

BERNIE HOVEY  
Mayor

SEAN M. HOUSLEY, CPA  
Clerk-Treasurer

MARK W. LIPAN  
Service Director

JAMIE NORRIS  
Chief of Police

ROBERT W. HEYDORN  
Solicitor



SILVER LAKE VILLAGE HALL

2961 Kent Road  
Silver Lake, Ohio 44224-3098

Phone 330-923-5233

POLICE  
Non-Emergency 330-929-8771  
Phone 330-928-7573  
Fax 330-923-6965

[www.villageofsilverlake.com](http://www.villageofsilverlake.com)

**Monday, February 7, 2022**

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**

**7:00 p.m.**

1. Pledge of Allegiance.
2. Roll call of Council.
3. Approval of the minutes:
  - Approval of the minutes of the January 18, 2022, Regular Council Meeting.
4. Ordinances and Resolutions:

***FIRST READING:***

**ORDINANCE NO.: 12-2022 AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2022, AND DECLARING AN EMERGENCY. (*Finance & Appropriations*)**

**ORDINANCE NO.: 13-2022 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$3,000,000 TO PAY THE PROPERTY OWNERS' PORTION, IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS, AND THE CITY'S PORTION OF THE COSTS OF IMPROVING ENGLEWOOD DRIVE BETWEEN THE TERMINI OF GRAHAM ROAD AND LAKE ROAD BY PAVING, GRADING, CONSTRUCTING AND RECONSTRUCTING CURBS, CONCRETE SIDEWALKS, DRIVEWAY APPROACHES, STORM SEWERS AND WATER MAINS, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (*Finance & Appropriations*)**

**RESOLUTION NO.: 14-2022 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SE BLUEPRINT, INC., TO PROVIDE RECORDS RETENTION SCANNING SERVICES NOT TO EXCEED \$41,000, AND DECLARING AN EMERGENCY. (*Finance & Appropriations*)**

**ORDINANCE NO.: 15-2022 AN ORDINANCE AMENDING CHAPTER 945 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, TO ACCORD WITH OHIO EPA REGULATION FOR EROSION AND SEDIMENT CONTROL, AND DECLARING AN EMERGENCY. *(Public Improvements)***

**ORDINANCE NO.: 16-2022 AN ORDINANCE AMENDING CHAPTER 947 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, TO ACCORD WITH OHIO EPA REGULATION OF ILLICIT DISCHARGE INTO THE STORMWATER DRAINAGE SYSTEM, AND DECLARING AN EMERGENCY. *(Public Improvements)***

**RESOLUTION NO.: 17-2022 A RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF THOMAS KRAMER AS A MEMBER OF THE BOARD OF ZONING APPEALS REPRESENTING DISTRICT “D” OF THE VILLAGE OF SILVER LAKE FOR THE TERM ENDING DECEMBER 31, 2025, AND DECLARING AN EMERGENCY. *(Personnel & Public Affairs)***

***SECOND READING: None.***

***THIRD READING: None.***

5. Comments from the audience *(3-minute maximum per person)*.
6. Committee Hearings to discuss pending legislation.
  - Public Improvements.
  - Finance & Appropriations.
  - Personnel & Public Affairs.
  - Planning, Zoning & Insurance.
7. Reports of Council’s Standing Committees.
8. Mayor’s Report.
9. Reports of Village Officials.
10. Miscellaneous Business.
  - Discussion regarding electronic sign in front of Village Hall.
  - Discussion regarding possible audio-visual equipment for Council Chamber.
  - Discussion regarding Village safety information given to Council.
  - Discussion regarding possible public events involving Council.
11. The next regular meeting of Council will be on **Tuesday, February 22, 2022, at 7:00 p.m.**

**VILLAGE OF SILVER LAKE  
INTRODUCED BY: The Administration**

**AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2022, AND DECLARING AN EMERGENCY.**

WHEREAS, increased appropriations are requested for Neptune migration of the server into the cloud (\$7,320), EnviroScience oversight of the Englewood Project (\$39,100); and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Silver Lake, County of Summit and State of Ohio, that:

**Section 1.** The annual appropriations Ordinance No.: 65-2021 be, and the same is, hereby amended to appropriate the following sums as follows for the fiscal year ending December 31, 2022:

Expenditures Account	2022 CFY Appropriations	2022 Proposed Adjustments	2022 Revised Appropriations
<b>STREETS-SERVICE DEPT.</b>			
Contractual Services	171,836.10	19,550.00	191,386.10
<b>STORM WATER/SEWERS</b>			
Contractual Services	37,172.00	13,685.00	50,857.00
<b>Total GENERAL FUND (1001)</b>	<b>3,211,252.52</b>	<b>33,235.00</b>	<b>3,244,487.52</b>
<b>4101 GENERAL CAPITAL IMPROVEMENT FUND</b>			
Contract Services	12,625.00	3,910.00	16,535.00
<b>Total GEN CAPITAL IMPROVEMENT (4101)</b>	<b>1,406,060.35</b>	<b>3,910.00</b>	<b>1,409,970.35</b>
<b>5010 WATER FUND</b>			
<b>MAINTENANCE &amp; DISTRIBUTION</b>			
Contractual Services	244,209.38	4,395.00	248,604.38
<b>Total WATER FUND (5010)</b>	<b>543,188.06</b>	<b>4,395.00</b>	<b>547,583.06</b>
<b>5020 SEWER FUND</b>			
<b>MAINTENANCE &amp; SUPPLY</b>			
Contractual Services	50,222.09	2,440.00	52,662.09
<b>Total SEWER FUND (5020)</b>	<b>892,089.49</b>	<b>2,440.00</b>	<b>894,529.49</b>
<b>5040 STORM WATER UTILITY</b>			
Supplies & Materials	58,555.00	2,440.00	60,995.00
<b>Total STORM WATER UTILITY (5040)</b>	<b>995,255.48</b>	<b>2,440.00</b>	<b>997,695.48</b>
<b>Grand Total:</b>	<b>7,826,305.70</b>	<b>46,420.00</b>	<b>7,872,725.70</b>

**Section 2.** The Village Clerk-Treasurer is authorized to make expenditures upon presentation of proper vouchers therefore and in accordance with applicable law.

**Section 3.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the Council; and that all 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 including Section 121.22 of the Ohio Revised Code.

**Section 4.** This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that it is immediately necessary to make appropriations for current expenditures, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

PASSED:

\_\_\_\_\_  
William Church, President of Council

APPROVED:

\_\_\_\_\_  
Bernie Hovey, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert W. Heydorn, Solicitor

ATTEST:

\_\_\_\_\_  
Sean M. Housley, CPA, Clerk-Treasurer

Silver Lake, Ohio \_\_\_\_\_

I, hereby certify that Resolution or Ordinance No. \_\_\_\_\_ was published by title or in full in the local newspaper, or designated by Council resolution on the date or dates of \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council

**ORDINANCE NO.: 13-2022**

**VILLAGE OF SILVER LAKE**

**INTRODUCED BY: The Administration**

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$3,000,000 TO PAY THE PROPERTY OWNERS' PORTION, IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS, AND THE CITY'S PORTION OF THE COSTS OF IMPROVING ENGLEWOOD DRIVE BETWEEN THE TERMINI OF GRAHAM ROAD AND LAKE ROAD BY PAVING, GRADING, CONSTRUCTING AND RECONSTRUCTING CURBS, CONCRETE SIDEWALKS, DRIVEWAY APPROACHES, STORM SEWERS AND WATER MAINS, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Village has determined to issue notes, in anticipation of the issuance of bonds, in the principal amount not to exceed of \$3,000,000 for the purpose set forth in Section 1 hereof; and

**WHEREAS**, the Clerk-Treasurer, as fiscal officer of the Village, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years and the estimated maximum maturity of the Bonds described in Section 1 is 15 years.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Silver Lake, Summit County, Ohio, that:

**SECTION 1. Authorized Principal Amount of Anticipated Bonds and Purpose.** It is necessary to issue bonds of the Village in the aggregate principal amount not to exceed \$3,000,000 (the "Bonds") to pay the property owners' portion, in anticipation of the levy and collection of special assessments, and the Village's portion of the costs of improving Englewood Drive between the termini of Graham Road and Lake Road by paving, grading, constructing and reconstructing curbs, concrete sidewalks, driveway approaches, storm sewers and water mains, all together with the necessary appurtenances thereto (the "Improvement").

**SECTION 2. Estimated Bond Terms.** The Bonds shall be dated approximately December 1, 2022, shall bear interest at the now estimated rate of 4% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 15 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first interest payment on the Bonds is estimated to be December 1, 2022, and the first principal payment on the Bonds is estimated to be December 1, 2023.

**SECTION 3. Authorized Principal Amount of Notes; Dating; Interest Rate.** It is necessary to issue and this Council determines that notes in the aggregate principal not to exceed \$3,000,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds to pay the costs of the Improvement. The Notes shall be dated the date of issuance and shall mature not more than eighteen months from the date of issuance as determined by the Clerk-Treasurer in the certificate signed in accordance with Section 6 (the "Certificate of Award"). to be the date necessary or advisable to the sale of the Notes and in the best interests and

**ORDINANCE NO.: 13-2022**

financial advantages of the Village. The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity or at any date of earlier prepayment as provided for in Section 4 and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Clerk-Treasurer in the Certificate of Award.

