

CODIFIED ORDINANCES OF CANAL FULTON

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE ONE - Street and Sidewalk Areas

Chap. 901. Excavations.

Chap. 903. Weeds, Trees and Shrubbery.

Chap. 905. Snow Removal.

TITLE THREE - Utilities

Chap. 921. Water.

Chap. 922. Water Debt Service Fund. (Repealed)

Chap. 923. Water Debt Service Fund 613. (Repealed)

Chap. 925. Sewer Use Regulations.

Chap. 929. Sewer Improvement Fund. (Repealed)

Chap. 933. Sewer Charge System.

Chap. 937. Industrial Cost Recovery System.

TITLE FIVE - Other Public Services

Chap. 961. Playgrounds and Municipally Owned Recreational
Areas.

Chap. 965. Municipal Swimming Pool.

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CHAPTER 901

Excavations

<p>901.01 Permit and deposit required.</p> <p>901.02 Application for permit.</p> <p>901.03 Restoration of pavement.</p> <p>901.04 Regulations; charges.</p>	<p>901.05 Openings in newly paved surfaces.</p> <p>901.06 Barricades; warning lights and flagmen.</p> <p>901.99 Penalty.</p>
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CROSS REFERENCES

Power to establish and care for streets - see Ohio R.C. 715.19, 717.01, 723.01

Openings by the Municipality - see Ohio R. C. 723.03

Excavation liability - see Ohio R. C . 723.49 et seq.

Digging, excavating and piling earth on streets - see Ohio R. C . 5589.10

Barricades and warning lights - see GEN. OFF. 521.03

901.01 PERMIT AND DEPOSIT REQUIRED.

No person shall make any opening or excavation in or under a street, alley, sidewalk or other public way or ground without first obtaining a permit therefor from the Clerk of Council and making such a deposit of money as may be required by the Street Opening Regulations on record. Permits shall be issued only to City departments and to contractors or corporations covered by adequate public liability insurance, or bond. (Ord . 14-1962. Passed 9-18-62.)

901.02 APPLICATION FOR PERMIT.

Permits for openings or excavations shall be issued only upon applications made in writing to the Clerk of Council and approval of the City Engineer. A permit shall be issued only after payment of a permit fee and furnishing security, as follows:

- (a) A fee as established in Section 143.01(b)(6) shall be paid for each permit and a cash deposit shall be made for restoration and inspection according to a schedule of charges fixed by the City Engineer. If such deposit is in excess of one thousand dollars (\$1,000), a surety company bond may be furnished.
- (b) The State, County, any department or division of the City or any public utility corporation holding a franchise from the City may obtain necessary street opening permits without payment, but shall be charged for necessary street restoration work, and inspections.
- (c) A public utility corporation may be authorized by the City Engineer to do its own restoration work in connection with the opening of streets for maintenance and construction work, but shall be charged a sufficient sum to cover inspection costs. (Ord. 14-1962. Passed 9-18-62; Ord. 2-85. Passed 2-5-85.)

901.03 RESTORATION OF PAVEMENT.

(a) Where openings have been or are to be made in a street, the permit shall direct the restoration of the street pavement in one of the following ways:

- (1) The entire work of restoration, including both paving surface and paving base, may be performed directly by the Street Department after the permittee has completed the backfill.
- (2) The paving surface may be installed by the Street Department after the permittee has made the backfill and installed the pavement base.
- (3) The work may be done completely as in subsection (a)(1) hereof, or as to paving surface only as in subsection (a)(2) hereof, by a City contractor thereunto duly authorized by a contract with the City.
- (4) The entire work of restoration may be done by the permittee with the consent of the City Engineer.

(b) In all cases, the entire work shall be carried out under the direction and to the satisfaction of the City Engineer, and in accordance with rules, regulations and specifications approved by Council. The permittee shall be responsible for the condition of all restorations made by him for a period of five years and upon notice shall repair any defect therein. Upon failure to repair, the City may make necessary repairs and charge the cost to the permittee. (Ord. 14-1962. Passed 9-18-62.)

(c) All brick street surfaces, brick sidewalks, or flagstone sidewalks disturbed during construction or excavations shall be restored to their original state. All street opening permits, as well as construction drawings and specifications prepared for City infrastructure projects, shall state or comply with this requirement. (Ord. 71-94. Passed 12-6-94.)

901.04 REGULATIONS; CHARGES.

Rules and regulations prepared by the City Engineer and approved by Council shall describe in detail the procedure to be observed in obtaining permits and precautions to be taken in acting under the permits issued. Specifications in accordance with standard engineering practice shall be similarly prepared prescribing the manner in which excavation and restoration work shall be done. The rules and regulations shall contain a schedule of charges and deposits for various size openings in various kinds of paving, based upon the cost to the City of the inspection and other services to be rendered by the City and the expense of restoration work. (Ord. 14-1962. Passed 9-18-62.)

901.05 OPENINGS IN NEWLY PAVED SURFACES.

(a) Prior to the new paving or reconstruction or resurfacing of any street, Council shall cause notices to be sent to all public utility corporations.

(b) City departments and abutting property owners are to install all necessary mains, conduits, service branches and structures. Public utility corporations and City departments shall be allowed a reasonable time for completing such installations before the new pavement or resurfacing is laid.

(c) Thereafter, during the period of three years from the final completion and acceptance of the new pavement, no permit for making an opening in such pavement shall be issued, except upon payment of an additional charge in excess of the amount otherwise chargeable in the amount of two percent (2%) of the restoration cost for each month of the unexpired part of such three-year period and in no event less than ten percent (10%). Such charges shall not be considered as penalties but as compensation for loss of useful life caused by openings in new surfaces. The determination of the City Engineer as to such charges shall be final. (Ord. 14-1962. Passed 9-18-62.)

901.06 BARRICADES; WARNING LIGHTS AND FLAGMEN.

(a) No person shall abandon or knowingly permit to remain on public or private property, any excavation, well, cesspool or structure which is in the process of construction, reconstruction, repair or alteration unless the same is adequately protected by suitable barricades and guarded by warning devices or lights at night, so that the condition will not prove dangerous to life or limb. If such site is in the public way, the excavator shall provide flagmen to direct traffic around the site. In the event flagmen are not provided, the City shall provide them, and the person excavating at the site shall repay the City for the reasonable costs therefor. The site of the excavation, construction, repair or alteration in a street shall be resurfaced with material similar to that of the original condition of the street.

(b) Any person commencing an excavation in the public way shall previously notify the Street Superintendent, Police Department and Fire Department. (Ord. 22-1976. Passed 11-16-76.)

901.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day on which a violation occurs or continues shall be deemed a separate violation.

CHAPTER 903
Weeds, Trees and Shrubbery

903.01	Damaging trees.	903.09	Removal of weeds by owner or occupant; five days notice.
903.02	Authority of Zoning Inspector.	903.10	Removal of trees, weeds, grasses by Municipality.
903.03	Trimming trees.	903.11	Assessment of costs by Municipality.
903.04	Removal of trees.	903.99	Penalty.
903.05	Failure to remove trees.		
903.06	Shade Tree Authority established.		
903.07	Power of Shade Tree Authority.		
903.08	Planting of trees and shrubs; permit.		

CROSS REFERENCES

Power to regulate shade trees and shrubbery - see Ohio R.C. 715.20
Assessments for tree planting or maintenance - see Ohio R.C. 727.011
Injury or destruction - see GEN. OFF. 541.06

903.01 DAMAGING TREES.

No person shall willingly mutilate or damage in any manner or means, any tree on City property on or along any sidewalk or street. (Ord. 52-1983. Passed 12-13-83.)

903.02 AUTHORITY OF ZONING INSPECTOR.

(a) No person shall remove or destroy or cause to be destroyed any tree on City property on or along any sidewalk or street in the City without first having obtained in writing permission so to do from the Zoning Inspector.

(b) An appeal from the decision of the Zoning Inspector may be made to the Planning Commission by any person aggrieved by a decision of the Inspector, or any officers, department, board or bureau of the City adversely affected by such decision .

(c) Upon such appeal to the Planning Commission, the Commission at its next regularly scheduled meeting shall review such decision and affirm, modify or reverse any such decision of the Zoning Inspector. (Ord. 52-1983. Passed 12-13-83.)

903.03 TRIMMING TREES.

(a) All trees along the sidewalks and streets of the City, shall be so trimmed that no limbs, branches or leaves thereof shall extend or be suspended within ten feet from the level of the sidewalk or street. It is made the duty and obligation of all owners of such property upon or abutting which any trees shall be found to keep such trees thereon trimmed in accordance with the provisions of this chapter.

(b) It shall be the duty of the Zoning Inspector whenever any trees are found along the sidewalks or streets of the City not trimmed as required, to notify, at the earliest possible moment, the owner of the property upon which the trees are situated or abutting at sidewalks and streets to trim the trees as herein provided. If any person shall neglect or refuse to comply with the notice within fifteen days of receipt thereof, then it shall be the duty of the Zoning Inspector to cause such trees to be trimmed. The cost and expense thereof, shall be chargeable against the abutting property owner. (Ord. 52-1983. Passed 12-13-83.)

903.04 REMOVAL OF TREES.

Any tree on City property on or along any sidewalk or street because of decay, mutilation, or damage, may be declared by the Zoning Inspector to be a public hazard and nuisance. The Inspector is instructed, authorized and empowered to order the owners of the property abutting such sidewalk or street on which the trees are found, to remove the same forthwith. If any person shall neglect or refuse to comply with the notice within fifteen days of receipt thereof, then it shall be the duty of the Zoning Inspector to cause the removal of such trees. (Ord. 52- 1983. Passed 12- 13- 83.)

903.05 FAILURE TO REMOVE TREES.

Failure to trim or remove trees upon receipt of lawful notice from the Zoning Inspector, in conformity with Sections 903.02 to 903.04, is declared to be a violation of this chapter. The cost and expense thereof, shall be chargeable against the abutting property owner. (Ord. 52-1983. Passed 12-13-83.)

903.06 SHADE TREE AUTHORITY ESTABLISHED.

There is hereby created and established the Shade Tree Authority, which shall consist of the members of the Planning Commission. Such members of the Planning Commission shall serve on the Authority so long as they are duly elected or appointed by the legislative authority and further are appointed by the Mayor to such committee. (Ord. 52-1983. Passed 12-13-83.)

903.07 POWER OF SHADE TREE AUTHORITY.

(a) Members of the Shade Tree Authority shall have power to study, investigate, plan, advise, report and recommend to the legislative authority or the Mayor any action, program, plan or legislation which the Authority shall find or determine to be necessary or advisable for the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys.

(b) The committee when requested by the legislative authority or the Mayor, shall consider, investigate, make findings, report and recommend upon any special matters or question coming within the scope of its work. (Ord. 52-1983. Passed 12-13- 83.)

