered.

...

Section 7. Section 1321.02, Registration by Building Commissioner, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1321.02 REGISTRATION BY BUILDING COMMISSIONER.

- (a) The Building Commissioner shall maintain a list of Registered Contractors by Trade. The Commissioner shall record the name of any contractor, being an individual or a business entity, on the List of Registered Contractors upon providing the Commissioner with the following:

...

- (2) Contractor's liability insurance, including but without limitation, for bodily injury in the amount of one hundred thousand dollars/three hundred thousand dollars (\$100,000/\$300,000), and for property damage in the amount of at least fifty thousand dollars (\$50,000) or such greater amounts as permitted by Ohio R.C. 4740.06(B)(4).

...

- (4) A fee of one hundred dollars (\$100.00) for the registration and, if applicable, a fee of one hundred dollars (\$100.00) for the testing provided for in paragraph (1) above.

...

shall be and is hereby amended to read as follows:

1321.02 REGISTRATION BY BUILDING COMMISSIONER.

- (a) The Building Commissioner shall maintain a list of Registered Contractors by Trade. The Commissioner shall record the name of any contractor, being an individual or a business entity, on the List of Registered Contractors upon providing the Commissioner with the following:

...

- (2) Contractor's liability insurance, including but without limitation, for bodily injury ~~in the amount of one hundred thousand dollars/three hundred thousand dollars (\$100,000/\$300,000)~~, and for property damage coverage in the amounts of at least fifty thousand dollars (\$50,000) or such greater amounts as permitted by Ohio R.C. 4740.06(B)(4); and in a form approved by the Director of Law listing all trades for which the contractor is insured and naming the City as an additional insured. The form shall provide that the insurance coverage shall not be canceled or reduced by the insurance carrier without 30 days' prior written notice to the City.

...

- (4) A fee of ~~one hundred dollars (\$100.00)~~ for the registration and, if applicable, a fee of ~~one hundred dollars (\$100.00)~~ for the testing provided for in paragraph (1) above. Fees shall be established by the Building Commissioner upon 30 days' written notice to Council.

...

Section 8. Section 1321.03, Bond, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1321.03 BOND.

When evidence discloses that the registrant has refused, failed or neglected to correct or abate violations of any applicable code or ordinance in performance of any work done pursuant to a registration within a reasonable time after having been notified by the Building Commissioner, the Building Commissioner may require the registrant to furnish a performance bond in the sum of five thousand dollars (\$5,000) guaranteeing full and faithful compliance by the registrant with

all provisions of any applicable code or ordinance of the City and binding the surety thereon to correct or abate any violations of any applicable code or ordinance of the City whenever the applicant for registration named as the principal on such bond refuses, neglects or fails to correct or abate such violation within a reasonable time limit set by the Building Commissioner.

shall be and is hereby repealed.

Section 9. Section 1323.04, Insurance, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1323.04 INSURANCE.

Each applicant for a Certificate of Registration shall furnish evidence of insurance for bodily injury in the amount of one hundred thousand dollars/three hundred thousand dollars (\$100,000/\$300,000), and for property damages in the amount of at least fifty thousand dollars (\$50,000) if the applicant acts as a contractor for a continuous period of three months or more per calendar year.

shall be and is hereby amended to read as follows:

1323.04 INSURANCE.

Each applicant for a Certificate of Registration shall furnish evidence of contractor's liability insurance, including without limitation, bodily injury and property damage, in amounts and in a form approved by the Director of Law, and listing all trades for which the contractor is insured and naming the City as an additional insured. ~~insurance for bodily injury in the amount of one hundred thousand dollars/three hundred thousand dollars (\$100,000/\$300,000) The form shall provide that the insurance coverage shall not be canceled or reduced by the insurance carrier without 30 days' prior written notice to the City, and for property damages in the amount of at least fifty thousand dollars (\$50,000) if the applicant acts as a contractor for a continuous period of three months or more per calendar year.~~

Section 10. Section 1323.05, Bond, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1323.05 BOND.

When evidence discloses that the registrant has refused, failed or neglected to correct or abate violations of any applicable code or ordinance in performance of work done pursuant to a Certificate of Registration within a reasonable time after having been notified by the Building Commissioner, the Building Commissioner may require the registrant to furnish a performance bond in the amount of ten thousand dollars (\$10,000) guaranteeing full and faithful compliance by the applicant with all provisions of any applicable code or ordinance of the City whenever the applicant for registration named as the principal on such bond refuses, neglects or fails to correct or abate such violation within a reasonable time set by the Building Commissioner.

shall be and is hereby repealed.

Section 11. Section 1335.03, Permit Fee, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1335.03 PERMIT FEE.

At the time of filing an application, a permit fee shall be paid to the Building Department in the amount of fifteen dollars (\$15.00).

shall be and is hereby amended to read as follows:

1335.03 PERMIT FEE.

At the time of filing an application, a permit fee shall be paid to the Building Department in the amount of ~~fifteen dollars (\$15.00)~~ established by the Building Commissioner upon 30 days' written notice to Council.