**SECTION 4. Payment of Debt Charges; Paying Agent; Prepayment.** The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, without deduction for services of the Village's paying agent, at the principal corporate trust office or other office of a bank or trust company designated by the Clerk-Treasurer in the Certificate of Award, after determining that the payment at that bank or trust company will not endanger the funds or securities of the Village and that proper procedures and safeguards are available for that purpose, or at the office of the Clerk-Treasurer if agreed to by the Clerk-Treasurer and the Original Purchaser (as defined in Section 6) (the "Paying Agent").

If agreed to by the Original Purchaser, the Notes shall be prepayable without penalty or premium at the option of the Village at any time prior to maturity (the "Prepayment Date") as provided in this Ordinance. Prepayment prior to maturity shall be made by deposit with the Paying Agent of the principal amount of the Notes together with interest accrued thereon to the Prepayment Date. The Village's right of prepayment shall be exercised by mailing a notice of prepayment, stating the Prepayment Date and the name and address of the Paying Agent, by certified or registered mail to the Original Purchaser and to the Paying Agent not less than seven days prior to the Prepayment Date. If money for prepayment is on deposit with the Paying Agent on the Prepayment Date following the giving of that notice, interest on the principal amount prepaid shall cease to accrue on the Prepayment Date. The Clerk-Treasurer may request the Original Purchaser to use its best efforts to arrange for the delivery of the Notes at the designated office of the Paying Agent for prepayment, surrender and cancellation.

**SECTION 5. Execution of Notes; Book Entry System.** The Notes shall be signed by the Mayor and the Clerk-Treasurer, in the name of the Village and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Clerk-Treasurer. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Clerk-Treasurer will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Clerk-Treasurer that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Clerk-Treasurer and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the Village and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the Village is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

**ORDINANCE NO.: 13-2022**

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Village.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Clerk-Treasurer may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Clerk-Treasurer does not or is unable to do so, the Clerk-Treasurer, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of Village action or inaction, of those persons requesting such issuance.

The Clerk-Treasurer is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the Village.

**SECTION 6. Award and Sale of the Notes.** The Notes shall be sold at not less than par to the original purchaser designated by the Clerk-Treasurer in the Certificate of Award (the “Original Purchaser”) in accordance with law and the provisions of this Ordinance. The Clerk-Treasurer shall sign the Certificate of Award evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Clerk-Treasurer, the Solicitor and other Village officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Clerk-Treasurer is authorized, if it is determined to be in the best interest of the Village, to combine the issue of Notes with one or more other note issues of the Village into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

**ORDINANCE NO.: 13-2022**

**SECTION 7. Application of Note Proceeds.** The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

**SECTION 8. Provisions for Tax Levy.** During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the Village, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year to the extent that special assessment proceeds are collected, or other funds are available for the payment of debt charges on the Notes and Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of the funds so collected, available and appropriated.

**SECTION 9. Federal Tax Considerations.** The Village covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The Village further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Clerk-Treasurer, as the fiscal officer, or any other officer of the Village having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation or treatment of the Notes as "qualified tax-exempt obligations" if such designation or treatment is applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval, or waiver on behalf of the Village with respect to the Notes as the Village is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts



**ORDINANCE NO.: 13-2022**

in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the Village, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the Village, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the Village regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

**SECTION 10. Certification and Delivery of Ordinance.** The Clerk-Treasurer is directed to deliver or cause to be delivered a certified copy of this Ordinance to the Summit County Fiscal Officer.

**SECTION 11. Satisfaction of Conditions for Note Issuance.** This Council determines that all acts and conditions necessary to be done or performed by the Village or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the Village have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 8) of the Village are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

**SECTION 12. Retention of Bond Counsel.** The legal services of Roetzel & Andress, A Legal Professional Association, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the Village in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the Village or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Clerk-Treasurer is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

**SECTION 13. Compliance with Open Meeting Requirements.** This Council finds and determines that all formal actions of this Council or of any of its committees concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council or of its committees and that all deliberations of this Council or of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

**SECTION 14. Declaration of Emergency; Effective Date.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village and for the further reason that this Ordinance is required to be immediately effective to provide for the construction of the Improvements, which is needed to enhance the vehicular and pedestrian safety in the Village, and provided this Ordinance receives the necessary affirmative votes as required by the Charter

**ORDINANCE NO.: 13-2022**

of the Village, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

PASSED:

\_\_\_\_\_  
William M. Church, President of Council

APPROVED:

\_\_\_\_\_  
Bernie Hovey, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert W. Heydorn, Solicitor

ATTEST:

\_\_\_\_\_  
Sean M. Housley, CPA, Clerk-Treasurer

Silver Lake, Ohio \_\_\_\_\_  
 I, hereby certify that Resolution or Ordinance  
 No. \_\_\_\_\_ was published by title or  
 in full in the local newspaper, or designated  
 by Council resolution on the date or dates of  
 \_\_\_\_\_.  
 \_\_\_\_\_  
 Clerk of Council

**RESOLUTION NO.: 14-2022**

**VILLAGE OF SILVER LAKE  
INTRODUCED BY: The Administration**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SE BLUEPRINT, INC., TO PROVIDE RECORDS RETENTION SCANNING SERVICES NOT TO EXCEED \$41,000, AND DECLARING AN EMERGENCY.**

**WHEREAS**, SE Blueprint, Inc., provides records retention scanning services.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Village of Silver Lake, County of Summit and State of Ohio:

**Section 1.** That the Mayor is hereby authorized and directed to enter into an agreement with SE Blueprint, Inc., to perform records retention scanning services all in accordance with the agreement attached hereto and marked as "Professional Digitizing Services Agreement" for not more than \$41,000.

**Section 2.** That the Clerk-Treasurer be, and hereby is, authorized and directed to pay vouchers for such services from SE Blueprint, Inc., after their presentation and approval pursuant to the subject agreements, and that services heretofore performed are hereby ratified and affirmed, and which shall be paid pursuant to the agreements authorized herein.

**Section 3.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of 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 action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 4.** That this Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that it is immediately necessary to preserve the building and planning records of the Village of Silver Lake, and provided it receives the necessary affirmative votes as required by the passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

PASSED:

\_\_\_\_\_  
William M. Church, President of Council

APPROVED:

\_\_\_\_\_  
Bernie Hovey, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert W. Heydorn, Solicitor

ATTEST:

Silver Lake, Ohio \_\_\_\_\_  
I, hereby certify that Resolution or Ordinance  
No. \_\_\_\_\_ was published by title or  
in full in the local newspaper, or designated  
by Council resolution on the date or dates of  
\_\_\_\_\_.

\_\_\_\_\_  
Sean M. Housley, CPA, Clerk-Treasurer

\_\_\_\_\_  
Clerk of Council

## PROFESSIONAL DIGITIZING SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement,") is entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between The Village of Silver Lake, an Ohio local government with offices at 2961 Kent Road, Silver Lake, OH 44224 ("Purchaser"), and SE Blueprint, Inc., whose address is 2035 Hamilton Avenue, Cleveland, OH 44114 ("Provider").

### RECITAL:

A. Purchaser desires to have certain professional services performed as more particularly described in **Exhibit A**, attached hereto and made a part hereof ("Services"), with all electronic data owned by Purchaser. Any and all equipment and software utilized for the purpose of creating and delivering electronic data is to remain the property of the Provider (and their agents).

B. Provider represents and warrants that: (a) he has the required skill and expertise to perform the terms hereof; (b) he has the time, financial resources and staff to perform the terms hereof; (c) the deadline for completion is reasonable; and (d) he is an independent party and is not an agent, employee or partner of Purchaser.

C. Purchaser desires Provider, and Provider desires, to complete the Services.

WHEREFORE, in consideration of the mutual covenants contained herein, the adequacy and sufficiency of which are hereby acknowledged and agreed, the parties hereby agree as follows:

1. Performance. Provider shall use its best efforts and devote such time and effort as is required to promptly commence and diligently complete the Services in a professional manner. The Provider shall promptly report to Purchaser any errors or obvious omissions in the scope of the Services promptly after Provider learns of the same. Any changes regarding the Services must be in writing or via email or fax and approved by the Purchaser. The cost of such approved changes shall be agreed upon between Purchaser and Provider in writing before additional work is performed. Purchaser reserves the right to alter the scope of the Services by change order. Provider shall provide and pay for all costs required for the completion of the Services, whether temporary or permanent, unless otherwise provided hereunder. Provider shall pay all sales, use or similar taxes, which are legally required to be paid in connection with performance of the Services.

2. Cost and Payment. Provider shall perform the Services at the Contract Price on or before the estimated completion date, and the Contract Price shall not be subject to increase for any reason whatsoever without the express written consent of Purchaser. Purchaser will pay Provider for the Services the sum of Thirteen and 75/100 Dollars (\$13.75) ("Contract Price"), for each Building/Planning records folder scanned with payment due within thirty (30) days after completion of scope of work defined in Exhibit A of this agreement. For any project with a duration of over thirty (30) days, Provider may invoice Purchaser monthly in proportion to work completed, as part of Exhibit A, and payments are to be made within thirty (30) days of receipt of invoice. Included with each monthly invoice will be a \$30.00 charge for each pick up/delivery of records made within that month. The compensation to Provider described in this Agreement is Provider's sole compensation and any other costs and/or expenses incurred by Provider shall not be Purchaser's responsibility.

