

# RECORD OF ORDINANCE

Date Presented 01/12/2021

Sponsor Mayor Sandine Ordinance No. 01-21 Date Passed January 26, 2021

## An Ordinance adopting Drainage, Erosion and Sediment Control regulations for the Village of Lithopolis;

Whereas, the Administration has adopted a set of regulations implementing standard rules and polices governing drainage, erosion, and sediment control measures, and

Whereas, Council desires to enroll these regulations as legislation, and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LITHOPOLIS, FAIRFIELD COUNTY, STATE OF OHIO;**

**Section 1.** The Council of the Village of Lithopolis adopts the Drainage, Erosion and Sediment Control regulations attached and incorporated herein by reference.

**Section 2.** This ordinance shall be in full force and effect as provided by law.

Attest/Date: [Signature] 1-26-21 Clerk Signed/Date [Signature] Mayor 1/26/21

Approved as to form: [Signature] Jon M. Browning

First Reading 1/12/21 Second Reading 1/26/21

Revised Second Reading \_\_\_\_\_ Third Reading waived

VOTE FOR 6 AGAINST 0

# Lithopolis Drainage, Erosion, and Sediment Control (DESC) Regulations

## **Article I. Title**

These Regulations shall be known and cited as the Village of Lithopolis Drainage, Erosion, and Sediment Control (DESC) Regulations.

## **Article II. Statutory Authority**

These Regulations enacted by the authority of the Village of Lithopolis to promote the public health and safety of its citizens under the Village of Lithopolis, a statue municipality, per the Ohio Revised Code, and other applicable provisions of State and Federal Law. It is further the purpose of the Drainage, Erosion, and Sediment Control Regulations to bring The Village of Lithopolis in compliance with the National Pollutant Discharge Elimination System Phase II (NPDES II) requirements of the current Ohio EPA General Construction Permit.

## **Article III. Findings and purpose**

### **A. Findings**

The Village of Lithopolis hereby finds that:

1. Excessive quantities of soil may erode from areas undergoing development for certain uses, including, but not limited to, the construction of dwelling units, commercial buildings, and creation of recreation facilities;
2. the washing, blowing, and deposition of eroded soil across and upon roadways endangers the health and safety of users thereof by decreasing visibility and reducing traction of road vehicles;
3. soil erosion necessitates the costly repair of gullies, washed-out fills, and embankments;
4. sediment from soil erosion clogs sewers and ditches and pollutes and silts rivers, streams, lakes, and ponds;
5. sediment limits the use of water and watercourses for beneficial purposes, promotes the growth of undesirable aquatic weeds, destroys fish and other desirable aquatic life, and is costly and difficult to remove; and
6. sediment reduces the channel capacity of watercourses and increases the likelihood of flooding.

### **B. Purpose**

The Village of Lithopolis therefore declares that the purpose of these regulations is to safeguard persons, protect property, prevent damage to the environment, and promote public safety by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity which disturbs or breaks the topsoil or results in the movement of earth on land situated in the Village of Lithopolis.

## **Article IV. Definitions**

Unless specifically defined below, words and phrases used in these regulations shall be interpreted to have the meaning they have in common English usage, to give effect to the purpose set forth in Article III B, and to provide reasonable application of these regulations.

**“Addition”** means any work on an existing structure which changes the external dimensions of such structure.

**“Appeal”** means a request for a review of the Agent’s interpretation of any provision of these regulations or a request for a variance.

**“Best Management Practices (BMP)”** Schedules of activities, prohibition of practices, maintenance procedures, and other best management practices (both structural and non-structural) to prevent or reduce the pollution of surface waters of the state. BMP’s also include treatment requirements, operating procedures, and practices to control construction site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage.

**“Building Permit”** means a permit issued by the township for the construction, erection, and alteration of a structure or building.

**“Certification”** means formal attestation that the specific inspections and tests, where required, have been performed, and that such tests comply with the applicable requirements of these regulations.

**“Certified Inspector”** is an employee or agent of the developer/homebuilder/permit-tee who holds a certificate of competence from the Fairfield Soil and Water Conservation District Board of Supervisors in the area of project inspection.

**“DESC”** means drainage, erosion and sediment control.

**“Developer”** means an individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.

**“Development”** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, dredging, filling, grading, paving, removal of vegetation, excavation, or drilling operations.

**“Development Permit”** means any permits, grants, or licenses issued by the township including, but not limited to, building grading, clearing, demolition, and excavation permits, and subdivision and site plan approvals.

**“Erosion”** The wearing away of land surface caused by running water, wind, ice, or other geological agents, including such processes as gravitational creep. Detachment and movement of soil and rock fragments by wind, water, ice or gravity.

**“Erosion and Sediment Control Plan”** means a set of plans indicating the specific measures and sequencing to be used in controlling sediment and erosion on a development site both during and after construction.

**“Excavation”** means any act by which organic matter, earth, sand, gravel, rock, and any other similar material is cut into, dug, quarried, uncovered, removed, displaced, or bulldozed, and shall include the conditions resulting therefrom.