903.08 PLANTING OF TREES AND SHRUBS; PERMIT.

(a) No person shall hereafter plant or remove any tree or shrub upon any public way, street or alley, unless he shall have first obtained a permit in writing from the Zoning Inspector specifying the size, type, species and location on the public way, street or alley, of the tree or shrub so to be planted or removed.

(b) Street trees, when planted, shall be located outside of the street right of way of any sewer or water easements that may be adjacent to the street right of way, and planted in such manner as not to impair visibility at any corner or corners. It is strongly recommended that all subdividers or developers retain existing trees and plant trees on each lot. The Shade Tree Authority will cooperate in giving advice on species of trees which are acceptable for planting.

(c) The Zoning Inspector shall have the authority to deny a permit to any person who proposes to remove any tree or shrub upon a public way, street or alley. Further, the Zoning Inspector shall have the authority to deny a permit to any person who proposes to plant any tree or shrub upon a public way, street or alley of a size, type or species found to be undesirable by the Authority or so found to be undesirable for the location proposed; or he may deny a permit to any person who proposes to plant any tree or shrub upon a public way, street or alley if at a location found by the Authority to be of a size or type unsuitable for planting of trees or shrubs. (Ord. 52-1983. Passed 12-13-83.)

903.09 REMOVAL OF WEEDS BY OWNER OR OCCUPANT; FIVE DAYS NOTICE.

The owner, occupant or person having the charge or management of any lot or parcel of land situated within the corporate limits, whether the same be improved or unimproved, vacant or occupied, within five days' written notice to do so, served upon him in conformity with Ohio R.C. 731.51, shall cut or destroy or cause to be cut or destroyed any noxious or poisonous weeds or vines growing upon any such lot or parcel of land, and prevent the same from blooming or going to seed or exceeding a height of eight inches. (Ord. 25-03. Passed 6-3-03.)

903.10 REMOVAL OF TREES, WEEDS, GRASSES BY MUNICIPALITY.

In the event the owner does not trim or remove any tree, plant or shrubbery, or any part thereof, in accordance with the provisions of this chapter, then the Manager is authorized and it is declared to be his duty to have enforced the provisions of this chapter, and to cause to be trimmed or removed such tree, plant or shrubbery, or part thereof, and cut and remove all grass and weeds. (Ord. 24-85. Passed 8-13-85.)

903.11 ASSESSMENT OF COSTS BY MUNICIPALITY.

Whenever any tree, plant or shrubbery, or part thereof, or weeds and grass are growing in any street, public place, or upon private property contiguous to a street or sidewalk, or public place, and is trimmed or removed by the Municipality then after the work is done, the Municipality shall give five days' notice by regular mail, to the owner of such lot or parcel of land, at his last known address, to pay the cost of such trimming or removal of trees, plant, shrubbery, grass or parts thereof, which notice shall be accompanied by a statement of the amount of cost incurred, and in the event the same is not paid within thirty days after the mailing of such notice, then the amount shall be certified to the County Auditor for collection the same as other taxes and assessments are collected. (Ord. 24-85. Passed 8-13-85.)

903.99 PENALTY.

(a) Whoever violates any provision of this chapter where the penalty is not otherwise provided, shall be deemed guilty of a misdemeanor of the fourth degree. (Ord. 52-1983. Passed 12-13-83.)

(b) Whoever violates Section 903.09 is guilty of a minor misdemeanor. Each day's violation or each repeated violation by the same person shall constitute a separate offense. (Ord. 24-85. Passed 8-13-85.)

(c) Whoever violates Sections 903.06, 903.07 or 903.08 shall be deemed guilty of a minor misdemeanor. Each day's violation shall be deemed a separate offense. (Ord. 52-1983. Passed 12-13- 83.)

905.99 PENALTY.

(a) Whoever violates any of the provisions of this chapter for the first time is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed to be committed each day during or on which a violation occurs or continues.

(b) Whoever is convicted of a second or subsequent violation of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(c) In addition to the above, offenders under this chapter shall be liable for a Public Service Department fee in the event the City is required to remove any snow or snow piles tracked into a street or sidewalk as a result of a violation of this chapter. Such a fee shall be assessed at one hundred dollars (\$100.00) per hour for the work performed with a minimum of one hour's assessment for each time such work is performed.
(Ord. 52-01. Passed 12-4-01.)

TITLE THREE - Utilities

- Chap. 921. Water.
 Chap. 922. Water Debt Service Fund. (Repealed)
 Chap. 923. Water Debt Service Fund 613. (Repealed)
 Chap. 925. Sewer Use Regulations.
 Chap. 929. Sewer Improvement Fund. (Repealed)
 Chap. 933. Sewer Charge System.
 Chap. 937. Industrial Cost Recovery System.

CHAPTER 921

Water

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| 921.01 | Reduction for senior citizens. | 921.06 | Payment of charges. |
| 921.02 | Water Debt Service Fund 613. | 921.07 | Rules and regulations. |
| 921.03 | Rates; distribution of revenues. | 921.08 | Water emergencies. |
| 921.04 | Water system improvement charges for new connections. | 921.09 | Advanced sale of "tap-ins". |
| 921.05 | Connection to City water supply. | | |

CROSS REFERENCES

- Power to provide and regulate water system - see Ohio R.C. 715.08, 717.01, 743.01
 Water pollution - see Ohio R.C. 715.08, 743.25
 Compulsory water connections - see Ohio R.C. 729.06, 743.23
 Tampering; unauthorized connections - see Ohio R.C. 4933.22
 Fluoridation - see Ohio R.C. 6111.13
 Water pollution control - see Ohio R.C. Ch 6111
 Water supply - see OAC 4101:2-51-37
 Backflow - see OAC 4101:2-51-38

921.01 REDUCTION FOR SENIOR CITIZENS.

- (a) Those taxpayers obtaining a homestead exemption from the County Auditor concerning real estate taxes shall receive a twenty-five percent (25%) reduction in their water charges payable to the City.

(b) The Finance Director shall acquire a list from the County Auditor of those persons qualified. Each year during the month of July, the Finance Director shall procure an updated list of such taxpayers.

(c) Those residents who would have obtained a homestead exemption except that they are tenants rather than homeowners may apply to the Finance Director on forms to be supplied by him and shall receive the same reduction as those residents who have obtained a homestead exemption. (Ord. 12-1978. Passed 4-4-78.)

921.02 WATER DEBT SERVICE FUND 613.

There herein is established the Water Debt Service Fund (Fund 613). Moneys in this fund shall be used for the cost and expense of debt service, which shall include principal, interest, and related costs of financing the water system's debt, including, but not limited to: financing fees and legal and underwriting charges. (Ord. 105-95. Passed 12-20-95.)

921.03 RATES; DISTRIBUTION OF REVENUES.

(a) In order to pay the expense of conducting and managing the water system of the City and to make adequate provision for the payment of interest, principal and other fund requirements of mortgage revenue bonds to be authorized and sold to finance the construction of improvements and extensions of the system, the rates hereinafter set forth are hereby established.

(b) The monies received from the collection of rates and charges hereinafter provided for shall be deposited as received with the Finance Director who shall divide the revenues among the Water Department Fund (Fund 601), Water Debt Service Fund (Fund 613) and Water System Improvement Fund (Fund 437). Subject to the provisions of any ordinance or indenture of mortgage authorizing the issuance of and securing mortgage revenue bonds for the system, moneys in the funds shall be used for the payment of the cost and expense of operation, maintenance, repair and management of the system and for the payment of debt and other charges on bonds issued for improvements of and extensions to the system.

(c) The distribution of revenues into the funds listed in subsection (b) hereof shall be based on the anticipated annual expenditures in each fund, and shall be annually established by ordinance. (Ord. 40-94. Passed 6-21-94.)

(d) (1) For the purposes provided in subsection (b) hereof, the following rates for the product and services of the system are hereby established:

MINIMUM CHARGE PER MONTH

<u>Meter Size (Inch)</u>	<u>Minimum Charge (Dollars per Month)</u>
5/8	\$ 9.67
1	14.50
1 ½	48.25
2	77.40
3	145.12
4	241.87

(2) For the purposes provided in subsection (b) hereof, the following rates for the product and services of the system are hereby established for the second quarter 2000.

MINIMUM CHARGE PER MONTH

<u>Meter Size (Inch)</u>	<u>Minimum Charge (Dollars per Month)</u>
5/8	\$10.35
1	15.50
1 ½	51.50
2	82.80
3	155.25
4	258.75

VOLUME CHARGE

\$2.00 per 1,000 gallons

(Ord. 27-99. Passed 7-20-99.)

(e) The prices to be paid for water furnished by the City to all consumers situated outside the City are hereby fixed at two hundred fifty percent (250%) of the rates charged to consumers situated in the City. (Ord. 105-95. Passed 12-20-95.)

921.04 WATER SYSTEM IMPROVEMENT CHARGES FOR NEW CONNECTIONS.

Each new connection to the City water system shall pay a “tap-in” fee to recover a portion of the capital improvement costs paid previously by existing users. This charge shall be paid at the time application is made for connection to the system. For the purposes stated herein, the tap-in fee charge shall be established in Section 143.01(a)(2). (Ord. 105-95. Passed 12-20-95.)

921.05 CONNECTION TO CITY WATER SUPPLY.

(a) Definition to Potable Water. Potable water is water which is satisfactory for drinking, culinary, and domestic purposes, and meets the requirements of the Ohio E.P.A.

(b) City Water Requirements. All plumbing fixtures in a dwelling structure shall be supplied with running water from the Municipal water supply system provided that where no municipal water supply system is available within 200 feet of the property, the fixtures therein may be supplied with running water from an approved private water supply system.

(c) Non-potable Water. Non-potable water may be used for flushing water closets and urinals and other fixtures not requiring potable water, provided such water shall not be accessible for drinking or culinary purposes, and a backflow preventer (as required by the Ohio E.P.A.) shall be installed between the two systems. (Ord. 45-84. Passed 11-20-84.)

921.06 PAYMENT OF CHARGES.

The charges herein provided shall be due and payable under all the requirements of Section 933.18. (Ord. 105-95. Passed 12-20-95.)

921.07 RULES AND REGULATIONS.

The City Manager shall make and enforce such rules and regulations as he may deem necessary for the enforcement of the provisions hereof, and for the safe, economical, and efficient management and protection of the water system. Such rules and regulations, when not repugnant to existing ordinances of the City or laws of the State, shall have the same force and effect as ordinances of Council. (Ord. 105-95. Passed 12-20-95.)

921.08 WATER EMERGENCIES.

(a) Mandatory water conservation practices for all customers connected to the Canal Fulton Water System shall consist of two levels, either of which, the City Manager, in consultation with the Utility Superintendent, shall be authorized to implement when drought conditions or other water emergencies warrant such action.