3. Insurance. Provider shall provide evidence of, and continuously maintain for one year after completion of the Services, professional liability insurance in amounts covering the provision of the Services and in amounts customary for the area in which Provider maintains its office, together with errors & omissions coverage, worker's compensation and such other insurance coverage (based upon the nature of the Services) as Purchaser may reasonably require, and Provider shall deliver to Purchaser written evidence of same immediately upon the request of Purchaser.

4. Conduct. Provider shall coordinate performance of the Services so as to not interfere with the business operations of Purchaser, the Property or any tenant of the Property. In the event any portion of the Property is damaged by Provider's operations and delivery, such damaged portions shall be promptly repaired to the satisfaction of Purchaser and the cost of such repairs shall be borne solely by Provider. Provider shall properly supervise its employees and any sub-contractors it engages. Purchaser shall have the right to delay the Services to facilitate the Property's operations.

5. Assignment. Provider shall not assign or transfer any of its rights or obligations under this Agreement without the written consent of Purchaser in Purchaser's sole discretion. A change of more than twenty (20%) percent on a cumulative basis of any legal or beneficial ownership interest of Provider shall be considered an assignment of this Agreement.

6. Professional Liability. Nothing in this Agreement shall negate, reduce, alter, amend or limit in any way any liability, whether such liability is created by statute or otherwise, for which Provider may be subject with respect to professional malpractice.

7. Termination. This Agreement may be terminated by Purchaser for cause, i.e.: failure or refusal to timely perform or any other breach of any provision of the Agreement. In the event of a termination, Purchaser shall not be responsible to Provider for lost profits or any consequential damages. Purchaser further reserves the right to terminate this Agreement at any time without cause at Purchaser's sole discretion. In the event Purchaser terminates this Agreement without cause, Purchaser shall reimburse Provider for the portion of the work completed up to the date of termination.

8. Indemnity. To the fullest extent permitted by law, Provider shall indemnify, defend (with counsel of Purchaser's selection) and hold Purchaser (and Purchaser's authorized agents, directors, officers, shareholders, members, employees, partners and affiliates) and the Property free and harmless from and against any and all claims, demands, damages, liability, costs, and expenses including, but not limited to, interest, penalties, and reasonable attorney fees (of Purchaser's counsel), and any out-of-pocket expenses resulting from or arising out of the Services or as a result of a breach of this Agreement. In the event Provider suffers any liability, loss or damage arising from the Services, Provider shall look solely to the interest in the Property of Purchaser or the Owner of the Property for compensation and not to the ownership entity or the Purchaser itself, or any of their respective shareholders, partners, members, officers or directors.

9. Further Actions. This Agreement is intended to include all items and provisions reasonably necessary for the proper performance, and completion of the Services. Provider and his employees shall conduct themselves in accordance with the highest professional, lawful and ethical

standards, conduct and character. At any time, and from time to time after the execution hereof, Provider shall take such actions and render such services as may be reasonably required, convenient, or requested by Purchaser in furtherance of and to fully satisfy the terms, provision, intent and purpose of this Agreement or customary in the building industry, notwithstanding that the same may not have been specifically provided herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as to the day and year first above written.

"PURCHASER"

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

"PROVIDER"

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

## Exhibit A – Digitizing Building/Planning Records

February 2, 2022

Village of Silver Lake  
2961 Kent Road  
Silver Lake, OH 44224

Marsha and Suzanne,

Thank you for the opportunity to participate with your Building/Planning record retention scanning needs. Based on the information reviewed today I estimate the total number of “folders” to be scanned to be approximately 2956:

Upstairs Attic Records Room and Stage Main Floor = total of 31 bins of folders

- 19 bins consisting of older records
- 12 bins consisting of newer records
- Average of 91 folders per bin

Administrative Office & Back Room Filing Cabinets

- Total of 135 folders

Based on the application for these documents; one assumption for approaching this project is to scan each folder to its own multi-page PDF file named based on the street address, general description and year of the project. Each file would be saved in a directory identified by the information on the bin it was located in (either permit # or year). As this information would be uploaded to PlanCycle it would most likely then be re-organized by Street Name / House # so that all documents would be organized by specific properties (the bin information could be used as metadata to identify what bins the files can from if required).

Based on the estimated volume of folders the cost to complete this entire project would be \$13.75 per folder and take approximately 4 months to complete.

Once the drawings have been scanned a Long Term Digital Archive plan will be required to maintain this information in an electronic state. Electronic information is an intangible element that can be damaged, lost or rendered useless without the proper care. SE Blueprint / PlanCycle.com’s Long Term Digital Archiving (LTDA) service incorporates a cloud based service that provides redundancy, remote database retrieval and refreshed technology upgrades approximately every 5 years. The Village of Silver Lake’s current PlanCycle site (hosting the Service Department Blueprints) costs \$49.00 per month. The addition of these building records will require the software to be upgraded to include OCR searching capabilities (as well as additional storage requirements) increasing the monthly PlanCycle Long Term Digital Archive site to \$204.00 per month. This would be a private site; specific to the village’s needs, and allows for the continued growth of your electronic information going forward.

After completing the scans for each folder they would be re-filed in the original bin they came from and returned for storage. All scans are confirmed for quality during the file renaming processes to assure the quality of the images before releasing the documents.

To scan these records in batches of 6 or 7 bins at a time, a charge of \$30.00 per trip will be invoiced monthly, along with the monthly volume of folders scanned at the end of each month until the project is completed.

If you have questions on any of this information please call me at (216) 241-2250.

Thanks  
Mark Mathias  
Vice President



**ORDINANCE NO.: 15-2022**

**VILLAGE OF SILVER LAKE  
INTRODUCED BY: The Administration**

**AN ORDINANCE AMENDING CHAPTER 945 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, TO ACCORD WITH OHIO EPA REGULATION FOR EROSION AND SEDIMENT CONTROL, AND DECLARING AN EMERGENCY.**

**WHEREAS**, in order to comply with Ohio EPA regulation, current Chapter 945 needs to be amended; and

**WHEREAS**, Exhibit “A” hereto incorporates the needed changes.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Silver Lake, County of Summit, State of Ohio:

**Section 1.** That Chapter 945 of the Codified Ordinances of the Village of Silver Lake, Ohio, entitled “Erosion and Sediment Control and Post-Construction Storm Water Quality”, be, and the same is, hereby changed and amended as presented in “Exhibit A”.

**Section 2.** That any and all ordinances or parts thereof in conflict herewith are hereby repealed, but if consistent herewith, and hereby ratified and confirmed.

**Section 3.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the Council; and that all 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 including Section 121.22 of the Ohio Revised Code.

**Section 4.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety, convenience and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that the Village Codified Ordinances should reflect state regulations when applicable, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

PASSED:

\_\_\_\_\_  
William M. Church, President of Council

APPROVED:

\_\_\_\_\_  
Bernie Hovey, Mayor



**ORDINANCE NO.: 15-2022**

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert W. Heydorn, Solicitor

ATTEST:

\_\_\_\_\_  
Sean M. Housley, CPA, Clerk-Treasurer

Silver Lake, Ohio \_\_\_\_\_  
I, hereby certify that Resolution or Ordinance  
No. \_\_\_\_\_ was published by title or  
in full in the local newspaper, or designated  
by Council resolution on the date or dates of  
\_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council

# **Ord. 15-2022: Exhibit A**

## **CHAPTER 945**

### **Erosion and Sediment Control and Post-Construction Storm Water Quality**

**945.01 Purpose and Scope.**

**945.02 Definitions.**

**945.03 Disclaimer of Liability.**

**945.04 Conflicts, Severability, Nuisances, and Responsibility.**

**945.05 Regulated Activities.**

**945.06 Application Procedures.**

**945.07 Storm Water Pollution Prevention Plan.**

**945.08 Abbreviated Storm Water Pollution Prevention Plans.**

**945.09 Compliance with Local, State, and Federal Regulations.**

**945.10 Performance Standards.**

**945.11 Fees.**

**945.12 Bond.**

**945.13 Enforcement.**

**945.14 Violations.**

**945.15 Appeals.**

**945.16 Summit SWCD Agreement.**

**945.99 Penalty.**

#### **CROSS-REFERENCES**

Illicit discharges and illegal connections - see S.U. & P.S. Ch. 947 Riparian setback standards -  
see P. & Z. Ch. 1169

#### **945.01 PURPOSE AND SCOPE.**

- (a) The purpose of this regulation is to establish technically feasible and economically reasonable standards to achieve a level of erosion and sediment control that will minimize damage to property and degradation of water resources and wetlands and promote and maintain the health and safety of the citizens of Village of Silver Lake.
- (b) This regulation will:
  - (1) Allow development while minimizing increases in erosion and sedimentation.
  - (2) Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.
- (c) This regulation applies to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways, underground cables, or pipelines; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; general clearing; and all other uses that are not specifically exempted in Section 945.01(d).
- (d) This regulation does not apply to activities regulated by and in compliance with the Ohio Agricultural Sediment Pollution Abatement Rules. Rules 1501:15-5-01 to 15-5-18 of the Ohio Administrative Code.

(Ord. 15-2022. Passed 2-7-22.)

