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Revised 02/13/08

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2008- 18

Introduced By: Requirement of Law

**AN ORDINANCE
ENACTING CHAPTER 1367 OF THE MIDDLEBURG HEIGHTS CODIFIED
ORDINANCE ENTITLED "CONTROLLING SOIL EROSION, SEDIMENT,
POST-CONSTRUCTION WATER QUALITY RUNOFF, AND STORM
WATER RUNOFF QUANTITY"**

Whereas, the City of Middleburg Heights finds that the lands and waters of the City are limited resources and that their quality is of primary importance in promoting and maintaining the health and safety within its jurisdictional boundaries; and,

Whereas, the City of Middleburg Heights desires to establish standards, principles, and procedure for the regulation of construction and development-related earth disturbing activities that cause or may cause adverse water resource impacts resulting from storm water runoff and soil erosion; and,

Whereas, in order to promote the public health and safety and sound economic development in the City of Middleburg Heights it is important to provide homebuilders, developers, and landowners with consistent, technically feasible, and economically reasonable standards for erosion control and storm water management; and,

Whereas, Title 40 Codified Federal Register (C.F.R.) Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, require designated communities, including the City of Middleburg Heights, to develop a Storm Water Management Program to address the quality of storm water runoff, among other components, during and after soil disturbing activities; and,

Whereas, Article XVIII, Section 3 of the Ohio Constitution and Chapter 1511 of the Ohio Revised Code grants municipalities the legal authority to adopt rules to abate water pollution by soil sediments; and,

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:**

Section 1: That new Chapter 1367 of the Middleburg Heights codified Ordinances is hereby enacted to read as follows:

1367.01 PURPOSE AND SCOPE:

- A.** The intent of this regulation is to establish technically feasible and economically reasonable storm water management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in within the City's jurisdiction.
- B.** This regulation requires owners who develop or re-develop their property within the City to:
 - 1.** Allow development while minimizing increases in erosion and sedimentation.
 - 2.** Minimize increases in storm water runoff and reduce to the maximum extent practicable non-point source pollution caused by storm water runoff from any development in order to help protect and maintain the receiving stream's physical, chemical, biological characteristics and stream functions.
 - 3.** Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.
 - 4.** Reduce storm water runoff rates and volumes, soil erosion and nonpoint source pollution, through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.
- C.** This regulation shall apply to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways and roads; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; grading; and all other uses that are not specifically exempted. The regulation shall apply to roadway construction projects initiated after the effective date of this regulation. Uses specifically exempted include:
 - 1.** This regulation does not apply to activities regulated by the Ohio Agricultural Sediment Pollution Abatement Rules.
 - 2.** This regulation does not apply to linear construction projects, (e.g., pipeline or utility line installation), which do not result in the installation of impervious surface and are independent of other construction projects (no part of a larger common plan of development or sale). However, linear construction projects must be designed to minimize the number of stream crossings and the width of disturbance.

1367.02 DEFINITIONS, as used in this ordinance:

ACRE: A unit of measure equaling 43,560 square feet.

AS-BUILT CERTIFICATION: A survey shown on a plan or drawing prepared by a registered surveyor or a Professional Engineer indicating the actual dimensions, elevations, and locations of any structures, underground utilities, swales, detention facilities, and sewage treatment facilities after construction has been completed.

BEST MANAGEMENT PRACTICE (BMP): means schedules of activities, prohibitions of practices, maintenance procedures and other management practices (both structural and non-structural) to prevent or reduce the pollution of surface waters of the state. BMPs may include structural practices, conservation practices and operation and maintenance procedures.

CHANNEL: A natural stream that conveys water, or a ditch or channel excavated for the natural flow of water.

CONSERVATION: The wise use and management of natural resources.

CRITICAL STORM: A storm which is calculated by means of the percentage increase in volume of run-off by a proposed development area.

DETENTION BASIN: A storm water management pond that does not maintain a permanent pool of water, but includes a properly engineered/designed volume dedicated to the temporary storage and slow release of run-off waters.

DEVELOPMENT AREA: Any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership, where earth disturbing activity is to be performed.

EARTH DISTURBING ACTIVITY: Any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.

EROSION: The process by which the land surface is worn away by the action of water, wind, ice or gravity.

EROSION AND SEDIMENT CONTROL PRACTICES: Conservation measures used to control sediment pollution and including structural practices, vegetative practices and management techniques.

GRADING: Earth disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.

GRUBBING: Removing, clearing or scalping material such as roots, stumps or sod.

IMPERVIOUS SURFACE: Any surface that cannot effectively absorb or infiltrate water. This includes roads, streets, parking lots, rooftops, and sidewalks.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

MAXIMUM EXTENT PRACTICAL: The level of pollutant reduction that operators 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.

NPDES PERMIT: A National Pollutant Discharge Elimination System Permit issued by Ohio EPA under the authority of the USEPA, and derived from the Federal Clean Water Act.

OHIO EPA: The Ohio Environmental Protection Agency.

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

PERSON: Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, or any combination thereof.

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

RAINWATER AND LAND DEVELOPMENT MANUAL: is a manual describing construction and post-construction best management practices and associated specifications. A copy of the manual may be obtained by contacting the Ohio Department of Natural Resources, Division of Soil & Water Conservation.