(b) Mandatory water conservation practices at Level 1 shall consist of the following measures:

- (1) Lawn sprinkling shall be permitted only under the following conditions:
 - A. Properties with address numbers ending with an odd number shall sprinkle lawns only on Sunday, Tuesday and Friday.
 - B. Properties with address numbers ending with an even number or zero shall sprinkle lawns only on Monday, Thursday and Saturday.
 - C. Hours sprinkling is allowed:
6-8 a.m.
7-9 p.m.
- (2) Washing of autos, trucks and recreational vehicles shall be permitted only in commercial wash centers. Residential vehicular washing is prohibited.
- (3) Hose spraying of driveways, sidewalks, parking areas and other paved surfaces is prohibited.
- (4) All water releases from fire hydrants except for firefighting purposes shall be pre-approved by the City Manager.

(c) Mandatory water conservation practices at Level 2 shall consist of the following practices:

- (1) Lawn sprinkling is prohibited.
- (2) Restricted watering of gardens and shrubs shall be permitted in accordance with the following conditions:
 - A. Watering period allowed:
6-8 a.m.
7-9 p.m.
 - B. Hose sprinklers shall be attended to at all times; no unattended automatic device shall be used.
- (3) Washing of autos, trucks and recreational vehicles shall be permitted only in commercial wash centers. Residential vehicular washing is prohibited.
- (4) Hose spraying of driveways, sidewalks, parking areas and other paved surfaces is prohibited.
- (5) All water releases from fire hydrants except for firefighting purposes shall be pre-approved by the City Manager.

(d) The City Manager shall implement these water conservation practices 48 hours after notifying the news media. Any mandatory restrictions may be lifted by the City Manager if conditions warrant.

(e) The maximum period of such water emergency and implementation of water conservation practices shall be thirty days unless, the City Manager before the expiration of such time, requests and receives the consent of Council to extend such emergency, in which case the emergency shall be extended for a time certain or an indefinite period, depending on the action taken by Council.

(f) The City Manager, in consultation with the Utility Superintendent, shall take additional measures to conserve water supplies if water conservation practices at Level 2 fail to maintain the supply at a level consistent with maintaining public health, safety and welfare.

(g) Violators of these mandatory water conservation practices may be subject to termination of service, provided a written warning notice is delivered to the property stating the violation which has occurred, including the date and time of the violation. The violation schedule is as follows:

- (1) First offense--written warning.
- (2) Second and any subsequent offenses--termination of service.

(h) Any customer who has his or her water service terminated for violation of water conservation practices shall be required to pay a fifty dollar (\$50.00) administrative and service fee in order to restore water service. Any fees collected under this section shall be credited to Water Revenue Account No. 601.1551.

(i) Any violator of these water conservation measures shall be guilty of a misdemeanor of the fourth degree. (Ord. 40-94. Passed 6-21-94.)

921.09 ADVANCED SALE OF "TAP-INS".

The City Manager may sell combined sewer and water "tap-ins" in advance of the necessity, therefore, upon the following terms and conditions:

- (a) The reserved "tap-ins" shall be sold subject to the contingency that the water plant capacity shall be substantially increased. Should the said expansion not occur, the purchase shall be rescinded and purchase costs required.
- (b) The said sales of reserved "tap-ins", added to existing usage shall not exceed three-fourths of the estimated plant capacity as determined by the City Engineer, using peak flow. (Ord. 20-98. Passed 5-19-98.)
- (c) Commitments for advance sale shall be received by September 10, 1998, shall be publicly announced, and shall be available on an equal basis at the current rate. Payment shall be made by January 25, 1999, if, at which time a contract has been signed with a general contractor. If said contract is signed after January 25, 1999, purchasers shall have until ten days after signature of such contract to make payment. (Ord. 45-98. Passed 9-1-98.)
- (d) The reserved "tap-ins" shall be valid for a period of five years of the date of this section. If not used within said period, the reserved "tap-ins" will float to the rate for "tap-ins" then in effect and any increase in the "tap-in" fee shall be paid before service is connected.
- (e) Persons holding reserved "tap-ins" may assign the same in writing at the City rate or transfer with the lot by written assignment.
- (f) The person must use reserved "tap-ins" before being issued additional "tap-ins".
- (g) A "tap-in" for a water permit shall be defined for purposes of this section as a "SFE" or single family equivalent based on 400 gallons per day. "SFE"s may be combined for business or industrial use.
- (h) If any moratorium on water permits is imposed, the five years would be extended to match the time of the moratorium. (Ord. 20-98. Passed 5-19-98.)

CHAPTER 922
Water Debt Service Fund (Repealed)

(EDITOR'S NOTE: Former Chapter 922 was repealed in its entirety by Ordinance 104-95, passed December 20, 1994.)

CHAPTER 923
Water Debt Service Fund 613 (Repealed)

(EDITOR'S NOTE: Former Chapter 923 was repealed in its entirety by Ordinance 103-95, passed December 20, 1995.)

CHAPTER 925
Sewer Use Regulations

<p>925.01 Definitions.</p> <p>925.02 Use of public sewers.</p> <p>925.03 Design of public sewers.</p> <p>925.04 Sanitary connections required where available.</p> <p>925.05 Connections limited to one sewer tap.</p> <p>925.06 User classification for sewer charges.</p> <p>925.07 Special charges for industrial wastes.</p> <p>925.08 Industrial cost recovery.</p> <p>925.09 Industrial pretreatment.</p> <p>925.10 Application for sewer or discharge permit for industrial wastes.</p>	<p>925.11 Regulation of discharge to the sewerage system.</p> <p>925.12 Prohibited discharges into public sewers; exceptions.</p> <p>925.13 Specific limitations on certain materials and substances in discharges; compatibility with regulatory agency requirements.</p> <p>925.14 Discharge of odors.</p> <p>925.15 Notification of accidental discharges.</p> <p>925.16 Annual audit of Sewer Fund.</p> <p>925.99 Penalty.</p>
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CROSS REFERENCES

Power to license sewer tappers and vault cleaners - see Ohio R.C.715.27
 Power to regulate water closets and privies - see Ohio R.C . 715.40
 Power to construct sewerage system - see Ohio R.C . 715.40
 Compulsory sewer connections - see Ohio R.C. 729.06
 Regulations to control house sewers and connections - see Ohio R.C. 729.51
 Untreated sewage - see Ohio R.C. 3701.59
 Sewerage districts - see Ohio R.C. 727.44 et seq.
 Household sewage disposal systems - see OAC Ch. 3701-29

925.01 DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

- (1) "Biochemical oxygen demand (5-day BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty degrees Centigrade and expressed in milligrams per liter.
- (2) "Chemical oxygen demand (COD)" means the quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedures expressed in milligrams per liter.

- (3) "Combined sewer" means a sewer which transports sanitary sewage, industrial wastes and ground, surface, storm and clear water.
- (4) "Compatible pollutant" means pollutants which the waste treatment facilities are designed to treat, plus additional pollutants identified in the NPDES permit if the waste treatment facility was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.
- (5) "Federal Act" means the Federal Water Pollution Control Act Amendments of 1972, Public Law 92- 500 and Public Law 95- 217, and any amendments, thereto, as well as any guidelines, limitations and standards promulgated by the U. S . Environmental Protection Agency pursuant to the Act.
- (6) "Floatable oil" means oil, fat or grease in a physical state such that it will separate by gravity from sanitary sewage or industrial wastes by treatment in an approved pretreatment facility.
- (7) "Garbage" means the animal and vegetable waste resulting from the handling, preparing, cooking and serving of food .
- (8) "Incompatible pollutant" means any pollutant which is not a compatible pollutant .
- (9) "Industrial user" means any nongovernmental, nonresidential user of a publicly owned treatment works which discharges liquid process or trade wastes resulting from industrial, manufacturing, trade or business processes.
- (10) "Industrial wastes" means liquid wastes resulting from industrial, manufacturing, trade and business processes having identifiable chemical or physical characteristics which distinguishes it from sanitary sewage, but which may contain sanitary sewage.
- (11) "Major contributing industry" means an industrial user of the publicly owned treatment works that:
 - A. Has a flow of 50,000 gallons or more per average work day;
 - B. Has a flow greater than five percent (5%) of the dry weather flow carried by the sewer system receiving the waste;
 - C. Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act or as herein described in this chapter; or
 - D . Is found by the permit issuance authority in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from the treatment works.
- (12) "May" is permissive.
- (13) "National Pollutant Discharge Elimination System Permit (NPDES Permit)" means the permit required by Ohio and /or U. S . Environmental Protection Agencies to discharge treated or untreated wastes to the waters of the State.
- (14) "Natural outlet" means any water outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

- (15) "Normal strength sewage or wastes" means sewage having an average daily suspended solids concentration of not more than 200 milligrams per liter, an average daily BOD concentration of not more than 200 milligrams per liter, an average daily PO₄ concentration of not more than twenty milligrams per liter, an average daily NH₃asN of not more than fifteen milligrams per liter or containing any of the characteristics prohibited by Section 925.11.
- (16) "Owner" means the person responsible for the use of land or facilities unless the occupant, renter, or lessee of such land or facilities is designated as the person responsible for the maintenance, improvement, etc. of such land, buildings and facilities in which case the owner shall submit such evidence to indicate this transfer of responsibility. In case of default on the part of the occupant, renter, or lessee of such land or facilities, the owner shall be responsible for any and all debts to the City and requirements of this chapter.
- (17) "Person" means any individual, firm, company, association, society, corporation or group.
- (18) "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (19) "Pollutant" means dredged spoil, solid waste, incinerator, residue, wastewater, garbage, wastewater sludge, munition, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.
- (20) "Pretreatment" means the preliminary treatment of industrial wastes to reduce the objectionable characteristics or constituents in the wastewater to within prescribed limits and to control the rate of discharge prior to discharge into the sewerage system.
- (21) "Properly shredded garbage" means the wastes from the handling, preparing, cooking and serving of foods that have been shredded to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (22) "Public sewer" means a sewer provided by or subject to the jurisdiction of the City. It shall also include sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the City sewer system, even though those sewers may not have been constructed with Village funds.
- (23) "Sanitary sewage" means any combination of water-carried human wastes from residences, buildings, industrial establishments, institutions, processing plants, commercial establishments or other places in which such wastes are produced together with such ground, surface, storm, clear or other water as may be present.
- (24) "Sanitary sewer" means a sewer which transports sanitary sewage and/or industrial wastes and to which ground, surface, storm and clear water may not be discharged.
- (25) "Service charge" means the basic fee levied on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal sewage.