**“Fill”** means any act by which earth, sand, gravel, rock, or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved by man to a new location and shall include the conditions resulting therefrom.

**“Final Grade”** means the vertical location of the ground or pavement surface after the grading work is completed and in accordance with the sites approved Master Grading Plan.

**“Grading”** means excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

**“Gully”** a deep and wide depression caused by increased topographic relief and higher runoff velocities, which are the result of concentrated flows that cause vertical and sheet flow erosion.

**“Homebuilder”** means a person and/or his agents who build homes.

**“Land-Disturbing Activity”** means any land change which may result in soil erosion from water or wind and the movement of soil into water or onto lands, or increased runoff of waters including, but not limited to, clearing, grading, excavating, transporting, and filling of land.

**“Master Grading Plan”** means a grading plan that reflects changes in before-and-after contours that has been approved by the Fairfield Regional Planning Commission. Elevations shall be based on the mean sea level datum (U.S.G.S.).

**“May”** is permissive and not mandatory.

**“Parcel”** means all contiguous land under one ownership.

**“Permanent Vegetation”** means ground cover mature enough to control soil erosion satisfactorily and to survive severe weather conditions.

**“Permittee”** means any person to whom a site development permit is issued.

**“Permitting Authority”** means Village of Lithopolis or designated agent.

**“Removal”** means cutting vegetation to the ground or leaving it as stumpage, complete extraction, or killing by spraying.

**“Rill”** a long narrow depression or soil incision caused by increased topographic relief and higher runoff velocities, which are the result of concentrated flows that cause vertical and sheet flow erosion.

**Sediment”** solid material, both mineral and organic, that is or was suspension, is being or has been transported, or has been removed from its site of origin by air, water, gravity, or ice and has come to rest on the earth’s surface either above or below water.

**“Shall”** means mandatory; not permissive.

**“Site”** means a lot or parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

**“Site Development”** means the altering of terrain and/or vegetation and constructing improvements.

**“Site Development Permit”** means a permit issued by permitting authority for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

**“Soil Stabilization”** means measures which protect soil from the erosive forces of raindrop impact and flowing water and include, but are not limited to, vegetation establishment, mulching, and the early application of gravel base on areas to be paved.

**“Start of Construction”** means the first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; excavation for basements, footings, or foundations; erection of temporary forms.

**“Stripping”** means any activity which removes the vegetative surface cover including tree removal, clearing, and storage or removal of topsoil.

**“Variance”** means a grant of relief from the requirements of these regulations, which permits a person to undertake construction in a manner otherwise prohibited by these regulations where specific enforcement would result in unnecessary hardship.

**“Watercourse”** means any body of water, including, but not limited to lakes, ponds, rivers, streams, intermittent streams, and bodies of water which are classified by the Ohio Environmental Protection Agency and/or U.S. Army Corps of Engineers, and/or delineated on the USGS 7.5 minute series topographic map for the Village of Lithopolis.

## **Article V. General Principles**

All construction shall comply with the Ohio Environmental Protection Agency's then current General Construction Permit authorization of Storm Water Discharges Associated with Construction Activity under the national Pollutant Discharge Elimination System permit for storm water discharges associated with construction activities (a.k.a. General Construction Permit, or GCP). If there is a conflict or ambiguity between the regulations and the GCP, the terms and conditions of the GCP shall prevail. If the GCP expires, it shall remain in effect and part of the regulations until a new GCP becomes effective. Upon the effective date of the new GCP, such new GCP is hereby incorporated herein, by reference, to the regulations. Any person or entity utilizing these regulations shall be responsible for determining then-effective GCP, a copy of which can be obtained from the Ohio Environmental Protection Agency.

The objective of these regulations is to control drainage, soil erosion and sedimentation caused by development activities in The Village of Lithopolis. Measures taken to control erosion and sedimentation shall be adequate to ensure that sediment is not transported from the site by a storm event of ten-year frequency or less. The following principles shall apply to all development activities within the Village of Lithopolis and to the preparation of the submissions required under Article VI of these regulations:

### **1. Selection of Control Measures**

The selection of erosion and sedimentation control measures shall be based on assessment of the probable frequency of climatic and other events according to the U.S. Metrological data for the Village of Lithopolis area likely to contribute to erosion, and on an evaluation of the risks.

### **2. Protection of Adjacent Properties**

Properties adjacent to the site of land disturbance shall be protected from sediment deposition. This may be accomplished by preserving a well-vegetated buffer strip around the perimeter of land disturbance, by installing perimeter controls such as sediment barriers, filters, dikes, or sediment basins, or by a combination of such measures. Erosion control measure on individual house lots shall be straw wattle or silt fence along the back of the curb or open ditch, alongside property lines and rear property lines.

Vegetated buffer strips may be used only where runoff sheet flow is expected. Buffer strips shall be a minimum of 25 feet in width and shall have 75% vegetative ground cover. If, at any time, it is found that a vegetated buffer strip alone is ineffective in preventing sediment movement onto adjacent property, additional perimeter controls must be provided within 24 hours after the occurrence.