REDEVELOPMENT: The demolition or removal of existing structures or land uses and construction of new ones.

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

RIPARIAN AREA: means the transition area between flowing water and terrestrial (land) ecosystems composed of trees, shrubs and surrounding vegetation which serve to stabilize erodible soil, improve both surface and ground water quality, increase stream shading and enhance wildlife habitat.

RIPARIAN SETBACK: Those lands within the City of Middleburg Heights which are alongside streams, and which fall within the area that the City of Middleburg Heights prohibits or restricts changes in land use and the building of structures.

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

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

SEDIMENT CONTROL: The limiting of sediment being transported by controlling erosion or detaining sediment-laden water, allowing the sediment to settle out.

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

SEDIMENT TRAP: A temporary sediment-settling pond having a simple spillway outlet structure stabilized with geotextile and rip rap.

SETTLING POND: A runoff detention structure, such as a Sediment Basin or Sediment Trap, which detains sediment-laden runoff, allowing sediment to settle out.

SHEET FLOW: Water runoff in a thin uniform layer or rills and which is of small enough quantity to be treated by sediment barriers.

SOIL: Unconsolidated erodible earth material consisting of minerals and/or organics.

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

STORM WATER POLLUTION PREVENTION PLAN (SWP3): The document that meets the requirements of Ohio EPA for compliance with Ohio EPA's NPDES Construction Activity General Permit or an individual NPDES Construction Activity Permit.

STREAM: A surface watercourse with a well defined bed or bank, either natural or artificial, which confines and conducts continuous or periodical flowing water in such a way that terrestrial vegetation cannot establish roots within the channel.

USEPA: The United States Environmental Protection Agency.

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

WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

WETLAND SETBACK: Those lands within the City of Middleburg Heights that fall within the area defined by the criteria set forth in Section 1365.

1367.03 DISCLAIMER OF LIABILITY: By approving a Storm Water Control Plan under this regulation, the City of Middleburg Heights does not accept responsibility for the design, installation, and operation and maintenance of storm water management practices.

1367.04 CONFLICTS, SERVABILITY, NUISANCES & RESPONSIBILITY:

- A. This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.
- B. If a court of competent jurisdiction declares any clause, section, or provision of these regulations invalid or unconstitutional, the validity of the remainder shall not be affected thereby.
- C. These regulations shall not be construed as authorizing any person to maintain a private or public nuisance on their property. Compliance with the provisions of this regulation shall not be a defense in any action to abate such nuisance.
- D. Failure of the City of Middleburg Heights to enforce the provisions of this ordinance shall not relieve the owner from the responsibility for conditions or damages that may result from a failure to comply, and shall not result in the City of Middleburg Heights, its officers, employees, or agents being responsible for any condition or damage resulting from a failure to comply with applicable requirements.

- E. Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law.
- F. These regulation shall not be construed to relieve any person from complying with all applicable state and federal laws, including but not limited to laws requiring authorization prior to impacts streams or wetlands.
- G. The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

1367.05 EFFECTIVE DATE: This ordinance and its regulations shall become effective upon their passage.

1367.06 CONSULTATION: In implementing these regulations the City of Middleburg Heights Engineer or other City of Middleburg Heights officials may consult with the Cuyahoga Soil Water Conservation District, state and federal agencies and other technical experts as necessary. Any costs associated with such consultation may be assessed to the applicant or his or her designated representative.

1367.07 REQUIREMENT FOR STORM WATER CONTROL PLAN

- A. This regulation requires that a Storm Water Control Plan be developed and implemented for soil disturbing activities which disturb one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one (1) or more acres of total land, and on which any regulated activity of Section 1367.01 is proposed.
- B. This regulation requires that a Storm Water Control Plan be developed and implemented for soil disturbing activities which disturb more than 10,500 square feet of total land but less than one acre of land and are not part of a larger common plan of development or sale disturbing one or more acres of total land and on which any regulated activity of Section 1367.01 is proposed. Parcels of land greater than or equal to 10,500 square feet, but less than one acre are exempt from complying with Section 1367.11 Post Construction Water Quality Control Requirements, unless required by Ohio EPA.
- C. Parcels of land consisting of less than one acre of land in an area used for single family residential purposes only are exempt from Storm Water Control Plan requirements.
- D. The City shall administer this regulation, shall be responsible for determination of compliance with this regulation, and shall issue notices and orders as may be necessary. The City may consult with the Cuyahoga Soil and Water Conservation District, private engineers, storm water districts or other technical and legal experts in reviewing the Storm Water Control Plan. The site owner or applicant will pay any costs associated with obtaining necessary report(s) from the Cuyahoga Soil and Water Conservation District or

another entity or person who performs reviews of the Storm Water Control Plan for the City.