- (26) "Sewerage system" means all facilities for collecting, pumping, transporting, treating and disposing of sanitary sewage and industrial wastes.
- (27) "Shall" is mandatory.
- (28) "Slug" means any discharge of liquid waste which in concentration of any given constituent or quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty- four hour concentration or flow during normal operation.
- (29) "Standard laboratory procedures" means all measurements, tests and analyses determined in accordance with the most recent edition of "Standard Methods for Examination of Water and Wastewater", published by the American Public Health Association, or "Methods for Chemical Analysis of Water and Waste", published by the U. S . Environmental Protection Agency.
- (30) "Storm sewer" means a sewer which transports ground, surface, storm and clear water and to which sanitary sewage and industrial waste may not be discharged.
- (31) "Surcharge" means the fee in addition to the service charge which is levied on those persons whose wastes are greater in strength than the concentration values established as representative of normal sewage.
- (32) "Suspended solids" means the dry weight of the solids physically floating or suspended in a flow of sanitary sewage, industrial wastes or water as determined by standard laboratory procedures and expressed in milligrams per liter.
- (33) "Toxic pollutants" means those promulgated as such by the U. S . Environmental Protection Agency, including, but not limited to aldrin-dieldrin, benzidine, cadmium, cyanide, DDT-indrin, mercury, polychlorinated biphenyls (PCB's) and toxaphene.
- (34) "Unpolluted water" means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided. (Ord. 31- 81. Passed 12-1-81.)

925.02 USE OF PUBLIC SEWERS.

(a) No person shall place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the City, or in any area within the jurisdiction of the City, any human or animal excrement, garbage or other objectionable or dangerous waste.

(b) No person shall discharge to any natural outlet or storm sewer within the City, or in any area under the jurisdiction or served by the City, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(c) No person shall discharge or cause to be discharged any ground, surface, storm or clear water to any sanitary sewer. (Ord. 31-81. Passed 12-1-81.)

(d) Sanitary sewage shall be discharged to such sanitary sewers as are specifically designated as sanitary sewers by the City Manager.

(e) Ground, surface, storm and clear water shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the City Manager.

(f) The City shall have the right of egress to properties to make investigations at any reasonable time to determine any possible violations of this chapter. The City Manager shall notify each property owner prior to making such investigations. (A.O.)

(g) The City shall have the right to limit connections to sewers if capacity is not available or if downstream sewer capacity would be deleteriously affected.

(h) The City shall have the right to reject certain types of discharges if such discharges could by themselves, or in combination with others, have a deleterious effect on treatment plant operation and maintenance, sludge handling or final effluent receiving waters.

(i) The City shall have the right to contract with the discharger for control of discharge time(s), volume and strength so as to assure optimum operation of the City treatment facilities.

(j) No private sewer may be constructed on City property.
(Ord. 31-81. Passed 12-1-81.)

925.03 DESIGN OF PUBLIC SEWERS.

All sanitary sewers, manholes, service laterals and appurtenances shall be property designed in accordance with Ordinance 13- 1975, effective July 17, 1975, and City Water and Sewer Rules and Regulations effective July 17, 1975. (Ord. 31- 81. Passed 12-1-81.)

925.04 SANITARY CONNECTIONS REQUIRED WHERE AVAILABLE.

No person, either as owner, agent, renter, lessee or employee, shall build, construct, maintain or use on any lot, land or premises, within the City, any toilet, closet or privy the excrement from which is deposited in a vault, excavation or receptacle, which vault, excavation or receptacle is not connected with and flushed into a sanitary sewer, whenever such lots, lands or premises are capable of direct connection with any sanitary sewer.
(Ord. 31- 81. Passed 12-1- 81.)

925.05 CONNECTIONS LIMITED TO ONE SEWER TAP.

No person, either as owner, agent, renter, lessee or employee, shall attach or connect for drainage purposes more than one house, building or other structure to any sanitary sewer tap in any City sewer system, provided that any private garage or similar building or structure used as an adjunct to, connected with and located on the same lot with any house, building or any other structure may be connected with the same tap as such house, building or other structure. (Ord. 31- 81. Passed 12-1- 81.)

925.06 USER CLASSIFICATION FOR SEWER CHARGES.

(a) User Classification. The City shall classify all users of its facilities. Those users discharging industrial wastes shall be charged the applicable industrial waste rate including Industrial Cost Recovery (ICR) charges if applicable (See Chapter 937). Those users discharging sanitary sewage shall be charged the applicable sanitary sewage rate.

(b) Determination of the Volume of Waste Discharged. In order to determine the volume and concentration of waste discharged by any person for the purpose of determining the applicable sanitary sewage rate or industrial waste rate, the City may use as the figure representing the number of gallons of sewage or waste discharged into the sewerage system:

- (1) The amount of water supplied to the premises;
- (2) The number of gallons of sewage discharged into the sewerage system as determined by measurements taken by a sewage meter at a controlled manhole, all installed by the owner, at the owner's expense;
- (3) A figure determined by any combination of the foregoing;
(Ord. 31- 81. Passed 12-1-81.)
- (4) A figure determined by any reasonable method determined by the City Manager of certain unusual circumstances where use of meters is not practicable. (A.O.)

(c) Analysis for Application of Industrial Waste Rate.

- (1) In order to determine the proper industrial waste rate, the City shall request all users classified as industrial waste users to submit an analysis of their discharge showing a determination of the concentration of-wastes contained in such discharge. Such analysis shall include all information requested on forms provided therefor by the City.
- (2) After the initial determination by the City, the City may from time to time request a repeat analysis of any industrial waste user in order to insure the accuracy of the industrial waste rates charged.

(d) Validation of Analysis by City. The City shall have the right to make its own analysis of the user's discharge in order to validate the analysis submitted by the user. Such analytical data and samples shall be made available to the user.

(e) Special Charges for Industrial Wastes. The City may impose special charges over and above the industrial waste rate if a particular waste causes additional expense to the City in its handling and treatment. To determine acceptability of any such waste and the charge for treatment thereof, the City shall require persons wishing to discharge such wastes to submit a written analysis of the characteristics of such wastes. Such analysis may be validated by the City as provided for in subsection (d) hereof. (Ord. 31- 81. Passed 12-1-81.)

925.07 SPECIAL CHARGES FOR INDUSTRIAL WASTES.

Any person who is connected to the City sewerage system who contributes wastes exceeding the standards of normal strength sewage as defined in Section 925.01(15) shall pay additional charges to cover the costs of handling those wastes in accordance with Sections 933.09 and 933.10. (Ord. 31-81. Passed 12-1-81.)

925.08 INDUSTRIAL COST RECOVERY.

In areas where the City has applied for and received from the U.S. Environmental Protection Agency (U.S. EPA), federal grant moneys in accordance with Public Law 92-500 for certain wastewater collection and/or treatment works, an Industrial Cost Recovery (ICR) system shall be implemented and maintained. All industrial users shall be subject to ICR payments, in accordance with the Code of Federal Regulations 40 CFR Part 35, Subpart E, specifically 40 CFR 35.928 and 35.935-15. (See Chapter 937.) (Ord. 31-81. Passed 12-1-81.)

925.09 INDUSTRIAL PRETREATMENT.

In areas where the City has applied for and received from the U.S. Environmental Protection Agency (U.S. EPA), federal grant moneys in accordance with Public Law 92-500 for certain wastewater collection and/or treatment works, industrial pretreatment requirements must be met. All industrial users shall be subject to the industrial pretreatment requirements in accordance with the Code of Federal Regulations 40 CFR 403. (Ord. 31-81. Passed 12-1-81.)

925.10 APPLICATION FOR SEWER OR DISCHARGE PERMIT FOR INDUSTRIAL WASTES.

(a) An application for a sewer permit for any new or revised service to establishments producing industrial wastes, or a discharge permit for establishments producing industrial wastes, which would be transported to the Canal Fulton Regional Wastewater Treatment Plant, shall be made by the owner or his agent to the City Manager on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent by the City Manager. A permit and inspection fee of two hundred dollars (\$200.00) shall be paid to the City upon application.

(b) All costs charged by the City Engineer to review plans and specifications shall be borne by the applicant and a deposit for such service of three hundred dollars (\$300.00) shall be paid to the City at the time of application. Any additional charges or refund shall be made at the time the application is approved and the permit is issued. This plan review charge shall be in addition to the permit and inspection fee described in subsection (a) hereof.

(c) The Utility Superintendent, City Engineer, and/or City Manager shall submit a report to Council on any application to the City of Canal Fulton, Ohio, on the discharge of any industrial wastes into the Canal Fulton Regional Sewer Treatment Plant, whether by sewer or by outside transport. Said report shall include at least the following information:

- (1) A statement as to whether or not the applicant is within the region that the Plant was originally designed to serve.
- (2) Whether the applicant has obtained U.S. and/or Ohio Environmental Protection Agency approval to discharge their wastes.
- (3) Whether the applicant's type and volume of waste can be processed by the Canal Fulton Regional Wastewater Treatment Plant with an assessment of the degree of risk to plant operations and the environment.
- (4) A recommendation to Council by the City Manager, Utility Superintendent and/or City Engineer as to whether applicant's application for a permit should be approved.

- (5) A recommendation on fees and charges for accepting the applicant's wastewater. Such fees and charges shall be consistent with requirements of Codified Ordinance Chapters 929, "Sewer Improvement Fund," and Chapter 933, "Sewer Charge System".

(d) Council shall have the sole authority regarding any application for a permit and, after reviewing the report in subsection (c) above, shall by resolution authorize the City Manager to accept the application and issue a permit to the applicant, modify the terms of the permit, or reject the application.

(e) If a permit is to be issued, it shall include provisions for monitoring wastes, assessing costs of wastewater testing to the applicant, and ensuring the applicant carries adequate liability insurance for covering damage to property or injury to persons. (Ord. 5-95. Passed 3-7-95.)

925.11 REGULATION OF DISCHARGE TO THE SEWERAGE SYSTEM.

(a) Access to Premises for Inspection of Discharge. The City Manager and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties at reasonable times for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The City representatives shall have no authority to inquire into any industrial processes beyond the point which has a direct bearing on the type and source of discharge to the sewers for waste treatment.

(b) Control Structure or Manhole Required. When required by the City Manager, the owner of any property discharging industrial wastes shall install a suitable control structure or manhole together with such necessary meters and other appurtenances in the sewer to facilitate observation, sampling and measurement of the wastes. Such structure or manhole, meters and other appurtenances, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City Manager. The structure or manhole, meters and other appurtenances, when required, shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

(c) All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods of Examination of Water and Wastewater" or "Methods for Chemical Analysis of Water and Wastes", shall conform with Federal methods as described in 40 CFR 136 and shall be determined at the control manhole provided or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effects of the wastes upon the sewerage system and to determine the existence of hazards to life, limb and property. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to the approval of the City Manager.

(d) The City Manager may require a user of sewer services to provide information needed to determine the acceptability or unacceptability of discharge. These requirements may include:

- (1) Peak rate of discharge and volume over a specified time period;
- (2) Chemical analyses of industrial wastes;
- (3) Information on raw materials, processes and products affecting industrial waste volume and quality;
- (4) Quantity and disposition of specific liquid, sludge, oil and solvent, or other materials important to sewer use control;
- (5) A plot plan of user's property showing sewers and pretreatment facility locations;
- (6) Details of industrial wastes pretreatment facilities;
- (7) Details of systems to prevent and control the loss of materials through spills into the City sewers.