#### **945.02 DEFINITIONS.**

For the purpose of this regulation, the following terms shall have the meaning herein indicated:

## **Ord. 15-2022: Exhibit A**

- (a) Abbreviated Storm Water Pollution Prevention Plan (Abbreviated SWP3): The written document that sets forth the plans and practices to be used to meet the requirements of this regulation if requested for a project less than one acre in size.
- (b) Acre: A measurement of area equaling 43,560 square feet.
- (c) Best Management Practices (BMPs): Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices (both structural and non-structural) to minimize soil erosion and sedimentation and prevent or reduce the pollution of water resources and wetlands. BMPs also include treatment requirements, operating procedures, and practices to control facility and/or construction site runoff, spillage, or leaks; sludge or waste disposal; or drainage from raw material storage.
- (d) Community: Throughout this regulation, this shall refer to Village of Silver Lake, its designated representatives, boards, or commissions.
- (e) Construction Entrance: The permitted points of ingress and egress to development areas regulated under this regulation.
- (f) Development Area: A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.
- (g) Disturbed Area: An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.
- (h) Drainage:
  - (1) The area of land contributing surface water to a specific point.
  - (2) The removal of excess surface water or groundwater from land by surface or subsurface drains.
- (i) Erosion: The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.
- (j) Erosion and Sediment Control: The control of soil, both mineral and organic, to minimize soil removal from the land surface and prevent its transport from a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.
- (k) Final Stabilization: All soil-disturbing activities at the site have been completed, and a uniform perennial vegetative cover with a density of at least 70% coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed.
- (l) Landscape Architect: A Professional Landscape Architect registered in the State of Ohio.
- (m) Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities may occur at different times on different schedules under one plan.
- (n) Maximum Extent Practicable: The level of pollutant reduction that site owners of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, must meet.
- (o) National Pollutant Discharge Elimination System (NPDES): A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.
- (p) Parcel: A tract of land occupied or intended to be occupied by a use, building, or group of buildings and their accessory uses and buildings as a unit, together with such open spaces and

## **Ord. 15-2022: Exhibit A**

driveways as are provided and required. A parcel may contain more than one contiguous lot individually identified by a 'Permanent Parcel Number' assigned by the Summit County Auditor's Office.

- (q) **Person**: Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof.
- (r) **Phasing**: Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.
- (s) **Professional Engineer**: A Professional Engineer registered in the State of Ohio.
- (t) **Rainwater and Land Development Manual**: Issued by the Ohio Environmental Protection Agency (EPA). The manual contains Ohio's minimum technical standards for post-construction stormwater quality and erosion and sediment control standards. The most current edition of these standards shall be used with this regulation.
- (u) **Runoff**: The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually conveyed to water resources or wetlands.
- (v) **Sediment**: The soils or other surface materials that are transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.
- (w) **Sedimentation**: The deposition or settling of sediment.
- (x) **Setback**: A designated transition area around water resources or wetlands left in a natural, usually vegetated, state to protect the water resources or wetlands from runoff pollution. This regulation restricts soil-disturbing activities in this area.
- (y) **Soil Disturbing Activity**: Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human-made ground cover is destroyed, and that may result in, or contribute to, erosion and sediment pollution.
- (z) **Summit Soil and Water Conservation District**: A subdivision of the State of Ohio organized under Chapter 940 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as Summit SWCD.
- (aa) **Stabilization**: The use of BMPs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.
- (bb) **Stream**: A surface watercourse with a well-defined bed and bank, either natural or artificial, which confines and conducts continuous or periodically flowing water (ORC 6105.01)
- (cc) **Storm Water Pollution Prevention Plan (SWP3)**: The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.
- (dd) **Storm Water Pollution Prevention Plan (SWP3) Checklist**: Details the minimum requirements of an SWP3 set forth by the Ohio EPA, available at the Summit SWCD office or [https://www.epa.ohio.gov/dsw/storm/const\\_SWP3\\_check](https://www.epa.ohio.gov/dsw/storm/const_SWP3_check).
- (ee) **Total Maximum Daily Loads (TMDL)**: A pollution budget that includes calculating the maximum amount of a pollutant that can occur in a body of water and allocates the necessary reductions to one or more pollutant sources.
- (ff) **Unstable Soils**: A portion of land that is identified by the Village of Silver Lake Engineer, Summit County Building Standards, and/or the Summit SWCD as prone to slipping, sloughing, or landslides, or is identified by the U.S. Department of Agriculture Natural Resource Conservation Service methodology as having a low soil strength.

## **Ord. 15-2022: Exhibit A**

(gg) Water Resource: Any public or private body of water, including lakes and ponds, as well as any brook, creek, river, or stream having banks, a defined bed, and a definite direction of flow, either continuously or intermittently flowing.

(hh) Wetland: Those areas that are inundated or saturated by surface or groundwater 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 (33 CFR part 328, as amended).

(Ord. 15-2022. Passed 2-7-22.)

### **945.03 DISCLAIMER OF LIABILITY.**

Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or the benefit of any particular parcel of property.

(Ord. 15-2022. Passed 2-7-22.)

### **945.04 CONFLICTS, SEVERABILITY, NUISANCES, AND RESPONSIBILITY.**

- (a) Where this regulation conflicts with other provisions of law or ordinance, the most restrictive provisions shall prevail.
- (b) If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.
- (c) This regulation shall not be construed as authorizing any person to maintain a private or public nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.
- (d) Failure of Village of Silver Lake to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in Village of Silver Lake, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

(Ord. 15-2022. Passed 2-7-22.)

### **945.05 REGULATED ACTIVITIES.**

- (a) This regulation requires that an SWP3 be developed and implemented for all soil disturbing activities disturbing one (1) acre or more of total land or will disturb less than an acre of land but are part of a larger common plan of development or sale that will ultimately disturb one (1) or more acres of land in the Village of Silver Lake and on which any regulated activity of Section 945.01(c) is proposed.
- (b) At the request of the Village of Silver Lake Zoning Coordinator, the following activities may be required to submit and implement an Abbreviated SWP3:
  - (1) New single-family residential construction regardless of parcel size.
  - (2) Additions or accessory buildings for single-family residential construction regardless of parcel size.
  - (3) All non-residential construction on parcels of less than one (1) acre.
  - (4) General clearing activities not related to construction and regardless of parcel size.

(Ord. 15-2022. Passed 2-7-22.)

## **Ord. 15-2022: Exhibit A**

### **945.06 APPLICATION PROCEDURES.**

- (a) Soil Disturbing Activities Submitting an SWP3: The applicant shall submit two (2) sets of the SWP3, completed application, and the applicable fee to the Summit SWCD and two (2) sets of the SWP3 to the Village of Silver Lake Engineers office as follows:
  - (1) For subdivisions: After the approval of the preliminary plans and with the submittal of the improvement plans.
  - (2) For other construction projects: Before issuance of a zoning certificate by the Zoning Inspector.
  - (3) For general clearing projects: Prior to issuance of a zoning permit by the Zoning Inspector.
- (b) Soil Disturbing Activities Submitting an Abbreviated SWP3: The applicant shall submit two (2) sets of the Abbreviated SWP3, completed application, and the applicable fees to the Summit SWCD as follows:
  - (1) For single-family home construction: Before issuance of a zoning certificate by the Zoning Inspector.
  - (2) For other construction projects: Before issuance of a zoning certificate by the Zoning Inspector.
  - (3) For general clearing projects: Prior to issuance of a zoning certificate by the Zoning Inspector.
- (c) The Summit SWCD shall review the plans submitted under subsection (a) or (b) hereof, for conformance with current NPDES permit requirements and this regulation and approve or return with comments and recommendations for revisions. A plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised plan.
- (d) Soil disturbing activities shall not begin, final plat approvals shall not be issued, and zoning permits shall not be issued without an approved SWP3 or Abbreviated SWP3.
- (e) A pre-construction meeting must be held with the SWCD inspector prior to earthwork activities. The developer, contractor, and engineer should be in attendance at the pre-construction meeting.
- (f) SWP3 for individual sublots in a subdivision will not be approved unless the larger common plan of development or sale containing the subplot complies with this regulation.
- (g) Approvals issued in accordance with this regulation shall remain valid for two years. If regulations concerning erosion and sediment control or stormwater quality change prior to the beginning of active construction, a new SWP3 may be requested.

(Ord. 15-2022. Passed 2-7-22.)

### **945.07 STORM WATER POLLUTION PREVENTION PLAN.**

- (a) To control pollution of water resources and wetlands, the applicant shall submit an SWP3 in accordance with the requirements of this regulation. The SWP3 must comply at a minimum with the most recent Ohio EPA NPDES Permit. For specific requirements of an SWP3, the designer shall refer to the current NPDES Ohio construction stormwater general permit and the Summit SWCD SWP3 or Ohio EPA's Checklist. The SWP3 must address erosion and sediment control during construction as well as post-construction water quality practices. Post-construction practices must meet the requirements of the current NPDES Ohio construction stormwater general permit and the Village of Silver Lake stormwater management technical guidelines.