1367.08 APPLICATION PROCEDURES AND FINAL CERTIFICATION

- A. Pre-Application Meeting: The applicant shall attend a Pre-Application Meeting with the City Engineer, Building Department, and Service Department or their designee to discuss the proposed project, review the requirements of this regulation, identify any unique aspects of the project that must be addressed during the review process, and establish a preliminary review and approval schedule.
- B. Preliminary Storm Water Control Plan: The applicant shall submit two (2) paper sets and one (1) set of plans in PDF format of a Storm Water Control Plan (Preliminary Plan) and the applicable fees to the Building Department for review by the City Engineer or their designee. The Preliminary Plan shall show the proposed property boundaries, setbacks, dedicated open space, public roads, water resources, storm water control facilities, and easements in sufficient detail and engineering analysis to allow the City Engineer to determine if the site is laid out in a manner that meets the intent of this regulation and if the proposed storm water management practices are capable of controlling erosion, sediment pollution and storm water runoff from the site in compliance with this regulation. The applicant shall submit two (2) paper sets and one (1) set of plans in PDF format of the Preliminary Plan and applicable fees as follows:
1. For subdivisions and other building or improvement construction projects: In conjunction with the submission of the preliminary subdivision plan.
 2. For general clearing projects: for soil disturbing activities covered by this regulation; thirty (30) days prior to any soil disturbing activities.
- C. Final Post-Construction Water Quality Control Plan: The applicant shall submit two (2) sets of a Storm Water Control Plan (Final Plan) and the applicable fees to the Building Department for review by the City Engineer or their designee in conjunction with the submittal of the final plat, improvement plans, or application for a building or zoning permit for the site. The Final Plan shall meet the requirements of Section 1367.09 and shall be approved by the City Engineer prior to approval of the final plat and/or before issuance of either a zoning or building permit.
- D. Review and Comment: The City Engineer shall review the Preliminary and Final Plans submitted, and shall approve or return for revisions with comments and recommendations for revisions within thirty (30) days after receipt of the plans. Failure to approve or return plans within thirty (30) days shall not constitute approval of the plan. A Preliminary or Final Plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised Preliminary or Final Plan.
- E. Approval Necessary: Land clearing and soil-disturbing activities shall not begin and

zoning and/or building permits shall not be issued without an approved Storm Water Control Plan.

- F. Valid for Two Years: Approvals issued in accordance with this regulation shall remain valid for two (2) years from the date of approval.
- G. Final Certification of Constructed BMP(s): After construction or implementation of all BMP(s) set forth in the approved Storm Water Control Plan, an As-Built Certification sealed, signed and dated by a Professional Engineer with a statement certifying that the storm water management practices, as designed and installed, meet the requirements of the Storm Water Management Plan approved by the City Engineer shall be submitted to the Building Department.

1367.09 STORM WATER CONTROL PLAN: A Storm Water Control Plan required by this regulation shall contain the following information:

- A. Soil Erosion and Sediment Control: the plan shall include measures to insure that earth disturbing activities at the site during and after development will be managed in a manner that will not result in increased erosion and sedimentation from the site resulting in impact to water quality and that meet the standards set forth in Section 1367.10.
- B. Post-Construction Water Quality and Quantity Control: the plan shall include measures to insure that the peak discharge rate of surface water runoff from the development site during and after construction will be at or below the pre-development peak discharge rate and to insure pollutants are reduced to the maximum extent possible. The plan shall meet the standards set forth in Section 1367.11 and 1367.12 for post-construction water quality control.
- C. Preparation of Plans: All Storm Water Control Plans shall be prepared by a Professional Engineer experienced in the design and implementation of standard erosion and sediment controls and storm water management practices addressing all phases of construction.
- D. Applicable Design Standards: With the exception of riparian and wetland setback requirements, the BMPs used to satisfy the conditions of these regulations shall meet the standards and specifications in the current edition of the Ohio Rain Water and Land Development manual, ODOT Post-Construction storm water standards, or other manual that is acceptable to the City Engineer.
- E. Compliance with Riparian and Wetland Setback Requirements: The plan must make use of the practices that preserve the existing natural condition as much as feasible. At a minimum, the plan must demonstrate that the applicant meets the requirements set forth in the City of Middleburg Heights ordinance titled Riparian and Wetland Setbacks, Section 1363. The Storm Water Control Plan shall contain a description of how the development or re-development project meets the requirements for Riparian and/or Wetland Setbacks, as set forth in Section 1363.01 through 1363.17.

- F. Contents of Storm Water Control Plans: Shall include the Storm Water Pollution Prevention Plan (SWP3) required by either an individual NPDES Construction Activity Permit or Ohio EPA's NPDES Construction Activity Permit #OHC000002 (or #OHC000003 if finalized by Ohio EPA) and incorporated here by reference (a copy of the general permit is available from the Service Department). In meeting the requirements for a Storm Water Control Plan, the SWP3 plan may be submitted as developed for Ohio EPA and which meets the requirements of Ohio EPA. If any of the provisions of Sections 1367.10 or 1367.11 conflicts with the mandatory requirements set forth in the final applicable Ohio EPA NPDES Construction Activity Permit, the standards set forth in the Ohio EPA NPDES Construction Activity Permit shall control. Proof of compliance with the applicable Ohio EPA General Storm Water NPDES permit is required and can be met by submitting a copy of the NPDES General Storm Water Permit Notice of Intent; the NPDES General Storm Water Permit Number; and/or the Ohio EPA Director's Acceptance Letter for the NPDES General Storm Water Permit.