925.12 PROHIBITED DISCHARGES INTO PUBLIC SEWERS; EXCEPTIONS.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (b) Any toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.
- (c) Any discharge having a pH lower than 5.5 or higher than 10, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage system.
- (d) Any solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage system such as, but not limited to, ashes, cinders, sand, mud, clay, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.
(Ord. 31-81. Passed 12-1-81.)
- (e) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (sixty-five degrees Centigrade) unless approved in writing by the City Manager. (A.O.)
- (f) Any fats, wax, grease or oils which can be defined as floatable oil or emulsified mineral oils, in excess of 100 mg/l, or containing substances which may solidify or become viscous at temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit (zero degrees and sixty-five degrees Centigrade).
(Ord. 31-81. Passed 12-1-81.)
- (g) Improperly shredded garbage. The installation and operation of any garbage grinder equipment with a motor of three-quarter horsepower or greater shall require the prior approval of the City Manager.
- (h) Any strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not unless approved in writing by the City Manager. (A.O.)

- (i) Any toxic pollutants that exceed the specific limitations of Section 925.11. (Ord. 31- 81. Passed 12- 1- 81.)
- (j) Any phenols or other taste or odor-producing substances, unless approved in writing by the City Manager.
- (k) Any radioactive wastes or isotopes unless approved in writing by the City Manager. (A.O.)
- (l) Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids, such as, but not limited to, Fullers earth, clay, lime slurries and lime residues, which by sedimentation in the sewerage system causes interruption of free flow or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate, which causes a deleterious effect to the biological life in the treatment facilities.
 - (2) Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions, which causes objectionable aesthetic appearance at the treatment facilities and in the final effluent.
 - (3) Unusual BOD, COD or chlorine requirements in such quantities as to constitute a significant load which may cause a deleterious effect on the biological life of the treatment facilities.
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein and causing deleterious effect on the biological and mechanical operation of the treatment facilities.
 - (5) A hazard to life and limb of personnel engaged in inspection, maintenance and operation of the sewerage system.
 - (6) The treatment facilities of the City to fail to meet effluent requirements set by State and Federal regulatory agencies or cause such effluent to have a degrading effect on the receiving body of water.
 - (7) Viable pathogenic organisms in such quantities as to be a hazard to public health.
- (m) Any substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the City NPDES Permits.
- (n) Any substances which by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes. (Ord. 31-81. Passed 12-1-81.)

925.13 SPECIFIC LIMITATIONS ON CERTAIN MATERIALS AND SUBSTANCES IN DISCHARGES; COMPARABILITY WITH REGULATORY AGENCY REQUIREMENTS .

For all discharges to a sewer tributary to the City Wastewater Treatment Plant, no person shall discharge or cause to be discharged any waters or water containing chemical constituents which would exceed permissible concentrations or quantities in the latest Ohio Water Quality Standards (Ohio EPA Regulations EP-1) or NPDES Permit imitations as administered by the Ohio and U.S. Environmental Protection Agencies. Such chemical constituents include, but are not limited to: cadmium, chromium hexavalent, chromium total, copper, nickel, iron, phenol, mercury and zinc. State or Federal regulatory agencies may require pretreatment to specific concentrations for specific industries. (Ord. 31-81. Passed 12-1-81.)

925.14 DISCHARGE OF ODORS.

No owner shall cause or permit the discharge of substances, which alone or in combination with other substances, cause the emission of offensive odors.
(Ord . 31- 81. Passed 12-1-81.)

925.15 NOTIFICATION OF ACCIDENTAL DISCHARGES.

(a) There shall be no connection to the City sewerage system from any vessel, tank, container or receptacle of any kind used to receive, hold, store or in any other way handle any unacceptable substances, the discharge of which is prohibited by this chapter. Persons who in the course of their business or otherwise transport, store, receive, ship or in any other way handle or process any such materials or substances shall prevent accidental release of such substances to any connection to the system.

(b) In the event of any accidental release to the sewerage system of any unacceptable substance the discharge of which is prohibited by this chapter, the owner shall notify the City immediately to enable countermeasures to be taken to minimize damage to the wastewater treatment system, treatment processes and the receiving waters.

- (1) This notification shall be followed, within fifteen days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence.
- (2) Such notification shall not relieve users of liability for any fires herein set forth or for any expense, loss or damage to the sewer system, treatment plant or treatment process, or for any fines imposed on the Agency on account thereof .
- (3) Costs incurred to correct any damage resulting from such a discharge shall be charged to the owner and failure to report such a discharge shall result in the penalty herein set forth plus the costs of correction. Each such discharge and each day on which there continues to be a discharge shall be considered separate violations and the penalties and costs shall be levied accordingly. Such penalties and costs shall be collected by the Village in the same manner as all other charges set by the City.
(Ord. 31-81. Passed 12-1-81.)

925.16 ANNUAL AUDIT OF SEWER FUND.

The Finance Director shall prepare an annual audit of the Sewer Fund which shall be submitted to the State Auditor as a part of "The Report of Receipts and Expenditures" as required by Ohio R.C. 117.06. (Ord. 31- 81. Passed 12-1-81.)

925.99 PENALTY.

(a) Whoever fails to comply with any provision of this chapter shall be fined five hundred dollars (\$500.00).

(b) In addition, such person or premises shall be liable for any damages which occur to the system as a result of such failure to comply with any provision of this chapter, and each such failure to comply shall be and is hereby deemed to be a distinct and separate failure and charges shall be levied accordingly. Such charges shall be collected by the City in the same manner as all other charges set by the City.
(Ord . 31-81. Passed 12-1-81.)

CHAPTER 929
Sewer Improvement Fund (Repealed)

(EDITOR'S NOTE: Former Chapter 929 was repealed in its entirety by Ordinance 106-95, passed December 20, 1995.)

CHAPTER 933
Sewer Charge System

<p>933.01 Definitions.</p> <p>933.02 Declaration of necessity.</p> <p>933.03 System to be operated as a public utility.</p> <p>933.04 Necessity to levy user charges.</p> <p>933.05 Rules and regulations.</p> <p>933.06 Debt Service Fund; use of sewer.</p> <p>933.07 Elements for user charge computations.</p> <p>933.08 User charge elements and determinations.</p> <p>933.09 High level pollutant surcharge.</p> <p>933.10 User charge and high level pollutant surcharge rates.</p> <p>933.11 Basis for wastewater volume determination.</p> <p>933.12 Standard normal sanitary sewage flow, loads and average concentrations for nonmetered water supply.</p>	<p>933.13 Review of standard normal sanitary sewage and waste load limitations.</p> <p>933.14 Meters required for non-public water supply; portion of metered water not entering sewer system.</p> <p>933.15 Adjustments for leaks and disapproval.</p> <p>933.16 Water exempt from charges.</p> <p>933.17 Annual audit and adjustment of charges required.</p> <p>933.18 Payment of charges.</p> <p>933.19 Added charge right-to-service users.</p> <p>933.20 Rules and regulations.</p> <p>933.99 Penalty.</p>
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CROSS REFERENCES

Weekly deposit of sewer rentals collected - see Ohio R.C. 729.52
 Assessments - see Ohio R.C. Ch. 729
 Sewer Improvement Fund - see S.U. & P.S. Ch. 929
 Industrial Cost Recovery System - see S.U. & P.S. Ch. 937

933.01 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

- (a) "Debt service" means the payment requirements to retire the Wastewater Treatment Works debt through cash generated during the period of time that the debt is outstanding.
- (b) "Operation and maintenance costs" means the expense of collecting, pumping, treating, transporting and disposing of wastewater.
- (c) "Replacement costs" means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the Treatment Works to maintain the capacity and performance for which such Works were designed and constructed. Unless specifically excluded, the term operation and maintenance shall include replacement.

- (d) "Service charge" means the charge to each recipient of wastewater collection and treatment services within the City and County service areas tributary to the City Wastewater Treatment Plant representing a proportionate share of the costs of operation and maintenance including replacement of all wastewater collection and treatment service provided. An incremental charge for the recovery of "debt service" may be included.
- (e) "SIC Manual" means the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented.
- (f) "Users class" means the division of users within the City or County service areas, by the origin of the sewage discharged and by the similarity of the function of such users. Stated in three general classes, they are:
 - (1) "Residential user" means all single-family residences and apartments up to six units per building which discharge only wastes from sanitary conveniences.
 - (2) "Industrial user" includes all entities producing trade or process wastes regardless of size or average daily flow.
 - (3) "Commercial user" includes all users not included in subsections (f)(1) and (2) hereof.
- (g) "User, right-to-service" means any person who by contractual arrangements and/or by special permit reserves, uses, purchases and/or sets aside a certain capacity of the Wastewater Treatment Works for current or future use. Examples of such classification are: one political subdivision agreeing to treat the liquid sanitary waste of another; a land developer reserving a specified number of future tap-ins; and/or any industrial user reserving a specified capacity of the Wastewater Treatment Works.
- (h) "Suspended solids (SS)" means the dry weight of the solids physically floating or suspended in a flow of sanitary sewage, industrial wastes or water as determined by standard laboratory procedures and expressed in milligrams per liter; particulate matter which does not settle but which can be filtered from sewage; a measurement of waste matter in sewage.
- (i) "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty degrees Centigrade and expressed in milligrams per liter; the amount of oxygen required to decompose organic matter in sewage; a measurement of pollutant strength in sewage.
(Ord. 31- 81. Passed 12-1- 81.)

933.02 DECLARATION OF NECESSITY.

Council hereby declares it necessary to construct, maintain and operate within or without the City the necessary sanitary sewers, lift stations, sewage treatment works and appurtenances for the use of the inhabitants of the City. (Ord. 31-81. Passed 12-1-81.)

933.03 SYSTEM TO BE OPERATED AS A PUBLIC UTILITY.

The system of sanitary sewers and Wastewater Treatment Works shall be operated as a public utility. (Ord. 31-81. Passed 12-1-81.)

933.04 NECESSITY TO LEVY USER CHARGES.

It is hereby determined and declared to be necessary for the protection of the public safety, health, welfare and convenience of the City to establish and collect user charges from all lots, lands and premises served by or having connections, either directly or indirectly, with the public sewerage system of the City. It is further determined and declared to be necessary that the establishment and collection of such user charges shall be in compliance with the United States Environmental Protection Agency rules and regulations 40 CFR 35,929 and 35.935-13. (Ord. 31-81. Passed 12-1-81.)

933.05 RULES AND REGULATIONS.

The City Manager shall make and enforce such rules and regulations as he may deem necessary for the enforcement of the provisions hereof, for the proper determination and collection of the rates and charges herein provided and for the safe, efficient, and economic management of the system. Such rules and regulations, when not repugnant to existing ordinances of the City or laws of the State, shall have the same force and effect as ordinances of Council. The City Manager when authorized pursuant to Section 925.10, may enter into agreements with other political subdivisions, or businesses outside the City, for acceptance of wastewater, whether by sewer line or transport and such agreements should be in general conformance with these regulations but do not have to comply in their entirety with Chapter 933 and/or provisions of Chapter 929. (Ord. 5-95. Passed 3-7-95.)