## **Ord. 15-2022: Exhibit A**

- (b) The SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect.
- (c) The SWP3 shall incorporate measures as recommended by the most current edition of *Rainwater and Land Development: Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection* as issued by the Ohio EPA.
- (d) All sediment settling ponds shall be dewatered at the pond surface using a skimmer or equivalent device and meet trapping. The use of datasheets is recommended for determining important inputs to design and resulting parameters such as their contributing drainage area, disturbed area, detention volume, sediment storage volume, practice surface area, dewatering time, outlet type, and dimensions (see Ohio EPA's Rainwater and Land Development Manual and website for examples).
- (e) Soils Engineering Report: The Village of Silver Lake Engineer, Summit County Building Standards, or the Summit County SWCD may require the SWP3 to include a Soils Engineering Report based upon their determination that the conditions of the soils are unknown or unclear to the extent that additional information is required to protect against erosion or other hazards. This report shall be based upon adequate and necessary test borings and shall contain all the information listed below. Recommendations included in the report and reviewed by the Village of Silver Lake Engineer, Summit County Building Standards, or the Summit SWCD shall be incorporated in the grading plans and/or other specifications for site development.
  - (1) Data regarding the nature, distribution, strength, stability, and erodibility of existing soils.
  - (2) If applicable, data regarding the nature, distribution, strength, stability, and erodibility of the soil to be placed on the site.
  - (3) Conclusions and recommendations for grading procedures.
  - (4) Conclusions and recommended designs for interim soil stabilization devices and measures, and permanent soil stabilization after construction is completed.
  - (5) Design criteria for corrective measures when necessary.
  - (6) Opinions and recommendations concerning the stability of the site.
- (f) If an Operator's site discharges into a watershed with an approved TMDL, the qualified individual shall select BMPs and provide a rationale for the individual's selection of BMPs based upon pollutant removal performance and watershed pollutants of concern.

(Ord. 15-2022. Passed 2-7-22.)

### **945.08 ABBREVIATED STORM WATER POLLUTION PREVENTION PLANS.**

- (a) To control sediment pollution of water resources and wetlands, the applicant shall submit an Abbreviated SWP3 in accordance with the requirements of this regulation.
- (b) The Abbreviated SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect.
- (c) The Abbreviated SWP3 shall incorporate measures as recommended by the most current edition of *Rainwater and Land Development: Ohio's Standards for Stormwater Management, Land Development, and Urban Stream Protection* as issued by the Ohio EPA.
- (d) The Abbreviated SWP3 shall be developed in accordance with guidance provided by the SWP3 checklist.

(Ord. 15-2022. Passed 2-7-22.)

## **Ord. 15-2022: Exhibit A**

### **945.09 COMPLIANCE WITH LOCAL, STATE, AND FEDERAL REGULATIONS.**

Approvals issued in accordance with this regulation do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the U.S. Army Corps of Engineers, and other federal, state, and/or county agencies. If requirements vary, the most restrictive requirement shall prevail. These permits may include, but are not limited to, those listed below. All submittals are required to show proof of compliance with all state and federal regulations.

- (a) Ohio EPA NPDES Permits authorizing stormwater discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI) number from Ohio EPA, a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.
- (b) Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.
- (c) Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands Permit is not applicable. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.
- (d) Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, public notice, or project approval, if an Individual Permit is required for the development project. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:
  - (1) A letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 404 of the Clean Water Act is not applicable.
  - (2) A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.
- (e) Ohio Dam Safety Law: Proof of compliance shall be a copy of the Ohio Department of Natural Resources (ODNR) Division of Water permit application tracking number, a copy of the project approval letter from the ODNR Division of Water, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable.
- (f) Riparian Setback Ordinance: Proof of compliance shall be a copy of the zoning certificate indicating compliance with Chapter 1169 of the Village of Silver Lake Codified Ordinance. Riparian setbacks must be shown on the SWP3 and note demarcation and protection during soil-disturbing activities.

(Ord. 15-2022. Passed 2-7-22.)

### **945.10 PERFORMANCE STANDARDS.**

- (a) The SWP3 must contain a description and location of all appropriate BMPs for each construction operation. Prior to the start of grading and within seven days from the start of



## **Ord. 15-2022: Exhibit A**

grubbing, the applicant must implement such controls. The SWP3 must clearly describe the appropriate control measures for each major construction activity, the general sequence during the construction process under which the measures will be implemented, and the person(s) responsible for implementation. The time frame for SWP3 implementation shall be consistent with the current Ohio EPA NPDES construction stormwater general permit.

- (1) No project subject to this regulation shall commence without an SWP3 or Abbreviated SWP3 approved by the Summit SWCD.
  - (2) No project subject to this regulation shall commence without a pre-construction meeting being held with the Summit SWCD. It will be the applicant's responsibility to contact the SWCD.
- (b) The SWP3 shall identify the subcontractors engaged in activities that could impact stormwater runoff. The SWP3 shall contain signatures from all identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the SWP3. Ohio EPA recommends that the primary site operator review the SWP3 with the primary contractor prior to commencement of construction activities and keep an SWP3 training log to demonstrate that this review has occurred.
- (c) All projects, regardless of the area of disturbance, must utilize BMPs to minimize erosion and off-site sedimentation. The controls shall include the following minimum components: The controls shall include the following minimum components:
- (1) During active construction
    - A. Non-Structural Preservation Measures: The applicant must use practices that preserve the existing natural condition to the maximum extent practicable. Such practices may include preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing of construction operations to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing or grubbing practices.
      1. Stream protection. The requirements of the Village of Silver Lake Riparian Setback Ordinance shall be followed.
      2. Wetland Protection. The setback requirements of the Village of Silver Lake Subdivision Regulations shall be followed in addition to state and federal regulations.
    - B. Erosion Control Practices: The applicant must use erosion controls capable of providing cover over disturbed soils as described in the current Ohio EPA construction stormwater general permit. A description of control practices designed to restabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 must provide specifications for stabilizing all disturbed areas of the site and providing guidance as to which stabilization method will be employed for any time of the year. Such practices may include temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction operations, the use of construction entrances, and the use of alternative ground cover.
    - C. Runoff Control Practices. The applicant must use measures that control the flow of runoff from disturbed areas to prevent erosion. Such practices may include rock check dams, pipe slope drains, diversions to direct flow away from exposed soils, and protective grading practices. These practices shall divert runoff away from disturbed areas and steep slopes where practicable.
    - D. Sediment Control Practices. The applicant must install structural practices that shall

## **Ord. 15-2022: Exhibit A**

store runoff, allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. Such practices may include, among others, sediment settling ponds, silt fences, storm drain inlet protection, and earth diversion dikes or channels that direct runoff to a sediment settling pond. All sediment control practices must be capable of ponding or filtering runoff to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless used in conjunction with a sediment settling pond. The SWP3 shall contain detailed drawings for all structural practices.

- E. **Non-Sediment Pollutant Controls:** No solid or liquid waste, including building materials and concrete wash-out water, shall be discharged in stormwater runoff. The applicant must implement site best management practices to prevent toxic materials, hazardous materials, or other debris from entering water resources or wetlands.
- F. **OFF-SITE VEHICLE TRACKING.** Off-site vehicle tracking of sediments and dust generation shall be minimized. The SWP3 shall include methods to minimize the discharge of pollutants from equipment and vehicle washing, wheel washwater, and other washwaters. No detergents may be used to wash vehicles. Washwaters shall be treated in a sediment basin or alternative control that provides equivalent treatment prior to discharge
- G. **Compliance with Other Requirements.** The SWP3 shall be consistent with applicable state and/or local waste disposal, sanitary sewer, or septic system regulations, including provisions prohibiting waste disposal by open burning, and shall provide for the proper disposal of contaminated soils located within the development area.
- H. **Trench and Groundwater Control.** There shall be no sediment-laden or turbid discharges to water resources or wetlands resulting from dewatering activities. If trench or groundwater 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. Alternatively, sediment may be removed by settling in place or dewatering into a sump pit, filter bag, or comparable practice. Groundwater dewatering, which does not contain sediment or other pollutants, is not required to be treated prior to discharge. However, care must be taken when discharging groundwater to prevent it from becoming pollutant-laden by traversing over disturbed soils or other pollutant sources.
- I. **Internal Inspections.** The project engineer shall conduct an initial inspection of all erosion and sediment control practices to certify that the installations comply with the approved SWP3 per Village of Silver Lake Subdivision Regulations. The applicant shall assign qualified inspection personnel to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate, or whether additional control measures are required. Qualified inspection personnel are individuals with knowledge and experience in installing and maintaining sediment and erosion controls. Internal inspections and documentation of corrective actions taken must be made available upon request. At a minimum, all controls on the site shall be inspected by the applicant's agent:
  - 1. After any storm event greater than one-half inch of rain per 24-hour period by the end of the next calendar day, excluding weekends and holidays unless work is scheduled, and
  - 2. At least once every seven calendar days.

Following each inspection, a checklist must be completed and signed by the qualified

## **Ord. 15-2022: Exhibit A**

inspection personnel representative. At a minimum, the inspection report shall include all items referenced in the current Ohio EPA NPDES construction stormwater general permit.

- J. **Maintenance.** The SWP3 shall be designed to minimize maintenance requirements. All temporary and permanent control practices shall be maintained and repaired as needed to ensure continued performance of their intended function until final stabilization. All sediment control practices must be maintained in a functional condition until all up-slope areas they control are permanently stabilized. The applicant shall provide a description of maintenance procedures needed to ensure the continued performance of control practices and shall ensure a responsible party and adequate funding to conduct this maintenance, all as determined by the Summit SWCD.

When inspections reveal the need for repair, replacement, or installation of erosion and sediment control BMPs, the following procedures shall be followed:

1. **When practices require repair or maintenance.** If an inspection reveals that a control practice needs repair or maintenance, except a sediment-settling pond, it must be repaired or maintained within 3 days of the inspection. Sediment settling ponds must be repaired or maintained within 10 days of the inspection.
  2. **When practices fail to provide their intended function.** If an inspection reveals that a control practice fails to perform its intended function as detailed in the SWP3 and that another, more appropriate control practice is required, the SWP3 must be amended, and the new control practice must be installed within 10 days of the inspection.
  3. **When practices depicted on the SWP3 are not installed.** If an inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within 10 days from the date of the inspection. If the internal inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed
- K. **Final Stabilization.** All soil-disturbing activities are complete, and a uniform perennial vegetative cover with a density of at least 70% coverage for the area has been established on all unpaved areas and areas not covered by permanent structures. In addition, all temporary erosion and sediment control practices are removed and disposed of acceptably, and all trapped sediment is permanently stabilized to prevent further erosion.