In addition to the SWP3 plan, the applicant shall include the supplemental information set forth in 1367.12. The contents of the Ohio EPA SWP3 include those requirements set forth in Section 1367.10 pertaining to soil erosion, sediment control and Section 1367.11 pertaining to post-construction water quality control and the following information:

1. A description of the nature and type of construction activity (e.g. residential, shopping mall, highway, etc).
2. Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavation, filling or grading, including off-site borrow areas);
3. A calculation of the runoff coefficients for both the pre-construction and post construction site conditions;
4. An estimate of the impervious area and percent imperviousness created by the construction activity;
5. Existing data describing the soil and, if available, the quality of any discharge from the Site, including any potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with construction activities;
6. A description of prior land uses at the site;
7. An implementation schedule which describes the sequence of major construction operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion, sediment and storm water management practices or facilities to be employed during each operation of the sequence;
8. The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water(s) and the extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project;

9. For subdivided developments where the Storm Water Control Plan does not call for a centralized sediment control capable of controlling multiple individual lots, a detail drawing of a typical individual lot showing standard individual lot erosion and sediment control practices;
10. Location and description of any storm water discharges associated with dedicated asphalt and dedicated concrete plants covered by this permit and the best management practices to address pollutants in these storm water discharges;
11. Site map showing:
 - a. Limits of earth-disturbing activity of the site including associated off-site borrow or spoil areas;
 - b. Soils types should be depicted for all areas of the site, including locations of unstable or highly erodible soils;
 - c. Existing and proposed contours. A delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed, in acres;
 - d. Surface water locations including springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the applicant intends to fill or relocate for which the applicant is seeking approval from the Army Corps of Engineers and/or Ohio EPA;
 - e. Existing and planned locations of buildings, roads, parking facilities and utilities;
 - f. The location of all erosion and sediment control practices, including the location of areas likely to require temporary stabilization during the course of site development;
 - g. Sediment and storm water management basins noting their sediment settling volume and contributing drainage area;
 - h. Permanent storm water management practices to be used to control pollutants in storm water after construction operations have been completed;
 - i. Areas designated for the storage or disposal of solid, sanitary and toxic wastes, including dumpster areas, areas designated for cement truck washout, and vehicle fueling;
 - j. The location of designated construction entrances where the vehicles will access the construction site;
 - k. The location of any in-stream activities including stream crossings.
12. The Storm Water Control Plan must contain a description of the controls appropriate for each construction operation covered by these regulations and the operator(s) must implement such controls. The Storm Water Control Plan must clearly describe for each major construction activity identified in Section 1367.10(A)(7) the following:

- a. appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented; and
 - b. identification of which contractor is responsible for implementation (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain the perimeter controls until final stabilization).
- G. Inspection and Maintenance Agreement between the City and the applicant which meets the standards set forth in Section 1367.13 and contains the following information and provisions:
 - 1. Detail drawings that include the location of each storm water management practice. Maintenance plans must be provided for all post-construction best management practices (BMPs).
 - 2. A schedule for regular maintenance for each aspect of the storm water management system to ensure continued performance of that system as is detailed in the Storm Water Control Plan. This schedule may include additional standards, as required by the City Engineer, to ensure continued performance of the storm water management practices.
 - 3. Identification of the person or entity responsible for continued maintenance of all vegetative and/or mechanical BMPs for both the construction and post-construction phases of the development project.
 - 4. The Plan will identify the person or entity financially responsible for maintaining the permanent inspection and maintenance of permanent storm water conveyance and storage structures and other conservation practices.
 - 5. The method of ensuring that funding will be available to conduct the long term maintenance and inspections of all permanent storm water, soil erosion and sediment control and water quality practices will be identified.
 - 6. Identification of all easements in accordance with Section 1367.13.
 - 7. The Inspection and Maintenance Agreement shall be completed and approved by the City of Middleburg Heights prior to final approval of improvement plans.

1367.10 SOIL EROSION AND SEDIMENT CONTROL PERFORMANCE STANDARDS:

- A. **EROSION CONTROL PRACTICES:** The Storm Water Control Plan must make use of erosion controls that are capable of providing cover over disturbed soils unless an exception is approved by the City of Middleburg Heights in accordance with Section 1367.16. A description of control practices designed to restabilize disturbed areas after grading or construction shall be included in the Storm Water Control Plan. The Storm

Water Control Plan must provide specifications for stabilization of all disturbed areas of the site and provide guidance as to which method of stabilization 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, use of construction entrances and use of alternative ground cover.

1. Stabilization- disturbed areas must be stabilized as specified in the tables below:

Table 1: Temporary Stabilization

Area Requiring Temporary Stabilization	Time Frame to Apply Erosion Controls
Any disturbed areas within 50 feet of a stream and not at final grade	Within two days of the most recent disturbance if the area will remain idle for more than 21 days
For all construction activities, any disturbed areas that will be dormant for more than 21 days but less than one year, and not within 50 feet of a stream	Within seven days of the most recent disturbance within the area For residential subdivisions, disturbed areas must be stabilized at least seven days prior to the transfer of permit coverage for the individual lot (s)
Disturbed areas that will be idle over the winter	Prior to the onset of winter weather

Table 2: Permanent Stabilization

Area Requiring Permanent Stabilization	Time Frame to Apply Erosion Controls
Any areas that will lie dormant for one year or more	Within seven days of the most recent disturbance
Any areas within 50 feet of a stream and at final grade	Within two days of reaching final grade
Any other areas at final grade	Within seven days of reaching final grade within that area

2. Permanent stabilization of conveyance channels- Person(s) implementing the Storm Water Management Plan shall undertake special measures to stabilize channels and outfalls and prevent erosive flows. Measures may include seeding, dormant seeding (as defined in the most recent edition of Rainwater and Land Development), mulching, erosion control matting, sodding, riprap, natural channel design with bioengineering techniques or rock check dams.