### **3. Cut and Fill Slopes**

Development shall reflect the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

### **4. Vegetation**

Natural vegetation shall be retained and protected wherever possible. A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation and related structures shall be installed as soon as practical, and not greater than the time specified in the permit. Permanent vegetation shall not be considered established until **75% permanent** ground cover is achieved which, in the opinion of permitting authority, is mature enough to control soil erosion satisfactorily and to survive severe weather conditions.

At the time of permanent stabilization, all loose roots, rocks and large dirt clods shall be raked and removed from the site, leaving a well-graded surface that can be mowed and maintained in a reasonable condition.

### **5. Stabilization of Denuded Areas and Soil Stockpiles**

Permanent or temporary soil stabilization must be applied to denuded areas within seven (7) days after final grade is reached on any portion of the site. Soil stabilization must also be applied within seven (7) days to denuded areas which may not be at final grade but will remain dormant (undisturbed) for longer than 14 days. For residential subdivisions, disturbed areas must be stabilized at least seven (7) days prior to transfer of the Ohio EPA General Stormwater permit coverage of the individual lot(s).

Soil stabilization refers to measures which protect soil from the erosive forces of raindrop impact and flowing water. Applicable practices include vegetative establishment, mulching, and the early application of gravel base on areas to be paved. Where vegetative stabilization techniques may cause structural instability or otherwise unobtainable, alternative stabilization techniques must be employed.

### **6. Sediment Basins**

Sediment basins, debris basins, silt traps, or filters shall be installed and maintained on sites greater than one acre to remove sediment from runoff waters from land undergoing development.

**7. Timing and Stabilization of Sediment Trapping Measures**

Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment on-site must be constructed on sites greater than one acre as a first step in grading and must be made functional before upslope land disturbance takes place. Earthen structures such as dams, dikes, and diversions must be seeded and mulched within seven (7) days of installation.

**8. Storm Sewer Inlet Protection**

All storm sewer inlets which are made operable during construction shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.

The developer/homebuilder/permit-tee shall be responsible for cleaning and routine maintenance of all storm sewer inlet protection in which a given lot drains. Additional storm sewers may need maintenance due to the construction traffic patterns to the site. The final determination of storm sewer maintenance will be determined at the time of plan submission.

All storm sewer inlet protection shall be cleaned and maintained within 24 hours of a rainfall event or routinely cleaned every seven (7) days.

**9. Construction Access Routes**

Whenever construction vehicle access routes intersect paved public roads, provisions must be made to minimize the transport of sediment (mud) by runoff or vehicle tracking onto the paved surface. Where sediment is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day no later than 6 p.m. Sediment shall be removed from roads by shoveling and/or sweeping and transported to a sediment control area. Street washing shall be allowed only after sediment is removed in the aforementioned manner.

If not removed at the end of each day, the Village of Lithopolis will, at their discretion, bring in a contractor to clean the streets at the developer's/homebuilder's/permit-tee's expense.

**10. Construction Material**

No building materials shall be stored and/or delivered upon streets, rights-of-ways, or drainage easements, or in any way that interferes with drainage and/or erosion and sediment control.

Waste construction material shall be collected and disposed of properly at the end of each day. All construction materials transported to adjoining properties shall be removed at the end of each day no later than 6 p.m.

**11. Disposition of Temporary Measures**

All temporary erosion and sediment control measures shall be disposed of within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed, unless otherwise authorized by the permitting authority. Trapped sediment and other disturbed soil areas resulting from the disposition of temporary measures shall be permanently

stabilized to prevent further erosion and sedimentation (i.e. straw wattles, inlet protection, silt fence, and straw bales).

**12. Existing Drainage Ditches, Channels, and Swales**

Drainage ditches, channels, and swales that are within drainage easements, or which are installed by the developer of said subdivision shall not be disturbed during home construction. Damage to such facilities which is caused by building the dwelling structure or by grading the property shall be in conformance with the original design of such drainage channel, ditch or swale.

**13. Driveway Culverts**

Driveway culverts shall be set at the elevation of the roadway ditch grade and be sized as set forth by the design plans of the subdivision. Culvert pipes which are damaged during construction shall be repaired or replaced within 24 hours after the damage occurs.

Any driveway culverts located within public Right-of-Way that have less than 12 inches of cover shall be Reinforced Concrete Pipe (RPC), or concrete encasement with prior approval from the jurisdiction responsible for Right-of-Way permitting.

**14. Maintenance**

All temporary and permanent erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements. They must be maintained and repaired as needed to assure continued performance of their intended function throughout the maintenance period. The person or entity responsible for continued maintenance of permanent and temporary erosion controls shall be identified to the satisfaction of the permitting authority prior to any land disturbing activities.

**15. Deviations from Master Grading Plan**

Deviations from the Master Grading Plan by the developer/homebuilder/permit-tee shall require review and approval by the engineer who designed the Master Grading Plan prior to review by the permitting authority. Any proposed revisions to the grades shown on the Master Grading Plan shall be limited to no more than one (1) foot. Not every proposed grade change will be approved. Grade changes recommended by the design engineer shall be coordinated with the grades on adjacent lots and properties, respecting existing and proposed building heights. Field adjustments of any approved grades shall be limited to no more than 6 inches, and must be approved by the township prior to implementation of the change.