### (2) **Post-Construction Stormwater Management Practices.**

- A. **Non-Structural Post-Construction Water Quality Practices:** Non-structural post-construction BMPs include preservation, planning, or procedures that direct development away from water resources or limit the creation of impervious surfaces. Practices such as conservation easements, riparian and wetland setbacks, and conservation subdivision design are non-structural controls.
1. All non-structural water quality practices must be protected from disturbance through the project's construction phase.
  2. All non-structural water quality practices must be protected in perpetuity by using appropriate legal tools. All easement or conservation areas must appear on the final plat and be disclosed to potential buyers.
- B. **Structural Post Construction Water Quality Practices:** Structural post-construction

## **Ord. 15-2022: Exhibit A**

BMPs are permanent features constructed to treat stormwater runoff through storage, filtration, or infiltration.

1. All structural post-construction BMPs must be established prior to project completion. Structural post-construction water quality practices should be made functional once the disturbed areas onsite are stabilized. If detention/retention facilities were used for sediment control during development, sediments must be removed before the basin is used for post-construction stormwater quality.
2. The post-construction water quality practice must be maintained in perpetuity by those parties identified in the SWP3 or the Storm Water Management Maintenance Agreement.

(Ord. 15-2022. Passed 2-7-22.)

### **945.11 FEES.**

An SWP3 and Abbreviated SWP3 review, filing, and inspection fee is part of a complete submittal. Fees are required to be submitted to the Summit SWCD before the review process begins. Please consult with Summit SWCD for the current fee schedule.

(Ord. 15-2022. Passed 2-7-22.)

### **945.12 BOND.**

If this regulation requires an SWP3 or Abbreviated SWP3, then a performance and maintenance bond shall be posted according to the Village of Silver Lake Subdivision Regulations. No project will be released from bond if there is a failure to comply with an approved SWP3.

(Ord. 15-2022. Passed 2-7-22.)

### **945.13 ENFORCEMENT.**

- (a) All development areas will be subject to external inspections by the Summit County SWCD to ensure compliance with the approved SWP3 or Abbreviated SWP3.
- (b) After each external inspection, the Summit SWCD may prepare and distribute a status report to the applicant.
- (c) If an external inspection determines that operations are being conducted in violation of the approved SWP3 or Abbreviated SWP3, the Summit SWCD may take action as detailed in Section 945.14.

(Ord. 15-2022. Passed 2-7-22.)

### **945.14 VIOLATIONS.**

- (a) No person shall violate or cause or knowingly permit to be violated any of the provisions of this regulation or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.
- (b) If the Summit SWCD determines that a violation of the rules adopted under this section exists, the SWCD shall issue an immediate stop-work order if the violator failed to obtain any federal, state, or local permit necessary for sediment and erosion control and soil-disturbing activities. In addition, if the SWCD determines such a rule violation exists, regardless of whether or not the violator has obtained the proper permits, the SWCD shall authorize the issuance of a Notice of Violation.
- (c) If it appears that a violation of any of these rules has occurred, the owner and developer will be

## **Ord. 15-2022: Exhibit A**

notified of deficiencies or noncompliance in writing by mail. The owner or developer will have 15 workdays after receiving the letter to rectify the deficiency or receive approval of plans for its correction. If the deficiencies have not been rectified, the Summit SWCD shall issue a second Notice of Violation.

- (d) If after a period of not less than 10 workdays, except as provided in division (g) of this section, has elapsed following the issuance of the second Notice of Violation, the violation continues, and the Summit SWCD shall issue a stop-work order after first obtaining the written approval of the Summit County Prosecutor if, in the opinion of the Prosecutor, the violation is egregious.
- (e) Once a stop-work order is issued, the Summit SCWD shall request, in writing, the Summit County Prosecutor to seek an injunction or other appropriate relief in the Summit County Court of Common Pleas to abate excessive erosion or sedimentation and secure compliance with the rules adopted under this section.
- (f) Upon notice, the Summit County Prosecuting Attorney may suspend any active soil disturbing activity and may require immediate erosion and sediment control measures whenever they determine that such activity is not meeting the intent of this regulation. Such notice shall be in writing, given to the applicant, and state the conditions under which work may be resumed. In instances, however, where the Prosecuting Attorney and/or designee finds that immediate action is necessary for public safety or the public interest, they may require that work be stopped upon verbal order pending issuance of the written notice.
- (g) No stop-work order shall be issued under this section against any public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that are approved by the county or the Chief of the Division of Soil and Water Conservation at ODNR.
- (h) Village of Silver Lake Planning Commission has the reserved right to deny the issuance of any further plat approvals for the property in question until the site is brought into compliance with these regulations.
- (i) The Summit County Department of Building Standards has the reserved right to suspend the issuance of occupancy certificates within developments that do not comply with these regulations.
- (j) The Village of Silver Lake Engineers Office has the reserved right to suspend the inspection of site improvements and refuse the release of bonds on developments that do not comply with these regulations.
- (k) Summit SWCD inspections do not relinquish the responsibility of the owner to comply with Ohio EPA NPDES inspection requirements.

(Ord. 15-2022. Passed 2-7-22.)

### **945.15 APPEALS.**

Any person aggrieved by any order, requirement, determination, or any other action or inaction by Village of Silver Lake in relation to this regulation may appeal to the court of common pleas. Such an appeal shall be made in conformity with Ohio R.C. Section 2506.01 et seq. Written notice of appeal shall be served on Village of Silver Lake, and a copy shall be provided to the Summit SWCD.

(Ord. 15-2022. Passed 2-7-22.)

### **945.16 SUMMIT SCWD AGREEMENT.**

The Village of Silver Lake (dept?) is hereby authorized to negotiate an agreement with the Summit SCWD to ensure the Summit SCWD performs its duties in accordance with this

## **Ord. 15-2022: Exhibit A**

chapter. The Council's authorization is required prior to the execution or amendment of such agreement.

(Ord. 15-2022. Adopted 2-7-22.)

### **945.99 PENALTY.**

- (a) Any person, firm, entity, or corporation, including but not limited to, the owner of the property, their agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than 60 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (b) The imposition of any other penalties provided herein shall not preclude Village of Silver Lake from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of Village of Silver Lake.

(Ord. 15-2022. Passed 2-7-22.)

**ORDINANCE NO.: 16-2022**

**VILLAGE OF SILVER LAKE  
INTRODUCED BY: The Administration**

**AN ORDINANCE AMENDING CHAPTER 947 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, TO ACCORD WITH OHIO EPA REGULATION OF ILLICIT DISCHARGE INTO THE STORMWATER DRAINAGE SYSTEM, AND DECLARING AN EMERGENCY.**

**WHEREAS**, in order to comply with Ohio EPA regulation, current Chapter 947 needs to be amended; and

**WHEREAS**, Exhibit “A” hereto incorporates the needed changes.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Silver Lake, County of Summit, State of Ohio, that:

**Section 1.** That Chapter 947 of the Codified Ordinances of the Village of Silver Lake, Ohio, entitled “Illicit Discharge Detection and Elimination Program”, be, and the same is, hereby changed and amended as presented in “Exhibit A”.

**Section 2.** That any and all ordinances or parts thereof in conflict herewith are hereby repealed, but if consistent herewith, and hereby ratified and confirmed.

**Section 3.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the Council; and that all 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 including Section 121.22 of the Ohio Revised Code.

**Section 4.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety, convenience and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that the Village Codified Ordinances should reflect state regulations when applicable, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

PASSED:

\_\_\_\_\_  
William M. Church, President of Council

APPROVED:

\_\_\_\_\_  
Bernie Hovey, Mayor

**ORDINANCE NO.: 16-2022**

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert W. Heydorn, Solicitor

ATTEST:

\_\_\_\_\_  
Sean M. Housley, CPA, Clerk-Treasurer

Silver Lake, Ohio \_\_\_\_\_  
I, hereby certify that Resolution or Ordinance  
No. \_\_\_\_\_ was published by title or  
in full in the local newspaper, or designated  
by Council resolution on the date or dates of  
\_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council



# **Ord. 16-2022: Exhibit A**

## **Chapter 947 Illicit Discharge Detection and Elimination Program**

**947.01 Purpose and Scope.**

**947.02 Applicability.**

**947.03 Definitions.**

**947.04 Disclaimer of Liability.**

**947.05 Conflicts, Severability, Nuisances, and Responsibility.**

**947.06 Responsibility for Administration.**

**947.07 Discharge and Connection Prohibitions.**

**947.08 Industrial or Construction Activity Discharges.**

**947.09 Monitoring of Illicit Discharges and Illegal Connections.**

**947.10 Requirements to Prevent, Control, and Reduce Stormwater Pollutants Using Best Management Practices.**

**947.11 Riparian Zone Protection.**

**947.12 Notification of Spills.**

**947.13 Enforcement.**

**947.14 Appeal of Notice of Violation.**

**947.15 Enforcement Measures After Appeal.**

**947.16 Cost of Abatement of the Violation.**

**947.17 Injunctive Relief.**

**947.18 Appeal of Notice of Violation.**

**947.19 Violations Deemed a Public Nuisance.**

**947.20 Criminal Prosecution.**

**947.21 Remedies Not Exclusive.**

### **CROSS-REFERENCES**

Stormwater Utility – see S.U.& P.S. Ch. 943

#### **947.01 PURPOSE AND SCOPE.**

The purpose of this regulation is to provide for the health, safety, and general welfare of the citizens of the Village of Silver Lake through the regulation of non-stormwater discharges to the stormwater drainage system to the maximum extent practicable as required by federal and state law. This regulation establishes methods for controlling the introduction of pollutants into the municipal separate storm system (“MS4”) to comply with the requirements of the National Pollutant Discharge Elimination System (“NPDES”) permit process as required by the Ohio Environmental Protection Agency. The objectives of this regulation are:

- (a) To regulate the contribution of pollutants to the MS4 via stormwater discharges by any user;
- (b) To prohibit illicit connections and discharges to the MS4 permittees; and

## **Ord. 16-2022: Exhibit A**

- (c) To establish legal authority to carry out all inspection, surveillance and monitoring procedures, and enforcement actions necessary to ensure compliance with this regulation.