- B. **RUNOFF CONTROL PRACTICES.** The Storm Water Control Plan shall incorporate measures that control the flow of runoff from disturbed areas so as 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.

C. **SEDIMENT CONTROL PRACTICES.** The Storm Water Control Plan shall include a description of structural practices that shall 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 which direct runoff to a sediment settling pond and storm inlet protection. All sediment control practices must be capable of ponding runoff in order 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.

D. **STRUCTURAL PRACTICES:** The Storm Water Control Plan must contain detail drawings for all structural practices. The structural practices shall also meet the following requirements:

1. Timing. Sediment control structures shall be functional throughout the course of earth disturbing activity. Sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven (7) days from the start of grubbing. They shall continue to function until the up slope development area is restabilized. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns.
2. Sediment settling ponds. Concentrated storm water runoff and runoff from drainage areas that exceed the design capacity of silt fence or inlet protection, as determined in Table 3 below, shall pass through a sediment settling pond. For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment settling pond must be provided until final stabilization of the site. The applicant may request approval from the City of Middleburg Heights to use alternative controls if it can demonstrate the alternative controls are equivalent in effectiveness to a sediment settling pond and Ohio EPA approved the alternative control. For drainage locations serving less than 10 acres, smaller sediment basins and/or sediment traps should be used.

The sediment-settling pond shall be sized to provide at least 67 cubic yards of storage per acre of total contributing drainage area. When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity must be included unless runoff from these areas is diverted away from the sediment settling pond and is not co-mingled with sediment-laden runoff. The depth of the sediment-settling pond must be less than or equal to five (5) feet. The configuration between the inlets and the outlet of the basin must provide at least two units of length for each one unit of width (> 2:1 length: width ratio). Sediment must be removed from the sediment-settling pond when the

design capacity has been reduced by 40 percent. This limit is typically reached when sediment occupies one-half of the basin depth. When designing sediment settling ponds, the applicant must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls must be used where site limitations would preclude a safe design. The use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal is encouraged.

3. Silt fence and diversions. Sheet flow runoff from denuded areas shall be intercepted by silt fence or diversions to protect adjacent properties, water resources, and wetlands from sediment transported via sheet flow. Where intended to provide sediment control, silt fence shall be placed on a level contour. Other sediment barriers designed to control sheet flow runoff may be used if approved by the City of Middleburg Heights and allowed by Ohio EPA. The relationship between the maximum drainage area to silt fence for a particular slope range is shown in Table 3 below. Stormwater diversion practices shall be used to keep runoff away from disturbed areas and steep slopes. Such devices, which include swales, dikes or berms, may receive storm water runoff from areas up to 10 acres.

Table 3

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

4. Inlet protection. Other erosion and sediment control practices shall be installed to minimize sediment-laden water entering active storm drain systems, unless the storm drain system drains to a sediment settling pond.
5. Stream protection. If construction activities disturb areas adjacent to streams, structural practices shall be designed and implemented on site to protect all adjacent streams from the impacts of sediment runoff. No structural sediment controls (e.g., the installation of a silt fence or a sediment settling pond in-stream) shall be used in a stream. For all construction activities immediately adjacent to surface waters of the state, the applicant must comply with applicable set back requirements.
6. Modifying controls. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the applicant shall replace or modify the control for site conditions.
7. Non-Sediment Pollutant Controls: No solid (other than sediment) or liquid waste,

including building materials, shall be discharged in storm water runoff. The applicant must implement site best management practices to prevent the discharge of non-sediment pollutant to the drainage system of the site or surface waters of the state. Under no circumstances shall concrete trucks wash out directly into a drainage channel, storm sewer or surface waters of the state. No exposure of storm water to waste materials is recommended.

8. Off-Site traffic. Off-site vehicle tracking of sediments and dust generation shall be minimized.
9. Compliance with other requirements. The Storm Water Control Plan 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.
10. Trench and ground water control. There shall be no turbid discharges to surface water or wetlands resulting from dewatering activities. If trench or ground water contains sediment, it must pass through a sediment-settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag or comparable practice. Ground water 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 ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.

1367.11 POST-CONSTRUCTION WATER QUALITY CONTROL REQUIREMENTS

The Storm Water Control Plan will also contain the following information depending on the size of the development sites as well as any additional information required by the City of Middleburg Heights engineer.