933.06 DEBT SERVICE FUND; USE OF SEWER.

(a) There herein is established the Sewer Debt Service Fund (Fund 612). Moneys in this fund shall be used for the cost and expense of debt service, which shall include principal, interest, and related costs of financing the sewer system's debt, including, but not limited to: financing fees and legal and underwriting charges.

(b) The moneys received from the rates and charges provided in Section 933.10 shall be deposited regularly with the Finance Director who shall divide the revenues among the Sewer Department Fund (Fund 602), Sewer System Improvement Fund (Fund 610), and Sewer Debt Service Fund (Fund 612).

(c) The distribution of revenues into the funds listed in subsection (b) hereof shall be based on the anticipated annual expenditures in each fund, and shall be annually established by ordinance. (Ord. 107-95. Passed 12-20-95.)

933.07 ELEMENTS FOR USER CHARGE COMPUTATIONS.

Prior to March 31 each year, the Superintendent, based on the previous year's records of operation, flows, loads, costs and water consumption shall compute or cause to be computed the following:

- (a) Annual Treatment Volume (F). The total yearly volume of sewage collected, conveyed and treated. Such total yearly volume of sewage shall consist of the volumes as measured at the Wastewater Treatment Plant.
- (b) Annual Accountable Volume (V_A). The sum of all volumes which are attributable to connected users as measured per Section 933.11 through Section 933.16.

- (c) Annual Unaccountable Volume (Vu). The sum of all volumes originating at unknown sources. This annual volume shall represent the difference between annual treated volume (F) and the annual accountable volume (VA).
- (d) Percent Accountable (PA). That portion of the total annual treated flow which is accountable. The value shall be determined by dividing the annual accountable flow (VA) by the annual treated volume (F).
- (e) Percent Unaccountable (Pu). That portion of the total annual treated flow which is unaccounted for. The value shall be determined by dividing the annual unaccountable volume (Vu) by the annual treated volume (F) .
- (f) Total Annual BOD (B). The estimated BOD of all treated wastewater for a period of one year as determined from treatment records.
- (g) Percent High Level BOD (BH). That portion of the annual BOD which is derived from accountable wastewater with a high level BOD. The value shall be determined by multiplying the annual accountable volume (VA) by the normal level BOD limitation of 200 milligrams per liter, and then dividing the product by the total annual BOD (B) and subtracting from unity.
- (h) Total Annual SS (S). The estimated SS of all treated wastewater for a period of one year as determined from treatment plant records.
- (i) Percent High Level SS (S_H). That portion of the annual SS which is derived from accountable wastewater with high level SS. The value shall be determined by multiplying the annual accountable volume (VA) by the normal level SS limitation of 200 milligrams per liter, dividing the product by the total annual SS and subtracting from unity.
- (j) Annual Volume of Other Pollutants (P). Volumes shall be determined of any other pollutants for which facilities and/or treatment is provided or which generate expense because of its existence.
- (k) Percent High Level - Other Pollutants (PN). That portion of the annual volume of a particular pollutant derived from accountable wastewater with high levels of the pollutant in question. The value shall be determined by multiplying the accountable volume (VA) times the maximum concentration of the substance considered normal in wastewater, dividing the result by the annual volume of the pollutant in question and subtracting from unity.
- (l) Total Users (U). The total number of known users connected to or otherwise discharging wastewater into the City Treatment Works.
- (m) Total Annual Bills (T). The total number of user charge bills for sewer service issued during the previous year.
- (n) Annual Administrative Costs (CA). The total yearly administrative costs, which shall include the items listed below. In addition, all expenses below shall be limited to items and services necessary for and directly attributable to carrying out the administration of the wastewater treatment system.
 - (1) That portion of all salaries, wages and other accountable compensations paid to employees for performing administrative services.
 - (2) Consulting fees for administrative professional services (i.e., legal, financial, engineering) .
 - (3) Overhead costs such as rent, telephone and utilities.

- (4) Meter reading costs for estimating monthly usage by customers.
 - (5) Postage expense for all billing and administrative correspondence.
 - (6) Billing materials and office supplies.
 - (7) Interest costs, in cases where normal operating funds are insufficient to meet current demands and money is borrowed for such purposes.
 - (8) Miscellaneous costs for items not covered in the above categories but which are valid administrative expenses.
- (o) Annual Sewer Operation and Maintenance Costs (Cs). The total yearly sewer operation and maintenance cost which shall include the items listed below. In addition, all items listed below shall only be for items and services necessary for and directly attributable to operating and maintaining the sewer collection system.
- (1) That portion of all salaries, wages and other accountable compensation paid to employees for performing sewer operations and maintenance services. This item shall include estimated overtime costs for emergency work.
 - (2) Consulting fees for professional services relating to the sewer system.
 - (3) Overhead costs for items such as telephone, rent, vehicles and utilities.
 - (4) Expenses for materials, equipment repairs and rentals, supplies and inspection and surveillance devices.
 - (5) Interest costs, in cases where normal operating funds are insufficient to meet current demands and money is borrowed for such purposes.
 - (6) Miscellaneous costs for items not covered in the above categories but which are valid sewer operation and maintenance expenses.
- (p) Annual Wastewater Treatment Operation and Maintenance Costs (CT). The total yearly wastewater treatment operation and maintenance cost which shall include the items listed herein. In addition, all items listed herein shall only be for items and services necessary for and directly attributable to operating and maintaining the sewage treatment facility.
- (1) That portion of all salaries, wages and other accountable compensation paid to employees for performing wastewater treatment services or otherwise contributing to the maintenance of the facility. This item shall include estimated overtime costs for emergency work.
 - (2) Treatment costs for items such as electricity, gas, water, chemicals, equipment repair and rental, devices and general supplies .
 - (3) Consulting fees for professional services relating to the treatment process.
 - (4) Miscellaneous costs for items not covered in the above categories, but which are valid wastewater treatment operation and maintenance expenses .
 - (5) Interest costs, in cases where normal operating funds are insufficient to meet current demands and money is borrowed for such purposes.

- (6) Individual pollutant treatment costs. A portion of the sum of each of the previously mentioned items shall be determined to be the representative cost for treating each of the pollutants listed herein. This portion shall be expressed as a dollar amount.
- A. BOD treatment costs (X_B)
 - B. SS treatment costs (X_S)
 - C. Other pollutants treatment cost (X_P)
- (q) Annual Payment to Sewer System Replacement Fund (F_S). The total yearly estimated payment to the sewerage system replacement fund.
- (r) Annual Payment to Treatment Plant Replacement Fund (F_T). The total yearly estimated payment to the Wastewater Treatment Plant's replacement fund.
- (s) Annual Total Expenditure (C). The total yearly City expenditure for collection and treatment of all types of wastewater. This amount shall be determined by adding the following:
- (1) Annual sewer system operation and maintenance cost (C_S)
 - (2) Annual treatment operation and maintenance cost (C_T)
 - (3) Annual payment SS replacement fund (F_S)
 - (4) Annual payment TP replacement fund (F_T)
- (t) Treatment Cost of High Level Pollutants (CH). That portion of the total treatment costs which are attributable to wastewater with high levels of BOD, SS and other pollutants. To determine the cost for each type pollutant multiply the total cost for treatment of that pollutant times its percent of high level. By summing the product derived for each type pollutant, the desired cost shall be obtained.
- High level BOD cost (Z_B) = (X_B) x (B_H)
- High level SS cost (Z_S) = (X_S) x (S_H)
- High level other cost (Z_O) = (X_O) x (O_H)
- Total high level cost = $\frac{C_H}{C_H}$
- (u) Annual Expenditure - Normal Level Pollutant Treatment (C_N). The total yearly expenditure for collection and treatment of all wastewater with a normal level of BOD, SS and other pollutants, This value shall be determined by deducting the cost of treating high level pollutant (CH) from the total annual expenditure for collection and treatment (C).
- (v) Treatment Cost of High Level BOD (Y_B). The cost of treatment per unit of high level BOD. This cost shall be determined by first multiplying the total annual BOD(B) by the percent high level BOD (B_H). This result shall then be divided into the total cost of treating high level BOD (Z_B)
- (w) Treatment Cost of High Level SS (Y_S). The cost of treatment per unit of high level SS. This shall be determined by first multiplying the total annual SS (S) by the percent high level SS (S_H). This result shall then be divided into the total cost of treating high level SS (Z_S)
- (x) Treatment Cost of High Level Other Pollutants. The cost of treatment per unit of the pollutant in question. This cost shall be determined by first multiplying the total annual amount of the pollutant (O) by the percent high level (O_H). The result shall then be divided into the total cost of treating the high level pollutant (Z_O).

- (y) Summary Sheet for Computational Elements. The following list will provide a summary of computational elements to be used in subsequent sections for rate determination.

Annual administrative cost C_A	A	=	_____
Total annual bills	T	=	_____
Normal level pollutant treatment cost	C_N	=	_____
Percent unaccountable flow	P_U	=	_____
Total users	U	=	_____
Percent accountable flow	P_A	=	_____
Annual accountable volume	V_A	=	_____
High level pollutant treatment cost			
BOD	Z_B	=	_____
SS	Z_S	=	_____
Other	Z_O	=	_____

(Ord. 31- 81. Passed 12-1- 81.)

933.08 USER CHARGE ELEMENTS AND DETERMINATIONS.

The basic user charges for all users connected to and discharging sewage, industrial wastes, water or other liquids into the City Treatment Works shall consist of the following:

- (a) Administrative Fee.
- (1) Definition. A flat rate charged per bill for administrative costs levied to all active users without regard to volume of discharge or usage.
 - (2) Determination. Divide the annual administrative costs (C_A) by the total annual bills (T) to determine the charge per bill.
- (b) Treatment Charge for Unaccountable Flow (I/I).
- (1) Definition. A flat rate charge per connection for treatment of fifty percent (50%) of the unaccountable flow levied to all active users without regard to volume of discharge or usage.
 - (2) Determination. Multiply the annual expenditure for normal level pollutant treatment (C_N) times half of the percent of unaccounted flow ($1/2P_U$). Divide the result by the total users (U). The resulting annual charge is then divided by the number of billing periods per year to determine the charge per bill.
- (c) Volumetric Usage Charge.
- (1) Definition. Charge per unit of discharge or volumetric usage for collection and treatment of all accountable flow and one-half unaccountable flow with normal level pollutants. To be levied to all users in relation to the provisions of Sections 933.11 through 933.16 inclusive.
 - (2) Determination. Multiply the annual expenditure for normal level pollutant treatment (C_N) by the percent accountable volume (P_A) plus one-half the percent unaccountable flow ($1/2 P_U$). Divide the result by annual accountable volume (V_A) to determine the cost per unit of discharge.
- (d) Inflation Surcharge.
- (1) Definition. Rate charged per dollar billed to account for inflation of all costs associated with the Wastewater Treatment System.