(Ord. 16-2022. Passed 2-7-22.)

### **947.02 APPLICABILITY.**

This regulation shall apply to all residential, commercial, industrial, or institutional facilities responsible for discharges to the MS4 and on any lands in the Village of Silver Lake, except for those discharges generated by the activities detailed in Section 947.07(a)(1) to (a)(3) of this regulation.

(Ord. 16-2022. Passed 2-7-22.)

### **947.03 DEFINITIONS.**

The definition of terms provided herein shall be supplemented, where applicable, by the definition of such terms under federal law in the Clean Water Act (33 U.S.C. § 1251 et seq.) and under the related federal regulations, and by applicable laws of the State of Ohio. Where there is a conflict between the definitions stated in federal or state law and this chapter, the more restrictive definition shall apply. For purposes of this chapter, the following shall mean:

- (a) Authorized Enforcement Agency: employees or designees of the director of the municipal or township agency designated to enforce this ordinance, which shall mean the Village of Silver Lake, which shall enforce this regulation.
- (b) Best Management Practice, or BMP: means the schedules of activities, prohibition of practices, general good housekeeping practices and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater conveyance systems. BMPs also include practices to control drainage from raw material storage.
- (c) Clean Water Act: the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) and any subsequent amendments thereto.
- (d) Community: the Village of Silver Lake, its designated representatives, boards, or commissions.
- (e) Construction Activity: land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- (f) Environmental Protection Agency or United States Environmental Protection Agency (USEPA): the United States Environmental Protection Agency, including but not limited to the Ohio Environmental Protection Agency (Ohio EPA), or duly authorized official of said agency.
- (g) Floatable Material: in general, this term means any foreign matter that may float or remain suspended in the water column and includes, but is not limited to, plastic, aluminum cans, wood products, bottles, and paper products.
- (h) Hazardous Materials or Substances: any material including any substance waste or a combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to a substantial present or potential hazard to human health, safety, property, or the environment when improperly stored, transported, disposed of, or otherwise managed.
- (i) Illicit Discharge: as defined in 40 C.F.R. 122.26 (b)(2), means any discharge to an MS4 that is not composed entirely of stormwater except discharges pursuant to an NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) except as noted in Section 7 of this regulation.

## **Ord. 16-2022: Exhibit A**

- (j) **Illicit Connections**: means either of the following:
- (1) Any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the storm drain system, including but not limited to, any conveyances that allow any non-stormwater discharge, including sewage, process wastewater, and wash water, to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorizing enforcement agency; or
  - (2) Any drain or conveyance connected from commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by the Village of Silver Lake.
- (k) **Industrial Activity**: activities subject to NPDES Industrial Permits as defined in 40 C.F.R. § 122.26(b)(14).
- (l) **Municipal Separate Storm Sewer System or “MS4”**: a conveyance or system of conveyances, such as drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains that are:
- (1) owned by the federal government, state, municipality, township, county, district, or other public body created pursuant to state and federal law, including a special district under state law, such as a sewer district, flood control district, drainage district, or similar entity or a designated and approved management agency under Section 208 of the Clean Water Act that discharges to waters of the State of Ohio;
  - (2) designated or used to collect or convey solely stormwater;
  - (3) not a combined sewer; and
  - (4) not part of a publicly owned treatment works (POTW) as defined at 40 C.F.R. 122.2.
- (m) **National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit**: a permit issued by USEPA or the State pursuant to the authority granted to it by 33 U.S.C. § 1342(b) that authorizes the discharge of pollutants into the waters of the state whether the permit is applicable on an individual, group or general area-wide basis.
- (n) **Non-Stormwater Discharge**: means any discharge to the storm drain system that is not composed entirely of storm water.
- (o) **Off-Lot Discharging Home Sewage Treatment System**: a system designed to treat home sewage on-site and discharges treated wastewater effluent off the property into a stormwater or surface water conveyance or system.
- (p) **Owner/Operator/Person**: any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or on the owner’s behalf.
- (q) **Pollutant**: means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances and accumulations, so that they may cause or contribute to pollution; floatables, pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; wastes and residues that result from drainage from unprotected raw material storage; and noxious or offensive matter of any kind.

## **Ord. 16-2022: Exhibit A**

- (r) **Premises**: any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.
- (s) **Sewage**: a flow that consists of water and human excretions or other waterborne wastes incidental to the occupancy of a residential building or a non-residential building but not including manufacturing process water, cooling water, commercial laundry wastewater, blowdown from heating or cooling equipment, industrial area floor drains, or surface water from roofs, paved surfaces or yard drains.
- (t) **Storm Drainage System**: publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural water bodies and human-made or altered drainage channels, reservoirs, and other drainage structures.
- (u) **Stormwater**: means any surface flow, runoff, and drainage consisting entirely of water from any natural precipitation and resulting from such precipitation.
- (v) **Stormwater Pollution Prevention Plan or “SWP3”**: a document that describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving watercourse to the maximum extent practicable.
- (w) **Wastewater**: The spent water of a community. From the standpoint of a source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.
- (x) **Watercourse**: means any body of water, including but not limited to lakes, ponds, rivers, streams, and bodies of water delineated as waters of the State of Ohio.
- (y) **Waters of the State of Ohio**: means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, which are situated wholly within, partly within, or border upon the State of Ohio or are within its jurisdiction, except those private waters that do not combine or effect a junction with a natural surface or underground waters, or as otherwise defined by Ohio Revised Code (ORC) 6111.01.

(Ord. 16-2022. Passed 2-7-22.)

### **947.04 DISCLAIMER OF LIABILITY.**

Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or the benefit of any particular parcel of property.

### **947.05 CONFLICTS, SEVERABILITY, NUISANCES, AND RESPONSIBILITY.**

- (a) Where this regulation conflicts with other provisions of law or ordinance, the most restrictive provisions, as determined by the Village of Silver Lake, shall prevail.
- (b) If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.

## **Ord. 16-2022: Exhibit A**

- (c) This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.
- (d) Failure of the Village of Silver Lake to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom and shall not result in the Village of Silver Lake, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

(Ord. 16-2022. Passed 2-7-22.)

### **947.06 RESPONSIBILITY FOR ADMINISTRATION.**

The Village of Silver Lake shall administer, implement, and enforce the provisions of this regulation. The Village of Silver Lake may contract with the Summit County Combined General Health District to conduct inspections and monitoring and assist with enforcement actions.

(Ord. 16-2022. Passed 2-7-22.)

### **947.07 DISCHARGE AND CONNECTION PROHIBITIONS.**

- (a) Prohibition of Illicit Discharges: No person shall discharge or cause any materials to be discharged into the MS4 or watercourses, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct, or continuance of any illicit discharge to the MS4 is prohibited except described as follows:
  - (1) The following discharges are exempt from the discharge prohibitions until the Village of Silver Lake determines them to be significant contributors of pollutants to the MS4: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (including active groundwater dewatering systems), crawlspace pumps, air conditioning condensation, springs, non-commercial washing of vehicles, street wash water, natural riparian habitat or wetland flows, swimming pools (if dechlorinated—typically less than one PPM chlorine—and as appropriate, debrominated and desalinated), non-planned firefighting activities, and any other water source not containing pollutants.
  - (2) Discharges specified in writing by the Village of Silver Lake as necessary to protect public health and safety.
  - (3) Discharges from off-lot household sewage treatment systems with Ohio EPA residential NPDES permit or permitted by the Summit County Combined General Health District to discharge sewage effluent in accordance with Ohio Administrative Code § 3701-29-02 (C) until the Ohio EPA issues an NPDES permitting mechanism for residential 1, 2, or 3 family dwellings. These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by the Summit County Combined General Health District. In compliance with the Village of Silver Lake Storm Water Management Program, discharges from all off-lot household sewage treatment systems must either be eliminated or have coverage under an appropriate NPDES permit issued and approved by the Ohio EPA. When such permit coverage is available, discharges from off-lot discharging household sewage treatment systems will no longer be exempt from the requirements of this regulation.
  - (4) Dye testing is an allowable discharge but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

## **Ord. 16-2022: Exhibit A**

- (5) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the USEPA provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
- (b) Prohibition of Illegal Connections: The construction, use, maintenance, or continued existence of illegal connections to the MS4 is prohibited.
  - (1) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of the connection.
  - (2) A person is considered in violation of this regulation if the person connects a line conveying sewage to an MS4 or allows such a connection to be made.