- A. General Requirements: All Storm Water Control Plans must contain the following information pertaining to post-construction water quality control:
 1. A description of the post-construction BMP(s) that will be installed during the construction for the site and the rationale for their selection. The rationale must address the anticipated impacts on the channel and floodplain morphology, hydrology, and water quality.
 2. Detail drawings must be provided for all post-construction BMP(s).
- B. Development Sites Smaller than Five Acres: A development site that will disturb one (1) or more, but less than five (5) acres of land and is not a part of a larger common plan of development or sale which will disturb five or more acres of land shall identify:

1. A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed.
 2. Structural measures should be placed on upland soils to the degree attainable.
 3. The Storm Water Control Plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed pre-development levels.
 4. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water).
- C. Development Sites 5 Acres or Larger: A development site that disturbs five (5) or more acres of land or will disturb less than five (5) acres, but is a part of a larger common plan of development or sale, which will disturb five (5) or more acres of land shall identify:
1. Post Construction Water Quality Storage: The Post-Construction BMP(s) chosen must be able to detain storm water runoff for protection of the stream channels, stream erosion control, and improved water quality.
 2. Structural BMPs: Structural (designed) Post-Construction storm water treatment practices shall be incorporated into the permanent drainage system for the site.
 3. Properly Sized BMPs: The BMP(s) chosen must be sized to treat the water quality volume (WQ_v) and ensure compliance with Ohio's Water Quality Standards in OAC Chapter 3745-1. The WQ_v shall be equivalent to the volume of runoff from a 0.75-inch rainfall and shall be determined according to one of the two following methods:
 - (a) Through a site hydrologic study approved by the local municipal permitting authority that uses continuous hydrologic simulation and local long-term hourly precipitation records or
 - (b) Using the following equation:

$$WQ_v = C * P * A / 12$$
 where: WQ_v = water quality volume in acre-feet
 C = runoff coefficient appropriate for storms less than 1 inch (see Table 1)
 P = 0.75 inch precipitation depth
 A = area draining into the BMP in acres

Table 1 Runoff Coefficients Based on the Type of Land Use

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

4. Where the land use will be mixed, the runoff coefficient should be calculated using a weighted average. For example, if 60% of the contributing drainage area to the storm water treatment structure is Low Density Residential, 30% is High Density Residential, and 10% is Open Space, the runoff coefficient is calculated as follows $(0.6)(0.3) + (0.3)(0.5) + (0.1)(0.2) = 0.35$.
5. An additional volume equal to 20 percent of the WQ_v shall be incorporated into the BMP for sediment storage and/or reduced infiltration capacity. The BMPs will be designed according to the methodology included in the *Ohio Rainwater and Land Development* manual, ODOT Post-Construction storm water standards, or other manual that is acceptable to Ohio EPA and the City Engineer.
6. BMPs shall be designed such that the drain time is long enough to provide treatment, but short enough to provide storage available for successive rainfall events as described in Table 2 below.

Table 2: Target Draw Down (Drain) Times for Structural Post-Construction Treatment Control Practices

Best Management Practice	Drain Time of WQ _v
Infiltration	24 - 48 hours
Vegetated Swale and Filter Strip	24 hours
Extended Detention Basin (Dry Basins)	48 hours
Retention Basins (Wet Basins)*	24 hours
Constructed Wetlands (above permanent pool)	24 hours
Media Filtration, Bioretention	40 hours

*Provide both a permanent pool and water quality volume above the

permanent pool, each sized at $0.75 * WQ_v$

7. The owner may request approval from the City of Middleburg Heights Engineer to use alternative structural Post-Construction BMPs if the alternative structural post-construction BMPs have been approved by Ohio EPA pursuant to the currently effective Ohio EPA NPDES Construction Activity General Permit or an individual NPDES Permit issued by Ohio EPA.
8. Construction activities shall be exempt from this condition if it can be demonstrated that the WQ_v is provided within an existing structural Post-Construction BMP that is part of a larger common plan of development or sale or if structural Post-Construction BMPs are addressed in a regional or local storm water management plan.
9. For redevelopment projects (i.e., developments on previously developed property), Post-Construction practices shall either ensure a 20 percent net reduction of the site impervious area, provide for treatment of at least 20 percent of the WQ_v , or a combination of the two.

1367.12 STORM WATER QUANTITY CONTROL SUPPLEMENTAL INFORMATION:

In addition to the information contained in the SWP3, the applicant shall submit supplemental information regarding post development runoff as part of the Storm Water Control Plan. The Storm Water Control Plan shall describe how the proposed storm water management practices are designed to meet the following requirements for storm water quantity for each watershed in the development:

- A. The peak discharge rate of runoff from the Critical Storm and all more frequent storms occurring under post-development conditions shall not exceed the peak discharge rate of runoff from a 1-year, 24-hour storm occurring on the same development drainage area under pre-development conditions.
- B. Storms of less frequent occurrence (longer return periods) than the Critical Storm, up to the 100-year, 24-hour storm shall have peak runoff discharge rates no greater than the peak runoff rates from equivalent size storms under pre-development conditions. The 1, 2, 5, 10, 25, 50, and 100-year storms shall be considered in designing a facility to meet this requirement.
- C. The Critical Storm for each specific development drainage area shall be determined as follows:
 1. Determine, using a curve number-based hydrologic method that generates hydrographs, or other hydrologic method approved by the City Engineer, the total volume (acre-feet) of runoff from a 1-year, 24-hour storm occurring on the development drainage area before and after development. These calculations shall meet the following standards:
 - (a) Calculations shall include the lot coverage assumptions used for full build out as proposed.
 - (b) Calculations shall be based on the entire contributing watershed to the

development area.