Grade stakes shall be left in place until acceptance of final grade inspection.

**16. Post-Construction Storm Water Management Requirements**

A Post-Construction Storm Water Management Plan shall be prepared for all developments covered by these regulations which require improvements to more than one acre of land. The Post-Construction Storm Water Management Plan shall conform to the Ohio Environmental Protection Agency's current General Construction Permit authorization for Storm Water Discharges associated with construction activity under the National Pollutant Discharge Elimination System, referred to as the General Construction Permit (GCP). If there is a conflict

or ambiguity between the regulations and the GCP, the terms and conditions of the GCP shall prevail. If the GCP expires, it shall remain in effect and part of the regulations until a new GCP becomes effective. Upon the effective date of the new GCP, such new GCP is hereby incorporated herein, by reference, to the regulations. Any person or entity utilizing these regulations shall be responsible for determining then-effective GCP, a copy of which can be obtained from the Ohio Environmental Protection Agency. Prior to construction drawing approval, the applicant shall enter into a Storm Water Management/BMP Facilities Maintenance Agreement with the township to ensure long term maintenance and operation of these facilities.

**17. Review by the Fairfield Soil and Water Conservation District**

The Fairfield Soil and Water Conservation District shall be consulted for review and recommendations for all drainage, erosion and sediment control plans for the proposed developments and individual lots submitted to the permitting authority.

**Article VI. Site Development Permit**

**A. Permit Required**

1. Except as otherwise provided in these regulations, no person shall commence or perform any land-disturbing activity, including, but not limited to, grading, stripping, excavating, or filling, without first obtaining a Drainage, Erosion, and Sediment Control permit from the Village of Lithopolis upon approval by the Fairfield Soil and Water Conservation District, all other necessary local, state, and federal permits, and thereafter comply with the requirements of these regulations.
2. An application for a site development permit shall be made in the same manner as prescribed for a building permit except that such application shall be made to the permitting authority.

**B. Exceptions**

A permit shall not be required for any of the following activities:

1. Normal lawn and landscaping maintenance.
2. Existing nursery and agricultural operations.
3. Grading of land in a uniform manner, provided the elevation of land is not altered by more than three (3) inches, the normal flow of surface water at the property lines is not altered, and upon completion of the grading, the exposed surfaces are permanently stabilized with vegetation.
4. Alteration of the exterior of a building.
5. Installation, renovation, or replacement of a septic system to serve an existing dwelling or structure.
6. Any emergency activity which is immediately necessary to the protection of life, property, or natural resources.
7. Installation of Public Utilities (i.e. water and sewer lines).

8. Installation of water and service lines.

C. Application for Permit

An application for a DESC permit shall be made by the owner of the property or his authorized agent to the permitting authority on a form (Article XIII) furnished for that purpose. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm, and shall be accompanied by an application fee as set forth in Article IX. Each application shall include a certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the permit.

D. Submissions

Each application for a DESC permit shall be accompanied by the following information:

1. A vicinity map in sufficient detail to easily locate, in the field, the site for which the permit is sought, including boundary line and approximate acreage for the site, and legend and scale.
2. A development plan of the site showing:
  - a) Existing topography of the site and adjacent land within approximately 100 feet of the boundaries, drawn at no greater than two (2) feet (1 foot preferred) contour intervals and clearly portraying the conformation and drainage pattern of the area.
  - b) The location of existing buildings, structures, utilities, water bodies, floodplains, drainage facilities, vegetative cover, paved areas, watershed divides, and other significant natural or man-made features on the site, and adjacent land within approximately 100 feet of the boundary.
  - c) A description of the predominant soil types on the site, their location, and their limitations for the proposed use.
  - d) Proposed use of the site, including both present development and planned utilization; areas of excavation, grading, and filling; proposed contours, finished grades, concrete washout, and street profiles; provisions for storm drainage, including the control of accelerated runoff with a drainage area map and computations; kinds and locations of utilities; and areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized, or left undisturbed.
  - e) The location of the on-site septic system along with the well and associated isolation distance as approved by the Fairfield Department of Health. The on-site septic system shall remain undisturbed throughout the construction project and shall be roped off to prevent construction vehicles from driving or parking in the area or construction material from being placed in the area.
3. An erosion and sediment control plan, or plans, showing:
  - a) All erosion and sediment control measures necessary to meet the objectives of these regulations throughout all phases of construction and permanently, after completion of

development of the site. Depending upon the complexity of the project, the drafting of intermediate erosion and sediment control plans also may be required.

- b) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
  - c) Identification of the person(s) or entity which will have the responsibility for maintenance of erosion and sediment control structures and measures during the development.
4. The proposed phasing of the development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of clearing, installation of temporary sediment control measures, installation of storm drainage, paving of streets and parking areas, and establishment of permanent vegetative cover.

