

BERNIE HOVEY
Mayor

SEAN M. HOUSLEY, CPA
Clerk-Treasurer

MARK W. LIPAN
Service Director

JAMIE NORRIS
Chief of Police

ROBERT W. HEYDORN
Solicitor



VILLAGE OF
SILVER LAKE
Established 1918

SILVER LAKE VILLAGE HALL

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Monday, April 18, 2022

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

7 p.m.

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

FIRST READING:

ORDINANCE NO.: 30-2022 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.: 31-2022 AN ORDINANCE OPTING-OUT OF H.B. 172 AND REAFFIRMING THE BAN ON DISCHARGING, IGNITING OR EXPLODING FIREWORKS IN THE VILLAGE OF SILVER LAKE, OHIO, AS SET FORTH IN CHAPTER 1519 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, AND DECLARING AN EMERGENCY. (*Planning, Zoning & Insurance*)

RESOLUTION NO.: 32-2022 A RESOLUTION AUTHORIZING AN AGREEMENT FOR GROUP HEALTH INSURANCE, GROUP DENTAL, GROUP VISION, AND LIFE AND ACCIDENTAL DEATH & DISMEMBERMENT INSURANCE, ALL IN ACCORDANCE WITH THE RATES SET FORTH AND PURSUANT TO CONTRACT DOCUMENTS ON FILE IN THE OFFICE OF THE CLERK-TREASURER, AND DECLARING AN EMERGENCY. (*Planning, Zoning & Insurance*)

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.

11. The next regular meeting of Council will be on **Monday, May 16, 2022, at 7 p.m.**

- Please note the May 2, 2022, Council Meeting **will not be held** because of the May 3, 2022, Primary Election.

ORDINANCE NO.: 30-2022

**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 by further amendment of Ord. 15-2022, passed February 7, 2022; 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, are 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.: 30-2022

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

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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:

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- (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

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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.
- (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.

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(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.)

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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.

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- (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.)

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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

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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

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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

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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

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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 an SWP3 or Abbreviated SWP3 is required by this regulation, soil-disturbing activities shall not be permitted until a certified check or bond made payable to the Village of Silver Lake has been received by the Village of Silver Lake. The bond amount shall be five thousand dollars (\$5,000). The bond will be used for the Village to perform the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the applicant fails to comply with the provisions of this regulation. The bond shall be returned, after all work required by this regulation has been completed and final stabilization has been reached, all as determined by the Village service director or his appointee.

(Ord. 10-2008. Passed 11-18-08.)

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 it appears that a violation of any of these rules has occurred, the owner and developer will be notified of the deficiencies or noncompliance in writing by mail/email. If, within 10 days after receipt of the letter/email, the owner or developer has not rectified the deficiency or received

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approval of plans for its correction, the deficiency or noncompliance shall be reported to the Law Director for immediate enforcement of these regulations.

- (c) If Summit SWCD is called and determines that a violation of any of these rules has occurred, the owner and developer will be notified of deficiencies or noncompliance in writing by mail/email. The owner or developer will have 10 workdays after receiving the letter/email to rectify the deficiency or receive approval of plans for its correction. Upon reinspection by Summit SWCD, the deficiencies have not been rectified, the Summit SWCD shall issue a second Notice of Violation. A reinspection fee of \$250.00 will be charged to the owner by Summit SWCD for each Notice of Violation reinspection.
- (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 Village Law Director if, in the opinion of the Law Director, the violation is egregious.
- (e) Once a stop-work order is issued, the Summit SCWD shall request, in writing, the Village Law Director 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 Village Law Director may suspend any active soil-disturbing activity and may require immediate erosion and sediment control measures whenever he or she determines that such activity is not meeting the intent of this regulation. A stop work order shall be given to the applicant, and shall state the condition under which work may be resumed. In instances, however, where the Village Law Director and/or designee finds that immediate action is necessary for public safety or the public interest, he or she may require that work be stopped upon verbal order pending issuance of the written order.
- (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. 30-2022. Passed 3-21-22.)

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.

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

945.16 SUMMIT SCWD AGREEMENT.

The Village of Silver Lake is hereby authorized to negotiate an agreement with the Summit SCWD to ensure the Summit SCWD performs its duties in accordance with this chapter. The Council's authorization is required prior to the execution or amendment of such agreement.