- (c) Curve numbers for the pre-development condition must reflect the average type of land use over the past 10 years and not only the current land use.
 - (d) To account for future post-construction improvements to the site, calculations shall assume an impervious surface such as asphalt or concrete for all parking areas and driveways, regardless of the surface proposed in the site description.
2. From the volume determined in Section 1367.12(C) (1) determine the percent increase in volume of runoff due to development. Using the percentage, select the 24-hour Critical Storm from Table 3.

Table 3: 24-Hour Critical Storm

If the Percentage of Increase in Volume of Runoff is:		The Critical Storm will be:
Equal to or Greater Than:	and Less Than:	
----	10	1 year
10	20	2 year
20	50	5 year
50	100	10 year
100	250	25 year
250	500	50 year
500	---	100 year

- D. A computer program acceptable to the City Engineer shall be used for all detention or retention basin designs.
- E. A narrative signed and sealed by a Professional Engineer registered in the State of Ohio describing procedures used in design of storm water quantity control devices and summarizing data, including any necessary supplemental information shall be submitted with Preliminary and Final Plans. The Narrative shall be in a format acceptable to the City Engineer.
- F. The design and details of the storm water retention and detention basins shall be in accordance with standards approved by the City Engineer and Service Department.

1367.13 INSPECTIONS AND MAINTENANCE: All temporary and permanent control practices developed in accordance with an approved Storm Water Control Plan shall be maintained and repaired in accordance with the approved Inspection and Maintenance Agreement and as needed to ensure continued performance of their intended function. All

sediment control practices must be maintained in a functional condition until all slope areas they control are permanently stabilized. Any portion of the permanent water quality management systems, including on-site and off-site treatment/storage facilities that are constructed by the owner, will be continuously maintained into perpetuity. All maintenance plans must meet the following standards and those responsible for implementation of the maintenance plan must adhere to them:

- A. Maintenance plans must ensure that pollutants collected within structural Post-Construction BMP practices are disposed of in accordance with local, state and federal guidelines.
- B. Maintenance plans shall be provided by the owner of the site to both the City of Middleburg Heights Engineer and the post-construction operator of the BMP (including homeowner associations) upon completion of construction activities and prior to the City of Middleburg Heights Engineer giving final approval for the completed construction.
- C. Single-Family Residential Developments: A Homeowners' Association or other entity acceptable to the City Engineer shall be created and placed in title of the affected lands and shall be continuously responsible for post-construction maintenance and inspections into perpetuity unless such maintenance and inspections become officially accepted by the City of Middleburg Heights.
- D. Multi-Family, Commercial and Industrial Developments: The plans will clearly state that the owner of the property shall be continuously responsible for post-construction maintenance and inspections into perpetuity unless such maintenance and inspections become officially accepted by the City of Middleburg Heights.
- E. Maintenance Design: Low maintenance requirements are a priority in the design and construction of all facilities. Multi-use facilities incorporating assets such as aesthetics and recreation may be incorporated into the design of the drainage facilities. All permanent drainage, soil erosion, sediment control, water quality management systems and BMPs, including on-site and off-site structures and vegetation that are constructed or planted, must be inspected and maintained into perpetuity by the responsible party designated in the plans and the requirements of this ordinance. Inspections and maintenance will be incorporated periodically throughout the year to ensure that the facilities are properly operational.
- F. Permit Related Inspections: All controls on the site shall be inspected in accordance with the applicable individual NPDES Construction Activity Permit or Ohio EPA's NPDES Construction Activity Permit #OHC000002. This shall include procedures that all controls on the site are inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period until no longer required under the applicable Ohio EPA storm water control permit.
- G. Perpetual Maintenance Inspections: One (1) inspection with a written report will be performed each year. The written report will be given to the Building Department for

review by the City Engineer or their designee by May 1st of each and every year after the Best Management Practice (BMP) has been completed. The City Engineer retains the authority to require that the annual inspection report be a written and stamped report from a professional engineer or other individual possessing a valid state license that authorizes them to design the type of BMP inspected.

- H. Structures that require a permit from the Ohio Division of Water: A written and stamped report from a professional engineer on the status of all structural BMPs that require a permit from the Ohio Department of Natural Resources (ODNR) Division of Water. This applies to all BMPs that require a permit either at the time of construction or fall under the jurisdiction of ODNR Division of Water at any time after construction is completed.
- I. Repair and maintenance: If an inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment settling pond, it must be repaired or maintained within three days of the inspection. Sediment settling ponds must be repaired or maintained within 10 days of the inspection.
- J. Authority of the City to perform corrective actions: The City of Middleburg Heights is authorized to enter upon the property and to perform the inspections or any necessary corrective actions if the landowner(s), person, or organization responsible for maintenance does not make the required inspection or correction within the specified time period in the maintenance plan or within a reasonable amount of time where no time period has been specified. The City of Middleburg Heights shall be reimbursed by the landowner(s), person, or organization responsible for maintenance for all expenses related to inspection or correction incurred by the City within ten (10) days of receipt of invoice from the City.
- K. Modification of the selected control practice: If an inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the Storm Water Control Plan must be amended by the person or entity responsible for maintenance and the new control practice must be installed after receiving approval from the City Engineer. If an inspection reveals that a planned control practice is not needed, the person or entity responsible for installation must request approval from the City Engineer to no longer implement the planned control practice.
- L. Easements: A written report from an inspector on the status of all storm water management easements for each project shall be submitted to the City of Middleburg Heights Building Department by May 1st of each year into perpetuity. These reports will document if restricted plantings, fences and structures are on the easement and will identify the location of the noted easement restriction violations.