These submissions shall be prepared in accordance with the standards and requirements contained in the Rainwater and Land Development – Ohio’s Standards for Stormwater Management Land Development and Urban Stream Protection (most current version) and/or Fairfield County Construction and Material Specifications (most current version), which standards and requirements are hereby incorporated into these regulations by reference.

The permitting authority may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of these regulations.

#### E. Review and Approval

Each application for a DESC permit shall be reviewed and acted upon according to the following procedures:

1. The permitting authority will review each application for a site development permit to determine its conformance with the provisions of these regulations. The permitting authority will also refer any application to the Fairfield Soil and Water Conservation District and/or any other local government or public agency within whose jurisdiction the site is located for review and comment. Within fourteen (14) days after receiving an application, the permitting authority shall, in writing:
  - a) Approve the permit application if it is found to be in conformance with the provisions of these regulations, and issue the permit;
  - b) approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objects of these regulations, and issue the permit subject to these conditions; or
  - c) disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.
2. No DESC permit shall be issued for an intended development site unless:
  - a) The development has been approved by Village of Lithopolis where applicable, or

- b) such permit is accompanied by or combined with a valid building permit issued by the Village of Lithopolis, or
  - c) the proposed earth moving is coordinated with any overall development program previously approved by the Village of Lithopolis for the area in which the site is situated.
3. Failure of the permitting authority to act on original or revised applications within thirty (30) days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the permitting authority. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the permitting authority.

#### F. Retention on Plans

Plans, specifications, and reports of all site developments shall be retained in original form or in digital format by the permitting authority.

### **Article VII. Site Development Permit**

#### A. Applicability

All grading, stripping, excavating, and filling which is subject to the permit requirements of this ordinance, and any grading, stripping, excavating, and filling which is exempted from the permit requirements by paragraph B of Article VI, shall be subject to the applicable standards and requirements set forth in the Article VII.

#### B. Responsibility

The developer/homebuilder/permit-tee shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the Village of Lithopolis, or its officers will not be made liable for such damage, by (1) the issuance of a permit under these regulations, (2) compliance with the provisions of that permit or with conditions attached to it, (3) failure of officials to observe or recognize hazardous or unsightly conditions, (4) failure of officials to recommend denial of, or to deny a permit, or (5) exemptions from the permit requirements of these regulations.

#### C. Manual Adopted by Reference

The standards and specifications contained in paragraph D of Article VI, are hereby incorporated into this Article VII and made part thereof by reference for the purpose of delineating procedures and methods of operation under site development and erosion and sedimentation control plans approved under Article VI. In the event of conflict between provisions of said manual and local law, the more stringent law shall govern.

#### D. Inspection

1. The permitting authority shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permit-tee wherein the work fails to comply with the site development or drainage, erosion and sediment plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval by the permitting authority shall be maintained at the site during the progress of the work. In order to obtain inspections, the permit-tee

shall notify the permitting authority at least two (2) working days (excluding weekends and holidays) before the:

- a. start of construction
- b. completion of rough grading
- c. completion of final grading
- d. completion of final stabilization

If stripping, clearing, grading, and/or landscaping are to be done in phases or areas, the permit-tee shall give notice and request inspection at the completion of each of the above work stages in each phase or area. If an inspection is not made and notification of the results given within five (5) working days after notice is received by the DESC Inspector from the permit-tee, the permit-tee may continue work at his own risk, without presuming acceptance by the township. Notification of the results of the inspection shall be given in writing at the site.

A provisional erosion inspection in lieu of a final erosion inspection may be given on building lots or sites from October 1 to March 1. A provisional erosion inspection at any other time shall be given only upon approval of and in the discretion of the permitting authority. Any building lots or sites with a provisional erosion inspection shall have erosion control measures in place and maintained by the permit-tee until final grading and seeding of lot or site is complete. Any such lots or sites having a provisional erosion inspection shall be required to pass a final erosion inspection by May 1 or such other time determined by the permitting authority. Owners, permit-tees or persons responsible for carrying out the plan who fails to pass the final inspection by the specified deadline above shall be subject to the remedies provided in Article VIII. The permitting authority may grant an extension of this deadline for a period of not more than twenty one (21) days.

2. The permit-tee's certified inspector or his agent shall make regular weekly inspections of all erosion and sediment control measures in accordance with the inspection schedule outlined on the approved drainage, erosion and sediment control permit. The purpose of such inspections will be to determine the condition and need for replacement or repair of in-place control measures, the overall effectiveness of the control plan, and the need for additional control measures. All inspections shall be documented in written form and kept on site that is accessible 24 hours a day (i.e. Stormwater Pollution Prevention Plan (SWPPP) mailbox), and submitted to the permitting authority at the time interval specified in the approved permit.
3. The permitting authority or its designated agent shall enter the property of the permit-tee as deemed necessary to make regular inspections to ensure the validity of the reports filed under section D.2.