- (2) Determination. The sum of all billing charges shall be multiplied by a percentage equal to the annual inflation rate for the previous year as measured by the Consumer Price Index. The resulting product shall be added to the other charges. (Ord. 31-81. Passed 12-1-81.)

933.09 HIGH LEVEL POLLUTANT SURCHARGE.

(a) Where flows and loads are discharged in excess of the limitations established in Section 933.12(b), a surcharge over and above the charges established in Section 933.08 shall be levied on all flows and loadings which are in excess of the limitations set forth.

(b) The surcharge rate shall be calculated annually for each user discharging wastewater with high level pollutant in accordance with the volumes and amounts established in Section 933.07 to be effective January 1 of each year.

(c) For each user determined to be discharging high levels of BOD, SS or other selected pollutants, an estimated annual discharge shall be determined for each pollutant listed herein. This discharge shall be that amount exceeding concentrations considered to be normal (e.g., 200 mg/1 BOD). The basis for this figure shall be samples taken at random from the users discharge at the discretion of the Superintendent, but at least annually.

- (d) Determination of Surcharge.

$$\text{Surcharge} = (A_B \times Y_B) + (A_S \times Y_S) + (A_O + Y_O)$$

Where:

A_B = Annual discharge of BOD by user in excess of normal level.

Y_B = High level of BOD treatment cost per unit.

A_S = Annual discharge of SS by user in excess of normal level.

Y_S = High level SS treatment cost per unit.

A_O = Annual discharge of other pollutants by user in excess of normal amounts.

Y_O = High level treatment cost per unit of pollutant.

The total surcharge shall be divided by the number of billing periods per year and the result shall be added per bill to the user in question. (Ord. 31-81. Passed 12-1-81.)

933.10 USER CHARGES, AND HIGH LEVEL POLLUTANT SURCHARGE RATES.

- (a) User charges effective January 1, 1996: Minimum charge: \$10.50
Volumetric charge per 1,000: \$2.15

- (b) User charges effective January 1, 1997: Minimum charge: \$11.30
Volumetric charge per 1,000 gallons: \$2.30

(c) The rates listed in subsection (b) hereof shall be increased by two percent (2%) annually beginning in the year 1998 through the year 2000. (Ord. 107-95. Passed 12-20-95.)

(d) Each new connection to the City sewer system shall pay a "tap-in" fee to recover a portion of the capital improvement costs paid previously by existing users. This charge shall be paid at the time application is made for connection to the system. For the purpose stated herein, the tap-in fee charge shall be four hundred dollars (\$400.00) per single-family equivalent (350 gallons of flow per day). A surcharge of five hundred dollars (\$500.00) shall be charged per single-family equivalent for customers of the Plum Creek Sanitary Sewer Line. (Ord. 4-03. Passed 2-4-03.)

(e) When necessary, the Utility Superintendent shall levy a high pollutant surcharge per the requirements of Section 933.09. (Ord. 107-95. Passed 12-20-95.)

933.11 BASIS FOR WASTEWATER VOLUME DETERMINATION.

(a) Premises With Metered Public Water Supply. For premises connected to the wastewater system and being supplied by a metered public water supply, the volume of flow for a given period of time shall be the basis for determining the volume of wastewater discharged by the premises during that period. The estimated volume of wastewater shall be one hundred percent (100%) of the total volume shown on the water meter. This volume shall be used in the determination of the volumetric usage charge specified in Section 933.08. (Ord. 31-81. Passed 12-1-81.)

(b) Premises Without Metered Public Water Supply. For premises connected to a wastewater system but not being supplied by a metered public water supply, the basis for determining water usage shall be one of the following:

- (1) The City Manager shall utilize Schedule A of Chapter 929 to determine the volume of wastewater discharged by the premises.
- (2) The owner of the premises or other interested party may install at his own expense, water meter(s) satisfactory to the City Manager and sufficient to measure all supplies of water consumed on the premises which contribute to wastewater discharge. (A.O.)

In subsection (b)(2) hereof, a factor of seventy percent (70%) shall be applied to the volume of water used by the premises, whether such volume is measured or estimated, to determine the volume of wastewater discharged by the premises. This volume shall be used to determine the volumetric usage charge specified in Section 933.08. (Ord. 31-81. Passed 12-1-81.)

(c) Premises With Metered Public Water and Other Sources of Water Supply. For premises having metered public water and other sources of water supply which result in wastewater discharge, the City Manager shall follow subsections (a) and (b) hereof, to determine the volume of wastewater discharged.

933.12 STANDARD NORMAL SANITARY SEWAGE FLOW, LOADS AND AVERAGE CONCENTRATIONS FOR NONMETERED WATER SUPPLY.

(a) Unless otherwise amended, added to and/or deleted from, as provided for hereinafter, the following shall be considered as being a representative amount of sewage flow and waste loads, discharged by one individual during one consecutive twenty-four hour period; such consecutive twenty-four hour period shall be from midnight to midnight.

Average Daily Flow	100 Gallons
Total BOD	0.146 lbs .
Suspended Solids	0.133 lbs.
Total Ammonia (NH ₃)	0.013 lbs.
Total Phosphates (PO ₄)	0.027 lbs.

(b) Unless otherwise amended, added to, and/or deleted from as provided for hereinafter, the following shall be considered as being a representative concentration of average composition of standard normal sanitary sewage.

pH	5.5 to 9.5
Total BOD	200 mg/l
Suspended Solids	200 mg/l
Total Ammonia (NH ₃)	15 mg/l
Total Phosphates (PO ₄)	25 mg/l

(c) Unless otherwise amended, added to and/or deleted from, as may be provided for hereinafter, three and one-half times the individual sewage flows and loads as defined in Section 933.12(a) shall be considered as a representative amount of sewage flow and waste load, discharged by a single family unit and/or by a single domestic tap-in. (Ord. 31-81. Passed 12-1-81.)

933.13 REVIEW OF STANDARD NORMAL SANITARY SEWAGE AND WASTE LOAD LIMITATIONS.

Once each year, the City Manager, based on results of tests conducted during the year, consideration of similar operations and establishments, engineering factors and other relevant matters, shall review or have reviewed for his use, the values of flow, loads and average concentrations of sanitary sewage; and shall review or have reviewed for his use, the limitations as established. Based upon such review, considerations, engineering factors and/or relevant matters, the City Manager may amend, add to and/or delete from Section 933.12 any values, parameters, concentrations, flows and loads which in his judgment merit such amendment, addition and/or deletion.

933.14 METERS REQUIRED FOR NON-PUBLIC WATER SUPPLY; PORTION OF METERED WATER NOT ENTERING SEWER SYSTEM.

(a) When a premises is supplied either in whole or in part with water from wells or any source other than a public water supply, such wells or source of supply shall be registered in writing and on a form furnished by the City. The owner of the premises shall install and maintain at his expense, a meter or meters acceptable to the City on all such supplies, and the quantity of water to determine the sewerage service charge shall be the quantity as measured by the meter or meters.

(b) When a person, firm or corporation can show to the satisfaction of the City Manager that a portion of the water as measured by the water meter(s) does not enter the sewerage system, such person, firm or corporation may submit an application on a form provided by the Village for the installation of an auxiliary water meter. The City Manager has the authority to permit or to require additional meters to be installed at the applicant's expense. (Ord. 107-95. Passed 12-20-95.)

933.15 ADJUSTMENTS FOR LEAKS AND DISAPPROVAL.

The City Manager is hereby authorized to make such rules and regulations as are required with regard to the application of the sewer service charge, as such rules and regulations pertain to adjustments for leaks or other causes which the City Water Department records indicate constitute sufficient reason for an equitable adjustment and a reduction in the charge in order to avoid unduly penalizing any innocent victim of circumstances over which he had no control. A record of all such adjustments shall be maintained and furnished monthly by the City and shall not become final until approved by the City Manager or other authorized City official. The City's approval of such adjustment list shall be considered as approved in its entirety unless the City Manager or other duly authorized representative of the City notifies in writing of its disapproval of any or all of the adjustments made. In the event of such disapproval, the adjustments or corrections already made by the Water Department shall be added back to the customer's account and shall constitute a legal obligation.

933.16 WATER EXEMPT FROM CHARGES.

No water supplied by the City's system for extinguishing fires, or furnishing or supplying water to the fire hydrants shall be used to determine any sewage charge as set forth in Section 933.10. (Ord. 31-81. Passed 12-1-81.)

933.17 ANNUAL AUDIT AND ADJUSTMENT OF CHARGES REQUIRED.

That on or before September 1, 1982, and each year thereafter on or before September 1, the Wastewater Treatment Superintendent shall submit to the City Manager a recommended system of user charges for approval. If approved, the City Manager shall submit the sewer use charge schedule to the first regular meeting in November of Council for ratification and incorporation into the City ordinances and regulations. The system shall be in accordance with the following requirements:

- (a) The system shall result in the distribution of the costs of operation and maintenance of the Treatment Works within the City's jurisdiction to each user class in proportion to such user's contribution to the total wastewater loading to the Treatment Works. Factors such as strength, volume and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance, including replacement, costs to each user's class.
- (b) The system of charges shall be reviewed annually and revised periodically to reflect actual Treatment Works operation and maintenance costs.
- (c) The system of charges shall generate sufficient revenue to offset the costs of all Treatment Works operation and maintenance provided by the City and such other expenditures that may be authorized.
(Ord. 46- 83. Passed 12-13-83.)

933.18 PAYMENT OF CHARGES.

- (a) The sewage charges herein provided shall be payable monthly.
- (b) The charges herein shall constitute the net charges for the sewage service if paid within a period of twenty days next following the date of billing. If paid after the ten-day period has elapsed, the applicable charges shall be at the gross rate, which shall be ten percent (10%) greater than the net charge, but in no case shall the additional charge be less than ten cents (10¢) .
- (c) It shall be understood that the U.S. government postmark shall govern the due date and that when any payments are mailed within the ten-day period or paid at an authorized collection agency within the ten-day period, they shall be considered as paid within the prescribed time limit and exempt from penalty. In the collection of such payments by mail, the U.S. government postmark on the envelope containing the payment shall be identified and retained for a period of four months after which they shall be destroyed and the gross amount of such bill shall not be disputed.
- (d) Each sewer charge established and made pursuant to these regulations is hereby made a lien upon the premises charged therewith, and if the same is not paid within ninety days after it is due and payable, it shall be certified to the County Auditor who shall place the same on the tax duplicate. With the interest and penalties allowed by law, it shall be collected as other municipal taxes are collected. (Ord. 31-81. Passed 12-1-81.)

933.19 ADDED CHARGE RIGHT-TO-SERVICE USERS.

(a) When "right-to-service" users as defined in Section 933.01(g) have entered into agreement with the City to reserve capacity of the treatment works there shall be established a right-to-service charge.