(Ord. 30-2022. Adopted 3-21-22.)

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.)

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

AN ORDINANCE OPTING-OUT OF H.B. 172 AND REAFFIRMING THE BAN ON DISCHARGING, IGNITING OR EXPLODING FIREWORKS IN THE VILLAGE OF SILVER LAKE, OHIO, AS SET FORTH IN CHAPTER 1519 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the Governor recently signed H.B. 172, amending Ohio Revised Code 3743.45, effective July 1, 2022, allowing any person authorized to possess consumer grade fireworks to discharge, ignite or explode fireworks on their property, or if permitted, on another person's property on certain designated days of the year; and

WHEREAS, H.B. 172 also provides that pursuant to home rule authority, a city may choose to restrict the days and times that a person may discharge consumer grade fireworks or may impose a complete ban on the use of consumer grade fireworks; and

WHEREAS, this Council finds that continuing the ban on the discharge of consumer grade fireworks, as set forth in Chapter 1519 of the Codified Ordinances, will best protect the public's right to the quiet enjoyment of their premises; and

WHEREAS, this Council finds that the unsafe and illegal discharge of fireworks poses a significant danger to the public and may cause serious injuries as well as significant property damage; and

WHEREAS, the Administration and Council of the Village of Silver Lake, Ohio, finds that it is in the best interests of the public to continue to ban the discharge, ignition and explosion of fireworks otherwise permitted in H.B. 172, as set forth in existing Chapter 1519 of the Codified Ordinances of the Village of Silver Lake.

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

Section 1. That the Council of the Village of Silver Lake expressly opts-out of the provisions set forth in H.B. 172, and reaffirms the ban on possessing, discharging, igniting or exploding fireworks as set forth in Chapter 1519 of the Codified Ordinances of the Village of Silver Lake, Ohio.

Section 2. 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 3. 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 opting-out of the provisions of H.B. 172 should occur prior to the first holiday of the warm-weather season, 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:

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.: 32-2022

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

A RESOLUTION AUTHORIZING AN AGREEMENT FOR GROUP HEALTH INSURANCE, GROUP DENTAL, GROUP VISION, AND LIFE AND ACCIDENTAL DEATH & DISMEMBERMENT INSURANCE, ALL IN ACCORDANCE WITH THE RATES SET FORTH AND PURSUANT TO CONTRACT DOCUMENTS ON FILE IN THE OFFICE OF THE CLERK-TREASURER, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the Village of Silver Lake wishes to provide a health and life insurance and vision and dental insurance for Village employees; and

WHEREAS, the Planning, Zoning and Insurance Committee hereby recommends consultants Wichert Insurance to provide insurance plans with certain providers.

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 is hereby authorized to enter into an agreement with consultants Wichert Insurance for group health insurance with Medical Mutual of Ohio COSE MEWA 3020-500, group dental insurance with Delta Dental, and group vision insurance with Principal, all in accordance with the rates set forth effective May 1, 2022, and pursuant to contract documents on file in the office of the Clerk-Treasurer. All fulltime employees shall be covered by the Village insurance package from date of hire.

Section 2. That if the spouse of a Village employee has access to healthcare insurance benefits through their employer, the spouse shall not be covered under the Village healthcare plan, unless the employee pays the full cost of the spouse's monthly premium on the Village plan. Village employees are required to facilitate the administration of this provision.

Section 3. That with the first payroll paid after each plans' effective date, employee contributions equal to 12% of the monthly premium per month for health, dental and vision care insurances divided by the remaining payroll periods through April 30, 2023, will be automatically deducted from each bi-weekly pay.

Section 4. That the Clerk-Treasurer is hereby authorized to pay the premiums for the Group Health, Dental, Vision, and Life Insurance Plans. The Clerk-Treasurer is further authorized to: Compensate those employees eligible for and voluntarily not participating in the Group Health, Dental, and Vision Plans at the rate of \$100.00 per month (for each full month not in the plan) payable in December for each month that they worked, or if terminated at an earlier date within the year, paid through end of the month terminated, in each year that the Plans are in effect.

Section 5. 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.

RESOLUTION NO.: 32-2022

Section 6. 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 the current Group Health, Dental, Vision and Life Insurance Plans must be renewed immediately, 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:

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