#### E. Special Precautions

1. If at any stage of the grading of any development site the permitting authority determines by inspection that the nature of the site is such that further work authorized by an existing permit is likely to imperil any property, public way, watercourse, or drainage structure, the permitting authority may require, as a condition of allowing the work to be done, that such reasonable special precautions be taken and are considered advisable to avoid the likelihood of such peril. "Special precautions" may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction, or cribbing. Installation of plant materials for erosion control and recommendations of an erosion control professional may be made requirements for further work.
2. Where it appears that storm damage may result from incomplete grading on any development site, work may be stopped with due formal notice from the permitting authority and the permit-tee shall be

required to install temporary structures or take such other measures as may be necessary to protect adjoining property and/or the public safety. On large developments, or where unusual site conditions prevail, permitting authority may specify the time of start of grading and time of completion or may require that the operations be conducted in specific stages to ensure completion of protective measures or devices prior to the advent of season rains.

#### F. Amendment of Plans

Major amendments of the site drainage, erosion and sediment control plans shall be submitted to the permitting authority and shall be processed and approved, or disapproved, in the same manner as the original plans. Field modifications of a minor nature may be authorized by the permitting authority by written authorization to the permit-tee.

#### G. Expiration of Permit

Every site development permit shall expire and become null and void if the work authorized by such permit has not begun within one hundred and eighty (180) days, or is not completed by a date which shall be specified in the permit, except that the permitting authority may, if the permit-tee presents satisfactory evidence that unusual difficulties have prevented the start of work or completion of same within the specified time limits, grant a reasonable extension of time if written application is made before the expiration date of the permit.

### **Article VIII. Enforcement**

#### A. Exceptions

The permitting authority may, in accordance with the following procedures, authorize variances to any of the requirements and regulations set forth in these regulations.

1. Application for any variances shall be made by the applicant for a site DESC permit, stating the grounds of the variance and the facts relied upon by the applicant.

Such variance shall be filed with the site DESC permit application. In order for the variance to be granted, it shall be necessary that the Village of Lithopolis Council find all of the following facts with respect to the land referred to in the variance:

- a) That the land is of such shape or size or is affected by such physical conditions or is subject to such title limitations of record that it is impossible or impractical for the applicant to comply with all of the requirements of this ordinance.
  - b) That the variance is necessary to prevent unreasonable and unnecessary hardship.
  - c) That the granting of the variance will not be detrimental to the public or injurious to other property in the vicinity of the subject property.
2. Each application for a variance shall be referred to the permitting authority for review. The permitting authority shall transmit its recommendations to the Village of Lithopolis Council which shall review such recommendations prior to granting or denying the variance.
  3. The Lithopolis Village Council shall hold a public hearing on each application for variance, within thirty (30) days after receiving application, in the manner provided with respect to appeals. After the

public hearing, the Lithopolis Village Council may approve the site DESC permit application with the variances and conditions it deems necessary, or it may disapprove such site development permit application and variances application, or it may take such other action as appropriate.

#### B. Stop Work Order; Revocation of DESC Permit

In the event any person holding a DESC permit pursuant to this ordinance violates the terms of the permit, or implements site development in such a manner as to materially adversely affect the health and/or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public or injurious to property, or improvements in the neighborhood, the permitting authority may suspend or revoke the DESC permit.

1. Suspension of a permit shall be a written stop work order issued by the permitting authority and delivered to the permit-tee or his agent or the person performing the work. The stop work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop work order shall have the effect of suspending all authorizations and permits granted by the village or any agency thereof and shall remain in effect until the next regularly scheduled meeting of the board at which the conditions of subparagraph 2 below can be met.
2. No DESC permit shall be permanently suspended or revoked until a hearing is held by the Village of Lithopolis Council. Written notice of such hearing shall be served on the permit-tee, either personally or by registered mail, and shall state:
  - a) Grounds for complaint or reasons for suspension or revocation, in clear or concise language;
  - b) The time and place of the hearing to be held.

Such notice shall be served on the permit-tee at least five (5) days prior to the date set for the hearing. At such hearing, the permit-tee shall be given an opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion of the hearing, the Village of Lithopolis shall determine whether the permit shall be suspended or revoked.

#### C. Violations and Penalties

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a civil penalty, and each day during which any violation of any of the provisions of the ordinance is committed, continued, or permitted, shall constitute a separate offense. Upon any such violation, the developer/homebuilder/permit-tee shall be punished by a fine of \$500 for the first offense. If a second offense is committed by the same developer/homebuilder/permit-tee, they shall be punished by a fine of not less \$1,000. In addition to any other penalty authorized by this section, any developer/homebuilder/permit-tee convicted of violating any portion of the provisions of this ordinance may be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration to restore the site to the condition prior to the violation.