Section 12. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

President

Clerk

Approved: _____

Mayor



Jennifer R. Pae,
Director of Finance

12650 DETROIT AVENUE • 44107 • 216/529-6093 • FAX 216/529-6806

June 16, 2014

Lakewood City Council

Re: 2015 Tax Advance Resolution and 2015 Tax Rate Resolution

Dear Members of Council,

Attached is a resolution authorizing the Director of Finance to request from the Cuyahoga County Treasurer real and personal property tax, estate tax and special assessment advances when collected and available to the City in 2015. Participation in the tax advance program enhances the City's cash flow management and "funds invested" amount.

The County Fiscal Officer requires the City to file this resolution stating the City's intent to receive advances in 2015 prior to October 1, 2014.

Also attached is the tax rate resolution maintaining the City of Lakewood's property tax rate of 17.40 mills for the tax year 2015.

The Budget Commission requires that this resolution be adopted and returned by October 1, 2014.

Respectfully,

Jennifer R. Pae
Director of Finance

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, requesting the Cuyahoga County Fiscal Officer to draw and the Cuyahoga County Treasurer to pay to the City of Lakewood Director of Finance an advance of all real property taxes, personal property taxes, estate taxes and special assessments collected in the year 2015 in such amounts as may be requested and available.

WHEREAS, Ohio Revised Code Section 321.34(A)(1) provides that “[w]hen the local authorities by resolution so request, the county auditor shall pay township clerks, treasurers of municipal corporations, the treasurer of any board of education, and the treasurer of any other political subdivision or taxing district whose funds derived from taxes or other sources are payable by law to the county treasurer, any money that may be in the county treasury to the accounts of such local authorities, respectively, and lawfully applicable to the purpose of the current fiscal year in which such request is made. The auditor and county treasurer shall retain any amounts needed to make such payments of obligations of local political subdivisions or taxing districts as are required by law to be paid directly by the county authorities”; and

WHEREAS, Ohio Revised Code Section 321.342 provides in relevant part that “[a]t any time prior to a settlement under section 5731.46 of the Revised Code, the fiscal officer of a municipal corporation or a township may request the county auditor to make payment to such subdivision from the fund of an amount not to exceed seventy-five per cent of taxes paid into such fund and standing to the credit of the subdivision, including both taxes with respect to which a final determination has been made under section 5731.27 of the Revised Code and taxes subject to review and final determination under section 5731.26 of the Revised Code. Within five days of the receipt of such request the auditor shall draw a warrant in such amount upon such fund, payable to the subdivision”; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary to provide for the usual daily operation of the City in that the Cuyahoga County Fiscal Officer requires the City to file this resolution stating the City’s intent to receive advances in 2015 prior to December 1, 2014; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Cuyahoga County Fiscal Officer be requested to draw and the Cuyahoga County Treasurer be requested to pay to the City of Lakewood Director of Finance an advance of all real, personal property, estate taxes and special assessments collected in the year 2015 in such amounts as may be requested and available.

Section 2. The Director of Finance is hereby directed to forward a certified copy of this resolution upon passage to the Cuyahoga County Fiscal Officer.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 4. This resolution is hereby declared to be an emergency measure necessary for the usual daily operation of City for the reasons set forth in the preamble to this resolution, and provided it receives the affirmative vote of at least five of its members Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer.

WHEREAS, this Council in accordance with the provisions of law has previously adopted a tax budget for the next succeeding fiscal year commencing January 1, 2015; and

WHEREAS, the Budget Commission of Cuyahoga County, Ohio, has certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part is within the ten mill tax limitation; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary to provide for the usual daily operation of the City; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The amounts and rates as determined by the Budget Commission in its certification be and the same are hereby accepted.

Section 2. There be and is hereby levied on the tax duplicate of said City, and rate of each tax necessary to be levied within and without the ten mill limitation as follows:

Fiscal Officer's Estimate
of Tax Rate to be Levied

	<u>Inside</u> <u>10 Mill</u> <u>Limitation</u>	<u>Outside</u> <u>10 Mill</u> <u>Limitation</u>
General Fund	-0-	8.65
General Bond Retirement Fund	3.47	-0-
Police Pension Fund	-0-	1.60
Fireman Pension Fund	-0-	1.68
Sewage Disposal Fund	<u>-0-</u>	<u>2.00</u>
	3.47	13.93

Section 3. This resolution is hereby declared to be an emergency measure necessary for the usual daily operation of City for the reasons set forth in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

8199915 PERMIT NUMBER			TREX TYPE	16-BIT NORTH LLC 15006 DETROIT AV LAKEWOOD OH 44107
06	01	2013 ISSUE DATE		
05	27	2014 FILING DATE		
D5 PERMIT CLASSES				
18	286	C	F12037 RECEIPT NO.	

FROM 05/29/2014 SAFEKEEPING

91362370010 PERMIT NUMBER				UGLY DUCKLING LLC 90 DODGE ST SWANTON OHIO 43558
06	01	2013 ISSUE DATE		
05	27	2014 FILING DATE		
D5 PERMIT CLASSES				
26	066			



MAILED 05/29/2014

RESPONSES MUST BE POSTMARKED NO LATER THAN. 06/30/2014

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

C TREX 8199915

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) - Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF LAKEWOOD CITY COUNCIL
12650 DETROIT AV
LAKEWOOD OHIO 44107