1367.14 EASEMENTS: Future access to all permanent vegetative and/or mechanical post-construction water quality conservation practices (BMPs) and other areas, as required by the City of Middleburg Heights Engineer, shall be secured by means of easements.

- A. Easements shall be approved by the City Engineer and shall be recorded with the Cuyahoga County Auditor and on all property deeds.
- B. Unless otherwise required by the City Engineer, access easements between a public right-of-way and all storm water management practices shall be no less than 20-feet wide. The easement shall also incorporate the entire storm water management practice, plus an additional 15-foot wide band around the perimeter of the storm water management practice.
- C. The easement shall be graded and/or stabilized as necessary to allow maintenance equipment to access and manipulate around and within each facility, as defined in the Inspection and Maintenance agreement for the site.
- D. Easements to structural storm water management practices shall be restricted against the construction therein of buildings, fences, walls, and other structures that may obstruct the free flow of storm water and the passage of inspector and maintenance equipment; and against the changing of final grade from that described by the final grading plan approved by the City of Middleburg Heights. Any re-grading and/or obstruction placed within a maintenance easement may be removed by the City of Middleburg Heights at the property owners' expense.

1367.15 FEES

The Comprehensive Storm Water Management Plan review, filing, and inspection fee is part of a complete application and is required to be submitted to the City of Middleburg Heights before the review process begins. The City Engineer shall establish a fee schedule based upon the actual estimated cost for providing these services.

1367.16 PERFORMANCE BOND OR SECURITY: Unless the requirement is waived by the City Engineer, if a Storm Water Management Plan is required by this regulation, soil-disturbing activities shall not be permitted until a performance bond or security has been deposited with the City of Middleburg Heights. The performance security or bond shall be posted for the City of Middleburg Heights 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 for the Storm Water Management Plan or owner fails to comply with the provisions of this regulation. The amount of the performance security or bond shall be the total estimated construction cost of the storm water management practices set forth in the Storm Water Control Plan, plus 20%. The performance security or bond will be returned when:

- A. After the City Engineer has approved the As-built Certification required in Section 1367.08(G); and
- B. All temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and trapped sediment has been stabilized.

1367.17 ALTERNATIVE ACTIONS: Where the City of Middleburg Heights Engineer determines that site constraints exist in a manner that compromises the intent of this ordinance to improve the management of storm water runoff as established in this ordinance, practical alternatives may be used to result in an improvement of water quality and/or a reduction of storm water runoff. Such alternatives must be in keeping with the intent and likely cost of those measures that would otherwise be required to meet the objectives of this section. When possible, all practical alternatives shall be implemented within the drainage area of the proposed development project. Practical alternatives must be approved by the City Engineer and can include, but are not limited to:

- A. Fees paid in an amount specified by the City of Middleburg Heights Engineer. The City of Middleburg Heights shall apply these fees to storm water management practices that improve the existing water quality.
- B. Implementation of off-site storm water management practices.
- C. Watershed or stream restoration.
- D. Retrofitting of an existing storm water management practice.
- E. Other practices approved by the City of Middleburg Heights Engineer in keeping with the intent of this section.

1367.18 VIOLATIONS: No person shall violate, or cause, or knowingly permit to be violated, any of the provisions of these regulations, or fail to comply with any such provisions or with any lawful requirements of any public authority made pursuant to these regulations, or knowingly use or cause or permit the use of any lands in violation of these regulations or in violation of any permit granted under these regulations.

1367.99 PENALTIES:

- A. Any person, firm, entity or corporation; including but not limited to, the owner of the property, his 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 sixty (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. Upon notice from the City of Middleburg Heights Engineer or their designee, that work is being performed contrary to this regulation, such work shall immediately stop. Such notice shall be in writing and shall be given to the owner or person responsible for the development area, or person performing the work, and shall state the conditions under which such work may be resumed; provided, however, in instances where immediate action is deemed necessary for public safety or the public interest, the City of Middleburg

Heights Engineer may require that work be stopped upon verbal order pending issuance of the written order.

- C. The imposition of any other penalties provided herein shall not preclude the City of Middleburg Heights 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 the City of Middleburg Heights.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Passed: 2/26/08

Attest: Mary Ann Meola
Clerk of Council

Presented To Mayor: 2/27/08

	Yea	Nay
Budney	✓	
Ali	<u>ABSTAIN</u>	
Sheppard	✓	
Castelli	✓	
Herron	✓	
Bortolotto	✓	
Guttmann	<u>ABSENT</u>	

[Signature]
President of Council

Approved On: 2/27/08

[Signature]
Mayor

I, Mary Ann Meola Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Ord. 2008-18 adopted by the Council of the City of Middleburg Hts., on 2/26/08 was posted for a period of fifteen days, beginning 2/28/08 and remained so posted for fifteen days at the two posting places as designated by Charter.

Mary Ann Meola
Clerk

CERTIFICATE

I, Mary Ann Meola, Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ord. 2008-18 passed on the 26th day of February 20 08 by said Council.

Mary Ann Meola
Clerk of Council