#### D. Separability

The provisions and sections of this ordinance shall be deemed to be separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

**Article IX. Fees**

1. Residential lot DESC permit fee - \$325 per lot
2. Commercial lot DESC permit fee:   0 to 1 acre - \$325  
  1.01 to 5 acres - \$525  
  5.01 + acres - \$1200

**Article X. DESC Certificate**

**SUBMIT TO VILLAGE OF LITHOPOLIS DRAINAGE, EROSION, AND SEDIMENT CONTROL PROGRAM: 11820 LITHOPOLIS ROAD, LITHOPOLIS, OHIO 43136**

**Single Family Residential  
Drainage, Erosion, and Sediment Control  
(DESC) Certificate**

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Date \_\_\_\_\_

Builder \_\_\_\_\_ Building Permit Number \_\_\_\_\_

Property Address \_\_\_\_\_

Subdivision (Section/Phase) \_\_\_\_\_ Lot Number \_\_\_\_\_

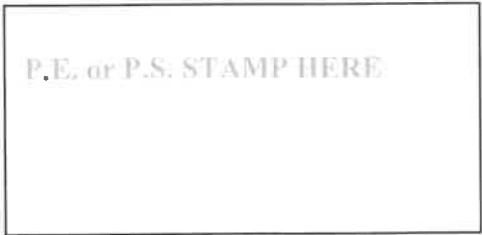
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I hereby certify that:

- The finish grade elevations, recorded easements, sanitary and storm sewer manholes, stormwater structures and the flood routing shown on this plot/grading plan are the result of an actual as-built survey (attached) performed on \_\_\_\_\_, 20\_\_\_\_. These “as-built” elevations are consistent with the approved master grading plan. Established drainage away from the structure(s) and off lot has been verified.

Signed \_\_\_\_\_

Print \_\_\_\_\_ Date \_\_\_\_\_  
Professional Surveyor/Professional Engineer



- The purchaser has been informed of the need to maintain established drainage patterns as shown on the engineering plans.
- Permanent erosion controls or adequate temporary erosion and sediment control measures designed to be effective for 90 days have been properly implemented on this lot.
- I understand that with the submittal of this certificate, that a final inspection will be performed within seven (7) days (excluding weekends and holidays) of the receipt of this notification. If this inspection is satisfactory, the Building Department will be notified as part of the request of “Occupancy Permit”.

Signed \_\_\_\_\_ Print \_\_\_\_\_ Date \_\_\_\_\_  
Superintendent

Signed \_\_\_\_\_ Print \_\_\_\_\_ Date \_\_\_\_\_  
Project Manager

**Article XI. Footer Elevation Certification**

# Footer Elevation Certification

Date \_\_\_\_\_ Contact Name and Phone Number \_\_\_\_\_

Builder \_\_\_\_\_ Building Permit Number \_\_\_\_\_

Property Address \_\_\_\_\_

Subdivision (Section/Phase) \_\_\_\_\_ Lot Number \_\_\_\_\_

I hereby certify that:

- The **FOOTER** elevations shown are the result of an actual survey (attached) performed on \_\_\_\_\_, 20\_\_\_\_. These elevations are consistent with the approved building and engineering plans and will allow for construction of basement walls consistent with the approved First Floor Elevation of Finished Grade Elevations.
- Elevation readings were taken from:  
**Check only one:** \_\_\_ Top of footer – poured  
 \_\_\_ Top of proposed footer (i.e. stakes, nails, or pins)
- Estimated elevation taken from a minimum of one reading per foot section  
 Average Elevation \_\_\_\_\_
- Multi-level or step plans shall include a schematic of building footprint with reading locations and elevations identified

A COPY OF THE APPROVED BUILDING AND WALL SECTION PLAN MUST ACCOMPANY THIS FORM IDENTIFYING ELEVATION READING LOCATIONS AND THE ACTUAL ELEVATION TAKEN.

Signed \_\_\_\_\_

Print \_\_\_\_\_ Date \_\_\_\_\_  
Professional Surveyor

**Fax or Return to:**



**Office Use Only**

\_\_\_ Approved \_\_\_ Disapproved Reviewer: \_\_\_\_\_ - \_\_\_\_\_

Comments: \_\_\_\_\_

**THIS FORM MUST BE APPROVED AND PROVIDED ON SITE AT THE TIME OF THE FOUNDATION INSPECTION OR INSPECTION WILL NOT BE PERFORMED**

**INSERT COPY OF THE APPROVED BUILDING AND WALL SECTION HERE.  
THE APPROVED ELEVATIONS SHALL BE INDICATED ON THESE PLANS. THE  
ACTUAL ELEVATIONS SHALL BE TAKEN AT THESE POINTS WITH  
ELEVATIONS NOTED ON THE PLANS.**

---

**THIS FORM MUST BE APPROVED AND PROVIDED ON SITE AT THE TIME OF THE FOUNDATION  
INSPECTION OR INSPECTION WILL NOT BE PERFORMED**

**Article XII. Self-Inspection Report**

**DRAINAGE, EROSION, AND SEDIMENT CONTROL (DESC) SELF-INSPECTION REPORT**  
**Fax to: Village of Lithopolis Attn: Lithopolis DESC Program (614) 837-2722**

Date \_\_\_\_\_ Superintendent/Representative (print) \_\_\_\_\_

Building Permit # (If applicable) \_\_\_\_\_ Lot # (If applicable) \_\_\_\_\_

Subdivision Name (Section/Phase) \_\_\_\_\_ Property Address \_\_\_\_\_

**REASON FOR INSPECTION**

\_\_\_ Initial \_\_\_ Routine \_\_\_ Complaint (details) \_\_\_ Final (to supplement DESC Deactivation Certification)