(Ord. 16-2022. Passed 2-7-22.)

### **947.08 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.**

Any person subject to an industrial or construction activity SWP3 and/or NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the County Engineer prior to allowing discharges to an MS4.

### **947.09 MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS.**

- (a) Establishment of an Illicit Discharge and Illegal Connection Monitoring Program: The Village of Silver Lake shall establish a program to detect and eliminate illicit discharges and illegal connections to the MS4. This program shall include the mapping of the MS4, including MS4 outfalls and home sewage treatment systems; the routine inspection of stormwater outfalls to the MS4, and the systematic investigation of potential residential, commercial, industrial, and institutional facilities for the sources of any dry weather flows found as the result of these inspections.
- (b) Inspection of Residential, Commercial, Industrial, or Institutional Facilities.
  - (1) The Village of Silver Lake shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.
  - (2) The Village of Silver Lake shall have the right to set up at facilities subject to this regulation necessary devices to conduct monitoring and/or sampling of the facility's stormwater discharge, as determined by the Village of Silver Lake.
  - (3) The Village of Silver Lake shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operator's expense. All devices used to measure stormwater flow and quality shall be calibrated by the Village of Silver Lake to ensure accuracy.
  - (4) Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or oral request of the Village of Silver Lake and shall not be replaced. The facility owner/operator shall bear the costs of clearing such access.
  - (5) Unreasonable delays in allowing the Village of Silver Lake access to a facility subject to this regulation for illicit discharge inspection violate this regulation.

## **Ord. 16-2022: Exhibit A**

- (6) If the Village of Silver Lake is refused access to any part of the facility from which stormwater is discharged, and the Village of Silver Lake demonstrates probable cause to believe that there may be a violation of this regulation or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety, and welfare, the Village of Silver Lake may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court of appropriate jurisdiction.
- (7) Prior to the transfer of the deed of property containing commercial, industrial, or institutional structures, the owner or operator shall request a certificate of compliance from the Village of Silver Lake, remit the cost of obtaining the certificate to the Village of Silver Lake, and correct any violations discovered within a time determined by the Village of Silver Lake.
- (8) Any costs associated with these inspections shall be assessed to the facility owner/operator.

(Ord. 16-2022. Passed 2-7-22.)

### **947.10 REQUIREMENTS TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTION USING BEST MANAGEMENT PRACTICES.**

Chapter 945 of the Codified Ordinances, entitled “Erosion and Sediment Control,” has adopted requirements identifying BMPs for activities, operations, or facilities that may cause or contribute to the pollution or contamination of stormwater, the storm drainage system, or waters of the State of Ohio. The owner or operators of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into an MS4 or watercourses using these structural and nonstructural BMPs. Further, any person responsible for a property or premises, which is or may be the source of an illicit discharge, may be required to implement, at said person’s expense, additional structural and nonstructural BMPs.

(Ord. 16-2022. Passed 2-7-22.)

### **947.11 RIPARIAN ZONE PROTECTION.**

Every person owning property through which a watercourse passes, or such person’s lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(Ord. 16-2022. Passed 2-7-22.)

### **947.12 NOTIFICATION OF SPILLS.**

Notwithstanding other requirements of the law, as soon as any person responsible for a facility, operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials that are resulting or may result in illegal discharges of pollutants discharging into stormwater, the storm drain system, or waters of the state said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the authorized enforcement agency within three business days of the phone notice. If the

## **Ord. 16-2022: Exhibit A**

discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

(Ord. 16-2022. Passed 2-7-22.)

### **947.13 ENFORCEMENT.**

- (a) Notice of Violation. When the Village of Silver Lake finds that a person has violated a prohibition or failed to meet a requirement of this regulation, the Village of Silver Lake may order compliance by written Notice of Violation. Such notice must specify the violation and shall be hand-delivered and/or sent by registered mail to the owner/operator of the facility. Such notice may require the following actions:
- (1) The performance of monitoring, analyses, and reporting;
  - (2) The elimination of illicit discharges or illegal connections;
  - (3) That violating discharges, practices, or operations cease and desist;
  - (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; or
  - (5) The implementation of source control or treatment BMPs.
- (b) If abatement of a violation and/or restoration of affected property is required, the Notice of Violation shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that legal action for enforcement may be initiated if the facility owner/operator fails to remediate or restore within the established deadline. If the abatement of a violation requires immediate action because the violation is causing a severe threat to the health, safety, and general welfare of the residents of the Village of Silver Lake, such as a leaking or broken sanitary sewer, direct sanitary cross-connection, or other illicit discharge that is causing significant direct discharge of sewage to the MS4, the Village of Silver Lake shall take immediate action without prior notification, which may include immediate notification of the owner to immediately correct the illicit discharge, or the Village of Silver Lake may take direct action to correct the illicit discharge, or both. The appeal of the immediate abatement is limited to paying the cost of the abatement. The Village of Silver Lake also notifies the Ohio EPA Northeast District Office within 24 hours of discovering any leaking or broken sanitary sewer or direct sanitary cross-connection.
- (c) Any person receiving a Notice of Violation must meet compliance standards within the time established in the Notice of Violation.
- (d) Administrative Hearing: If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, the Village of Silver Lake shall schedule an administrative hearing to determine reasons for non-compliance and to determine the next enforcement activity. Notice of the administrative hearing shall be hand-delivered and/or sent registered mail.
- (e) Injunctive Relief: It shall be unlawful for any owner/operator to violate any provision or fail to comply with any of the requirements of this regulation pursuant to Ohio R.C. 3709.211. If an owner/operator has violated or continues to violate the provisions of this regulation, the Village of Silver Lake may petition for a preliminary or permanent injunction restraining the owner/operator from activities that would create further violations or compelling the owner/operator to perform abatement or remediation of the violation.

(Ord. 16-2022. Passed 2-7-22.)



## **Ord. 16-2022: Exhibit A**

### **947.14 APPEAL OF NOTICE OF VIOLATION.**

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 10 days from the date of the Notice of Violation. A hearing on the appeal before the appropriate authority or their designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

(Ord. 16-2022. Passed 2-7-22.)

### **947.15 ENFORCEMENT MEASURES AFTER APPEAL.**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 10 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the government agency or designated contractor to enter the premises for the purposes set forth above.

(Ord. 16-2022. Passed 2-7-22.)

### **947.16 COST OF ABATEMENT OF THE VIOLATION.**

Within 30 days after abatement of the violation, the property owner will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment amount within ten days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the City by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of percent per annum shall be assessed on the balance beginning on the first day following discovery of the violation.

(Ord. 16-2022. Passed 2-7-22.)

### **947.17 INJUNCTIVE RELIEF.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities that would create further violations or compelling the person to perform abatement or remediation of the violation.

(Ord. 16-2022. Passed 2-7-22.)

### **947.18 APPEAL OF NOTICE OF VIOLATION.**

In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the authorized enforcement agency may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

(Ord. 16-2022. Passed 2-7-22.)

### **947.19 VIOLATIONS DEEMED A PUBLIC NUISANCE.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare,

## **Ord. 16-2022: Exhibit A**

and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

(Ord. 16-2022. Passed 2-7-22.)

### **947.20 CRIMINAL PROSECUTION.**

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law and shall be subject to a criminal penalty of two hundred fifty dollars (\$250.00) per violation per day and/or imprisonment for a period not to exceed 30 days. The authorized enforcement agency may recover all attorney's fees, court costs, and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.

(Ord. 16-2022. Passed 2-7-22.)

### **947.21 REMEDIES NOT EXCLUSIVE.**

The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state, or local law, and it is in the discretion of the Village of Silver Lake to seek cumulative remedies.

(Ord. 16-2022. Passed 2-7-22.)

**RESOLUTION NO.: 17-2022**

**VILLAGE OF SILVER LAKE  
INTRODUCED BY: Mayor Hovey**

**A RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF THOMAS KRAMER AS A MEMBER OF THE BOARD OF ZONING APPEALS REPRESENTING DISTRICT “D” OF THE VILLAGE OF SILVER LAKE FOR THE TERM ENDING DECEMBER 31, 2025, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Mayor Bernie Hovey has appointed Thomas Kramer to serve on the Silver Lake Board of Zoning Appeals.

**WHEREAS**, in accordance with Article XI of the Charter of the Village of Silver Lake, confirmation of the appointment by Council is necessary.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Village of Silver Lake, County of Summit, State of Ohio:

**Section 1.** That the Mayor’s appointment of Thomas Kramer to serve as a member of the Board of Zoning Appeals representing District “D” for the term ending December 31, 2025, is hereby confirmed.

**Section 2.** That it is found and determined that all formal actions of the Council concerning and relating to the adoption of 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 action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 3.** That this Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that appointments to Village boards and bodies be confirmed immediately to promote continuous and uninterrupted service to the residents of the Village of Silver Lake, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

PASSED:

\_\_\_\_\_  
William M. Church, President of Council

APPROVED:

\_\_\_\_\_  
Bernie Hovey, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert W. Heydorn, Solicitor

ATTEST:

Silver Lake, Ohio \_\_\_\_\_  
I, hereby certify that Resolution or Ordinance  
No. \_\_\_\_\_ was published by title or  
in full in the local newspaper, or designated by  
Council resolution on the date or dates of  
\_\_\_\_\_.

\_\_\_\_\_  
Sean M. Housley, CPA, Clerk-Treasurer

\_\_\_\_\_  
Clerk of Council