**BMP(s) installed or implemented per approved DESC plan?**

\_\_\_ Yes  
\_\_\_ No, comments \_\_\_\_\_

**BMP(s) installed properly? (straw wattle trenched in/staked, soil roughened, construction entrance installed, etc.)**

\_\_\_ Yes  
\_\_\_ No, comments \_\_\_\_\_

**BMP(s) operating effectively? (sediment retained on site)**

\_\_\_ Yes  
\_\_\_ No, comments \_\_\_\_\_

**Street, sidewalk, and flow-lines clean? (no visible mud, dirt, stockpiles, construction supplies and materials, roll-offs, dumpsters, portable toilets, etc.)**

\_\_\_ Yes  
\_\_\_ No, comments \_\_\_\_\_

**Are there any erosion problems? (rill, gully, or sheet)**

\_\_\_ Yes, comments \_\_\_\_\_  
\_\_\_ No

**Are there any sediment problems? (sediment transported/tracked to adjacent properties, ROW's, easements)**

\_\_\_ Yes, comments \_\_\_\_\_  
\_\_\_ No

**Are there any drainage problems? (ponding, flooding, structural damage)**

\_\_\_ Yes, comments \_\_\_\_\_  
\_\_\_ No

The BMP(s) have been installed properly and implemented on this site per the approved Drainage, Erosion, and Sediment Control Plan and will be maintained and/or reevaluated to operate effectively throughout construction. Any erosion or sediment control problems that may arise during construction will be remedied within five (5) calendar days or as weather permits. I understand that failure to comply with the requirements of the Village of Drainage, Erosion and Sediment Control Requirements may result in issuance of a **STOP WORK ORDER**.

Superintendent/Rep. (print) \_\_\_\_\_

Office Phone # \_\_\_\_\_ Cell Phone # \_\_\_\_\_

Signed \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

**Article XIII. DESC Permit Application**

**Village of Lithopolis Drainage, Erosion, and Sediment  
Control (DESC) Permit Application**

**A copy of this must be posted on the site at all times.**

Project/Subdivision Name: \_\_\_\_\_

Project Location/Lot Number: \_\_\_\_\_

Owner: \_\_\_\_\_

Phone: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Cell: \_\_\_\_\_

\_\_\_\_\_

Fax: \_\_\_\_\_

Site Contact: \_\_\_\_\_

Phone: \_\_\_\_\_

Site Contact Address: \_\_\_\_\_

Cell: \_\_\_\_\_

\_\_\_\_\_

Fax: \_\_\_\_\_

Erosion and Sediment  
Control Contractor: \_\_\_\_\_

Phone: \_\_\_\_\_

Contractor Address: \_\_\_\_\_

Cell: \_\_\_\_\_

\_\_\_\_\_

Fax: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

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

*Permit # will be issued upon review and approval of DESC Plan and Permit Application*

**Office Use Only**

\_\_\_\_ DESC submittal meets the requirements

\_\_\_\_ DESC submittal requires additional measures, please note

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_ DESC permit # issued

DESC permit # \_\_\_\_\_

**Article XIV. DESC Inspection Form**

## Lithopolis Drainage, Erosion, and Sediment Control (DESC) Inspection

Applicant: \_\_\_\_\_ Company: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Lot No.: \_\_\_\_\_ DESC Permit No.: \_\_\_\_\_

**A – Acceptable    B – Not Acceptable    C – Needs Maintenance/Repair    D – Not Inspected    E – Not Applicable**

\_\_\_\_\_ Start of Construction    \_\_\_\_\_ Rough Grading    \_\_\_\_\_ Final Grade    \_\_\_\_\_ Final Stabilization    \_\_\_\_\_ Routine

- |  |  |
|--|--|
| 1. _____ Clean curb and gutter                         | 12. _____ Construction entrance                                  |
| 2. _____ Clean inlet protection                        | 13. _____ Perimeter erosion control                              |
| 3. _____ Clean streets                                 | 14. _____ Flood routing maintained                               |
| 4. _____ Clean sidewalk                                | 15. _____ Permit-tee inspections on-site                         |
| 5. _____ Replace damaged curb (5 ft. minimum sections) | 16. _____ Concrete washout area                                  |
| 6. _____ Replace damaged sidewalks                     | 17. _____ Grade stakes in place                                  |
| 7. _____ Repair damaged pavement                       | 18. _____ Improper final grading                                 |
| 8. _____ Handicap ramp (repair/replace)                | 19. _____ Re-grade drainage patterns to storm water structure(s) |
| 9. _____ Permanent seeding and mulching                | 20. _____ Submit "As Built" plot plan                            |
| 10. _____ Temporary seeding and mulching               | 21. _____ Other _____  |
| 11. _____ Winter stabilization                         |  |

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact Village of Lithopolis at (614) 837-2031 x4 for re-inspection when work has been completed. The final inspection must be approved prior to requesting an Occupancy Inspection by.

No Violations/Inspection Approved    Violations/Disapproved    Approved for Conditional Occupancy    Approved for Provisional

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