(b) If the agreement is entered into prior to construction of new waste treatment facilities, then the charge shall be the estimated pro rata capital cost of a volumetric basis of the new facilities exclusive of interest on any proposed bonded indebtedness.

(c) If the capacity is reserved by agreement after completion of construction of new waste facilities, then the charge shall be the estimated pro rata capital cost on a volumetric basis.

(d) The right-to-service users shall deposit such charge in cash with the City upon execution of such agreement with the City. (Ord. 107-95. Passed 12-20-95.)

933.20 RULES AND REGULATIONS.

The City Manager shall make and enforce such rules and regulations as he may deem necessary for the enforcement of the provisions hereof, and for the safe, economical, and efficient management and protection of the sewer system. Such rules and regulations, when not repugnant to existing ordinances of the City or laws of the State, shall have the same force and effect as ordinances of Council. (Ord. 107-95. Passed 12-20-95.)

933.99 PENALTY.

(a) Whoever violates any provision of this chapter, other than nonpayment of charges, or whoever violates any properly promulgated rule, regulation or order authorized by this chapter shall be guilty of a misdemeanor of the second degree .

(b) Each day a violation continues shall be deemed a separate offense. (Ord. 31-81. Passed 12-1-81.)

CHAPTER 937
Industrial Cost Recovery System

EDITOR'S NOTE: Ordinance 47-83, passed December 13, 1983,
repealed former Chapter 937, Industrial Cost Recovery System.

(The next printed page is page 49.)

APPENDIX A
PRIORITY POLLUTANTS

- | | | | |
|-----|--|-----|---|
| 1. | Acenaphthene | 41. | 4-bromophenyl phenyl ether |
| 2. | Acrolein | 42. | Bis (2-chloroisopropyl) ether |
| 3. | Acrylonitrile | 43. | Bis (2-chloroethoxy) methane |
| 4. | Benzene | 44. | Methylene chloride (dichloromethane) |
| 5. | Benzidine | 45. | Methyl chloride (chloromethane) |
| 6. | Carbon tetrachloride
(tetrachloromethane) | 46. | Methyl bromide |
| 7. | Chlorobenzene | 47. | Bromoform (tribromomethane) |
| 8. | 1,2,4-trichlorobenzene | 48. | Dichlorobromomethane |
| 9. | Hexachlorobenzene | 49. | Trichlorofluoromethane |
| 10. | 1,2-dichloroethane | 50. | Dichlorodifluoromethane |
| 11. | 1,1,1-trichloroethane | 51. | Chlorodibromomethane |
| 12. | Hexachloroethane | 52. | Hexachlorobutadiene |
| 13. | 1,1-dichloroethane | 53. | Hexachlorocyclopentadiene |
| 14. | 1,1,2-trichloroethane | 54. | Isophorone |
| 15. | 1,1,2,2-tetrachloroethane | 55. | Naphthalene |
| 16. | Chloroethane | 56. | Nitrobenzene |
| 17. | Bis(chloromethyl) ether | 57. | 2-nitrophenol |
| 18. | Bis(2-chloroethyl) ether | 58. | 4-nitrophenol |
| 19. | 2-chloroethyl vinyl ether (mixed) | 59. | 2,4-dinitrophenol |
| 20. | 2-chloronaphthalene | 60. | 4,6-dinitro-o-cresol |
| 21. | 2,4,6-trichlorophenol | 61. | N-nitrosodimethylamine |
| 22. | Parachlorometacresol | 62. | N-nitrosodiphenylamine |
| 23. | Chloroform (trichloromethane) | 63. | N-nitrosodi-n-propylamine |
| 24. | 2-chlorophenol | 64. | Pentachlorophenol |
| 25. | 1,2-dichlorobenzene | 65. | Phenol (4APP method) |
| 26. | 1,3-dichlorobenzene | 66. | Bis (2-ethylhexyl) phthalate |
| 27. | 1,4-dichlorobenzene | 67. | Butyl benzyl phthalate |
| 28. | 3,3'-dichlorobenzidine | 68. | Di-n-butyl phthalate |
| 29. | 1,1-dichloroethylene | 69. | Di-n-octyl phthalate |
| 30. | 1,2-trans-dichloroethylene | 70. | Diethyl phthalate |
| 31. | 2,4-dichlorophenol | 71. | Dimethyl phthalate |
| 32. | 1,2-dichloropropane | 72. | Benzo(a)anthracene
(1,2 benzanthracene) |
| 33. | 1,3-dichloropropylene | 73. | Benzo(a)pyrene (3, 4-benzopyrene) |
| 34. | 2,4-dimethylphenol | 74. | 3,4-benzofluoranthene |
| 35. | 2,4-dinitrotoluene | 75. | Benzo(k)fluoranthene
(11,12-benzofluoranthene) |
| 36. | 2,6-dinitrotoluene | 76. | Chrysene |
| 37. | 1,2-diphenylhydrazine | 77. | Acenaphthylene |
| 38. | Ethylbenzene | 78. | Anthracene |
| 39. | Fluoranthene | 79. | Benzo(ghi)perylene
(1,12-benzoperylene) |
| 40. | 4-chlorophenyl phenyl ether | | |

APPENDIX A (Cont.)
PRIORITY POLLUTANTS

- | | | | |
|------|--|------|---|
| 80. | Fluorene | 121. | Cyanide (Total) |
| 81. | Phenanthrene | 122. | Lead (Total) |
| 82. | Dibenzo (a,h) anthracene | 123. | Mercury (Total) |
| 83. | Indeno (1,2,3-cd) pyrene | 124. | Nickel (Total) |
| 84. | Pyrene | 125. | Selenium (Total) |
| 85. | Tetrachloroethylene | 126. | Silver (Total) |
| 86. | Toluene | 127. | Thallium (Total) |
| 87. | Trichloroethylene | 128. | Zinc (Total) |
| 88. | Vinyl chloride (chloroethylene) | 129. | 2,3,7,8-tetrachlorodibenzo-p-dioxin
(TCDD) |
| 89. | Aldrin | | |
| 90. | Dieldrin | | |
| 91. | Chlordane (tech. mixture &
metabolites) | | |
| 92. | 4,4' - DDT | | |
| 93. | 4,4' - DDE (p,p' DDX) | | |
| 94. | 4,4'-DDD (p,p' -TDE) | | |
| 95. | Alpha-endosulfan | | |
| 96. | Beta-endosulfan | | |
| 97. | Endosulfan sulfate | | |
| 98. | Endrin | | |
| 99. | Endrin aldehyde | | |
| 100. | Heptachlor | | |
| 101. | Heptachlor epoxide | | |
| 102. | Alpha-BHC | | |
| 103. | Beta-BHC | | |
| 104. | Gathma-BHC (lindane) | | |
| 105. | Delta-BHC | | |
| 106. | PCB - 1242 (Aroclor 1242) | | |
| 107. | PCB-1254 (Aroclor 1254) | | |
| 108. | PCB-1221 (Aroclor 1221) | | |
| 109. | PCB - 1232 (Aroclor 1232) | | |
| 110. | PCB - 1248 (Aroclor 1248) | | |
| 111. | PCB- 1260 (Aroclor 1260) | | |
| 112. | PCB- 1016 (Aroclor 1016) | | |
| 113. | Toxaphene | | |
| 114. | Antimony (Total) | | |
| 115. | Arsenic (Total) | | |
| 116. | Asbestos (Fibrous) | | |
| 117. | Beryllium (Total) | | |
| 118. | Cadmium (Total) | | |
| 119. | Chromium (Total) | | |
| 120. | Copper (Total) | | |

	TITLE FIVE - Other Public Services
	Chap. 961. Playgrounds and
Municipally Owned Recreational	
Areas.	
	Chap. 965. Municipal Swimming
Pool.	

CHAPTER 961
Parks, Playgrounds and Municipally Owned Recreational Areas

961.01	Definitions.	961.07	Regulated activities.
961.02	Hours.	961.08	Prohibited activities.
961.03	Vehicular traffic.	961.09	Use of recreational facilities.
961.04	Destruction of property.	961.10	Exceptions.
961.05	Weapons.	961.99	Penalty.
961.06	Animals.		

CROSS REFERENCES

Land appropriations for parks - see Ohio R.C. 715.21, 719.01
 Playgrounds - see Ohio R.C. 755.12 et seq.
 Recreation Board - see Ohio R.C. 755.14 et seq.
 Power to regulate vehicle speed in parks - see Ohio R.C. 4511.07(E)

961.01 DEFINITIONS.

- (a) "Park" means any City operated park, playground or recreational area.
- (b) "Park police" means the law enforcement officers, City or County, whose jurisdiction prevails.
- (c) "Persons" means individuals or corporations.
- (d) "Authorized emergency vehicles" means vehicles of the Fire or Police Department, or the Municipal ambulance or emergency vehicles.
- (e) "Loiter" means to linger or tarry on City property without any reasonable or proper motive for being on such property.

961.02 HOURS.

(a) Park areas shall be closed to visitors from dusk to dawn each day, except that after hours use of the parks may be allowed by the Park Board for groups or persons that have reserved the parks for that purpose and have registered accordingly with the Police Department at City Hall. Such groups or persons must conduct themselves in an orderly fashion and obey all park rules. (Ord. 12-86. Passed 4-1-86.)

(b) No person or persons may enter any area of the park at any time that the park or such area has been closed on order of the Park Supervisor or his authorized representative .

961.03 VEHICULAR TRAFFIC.

(a) No person shall drive, propel or cause to be driven or propelled along or over any road within the park, any vehicles at a greater rate of speed than ten miles per hour, unless otherwise posted. No person shall drive any vehicle on any area except the paved park roadways or parking areas or such other areas as may on occasion be specifically designated as temporary parking areas by the Park Supervisor or Council.

(b) State law relating to lights on vehicles and other standards required by law shall apply to all vehicles within the park.

(c) No foot path, pedestrian walk or nature trail designated and established for pedestrian travel shall be used for vehicular travel.

(d) No person shall refuse to comply with any order or request relating to the regulations, direction or control of traffic, or to any other order or request lawfully given by a police officer or other park official.

(e) No person shall operate a motor vehicle on a service drive except in making deliveries and servicing the facility to which such drive provides access.

(f) No person may operate a bicycle in the park other than on the roadways, parking areas, bicycle trails or other areas specifically designated for such use. Bicycles used at night must be equipped with headlight visible at least 200 feet in front and a red tail light or reflector visible 200 feet from the rear of such vehicle .

961.04 DESTRUCTION OF PROPERTY.

(a) No person shall injure, deface, disturb or destroy any part of the park or any building, sign, equipment, turf area or other property found therein; nor shall any ~ tree, flower, shrub, rock or other mineral be removed, injured or destroyed without written authority of the Park Supervisor, including the removal of sod, soil or turf.

(b) No person shall accelerate a motor vehicle causing the rubber tires to spin, mark and deface the park roadway surface.

(c) No person shall litter or dump rubbish or garbage within City parks and no person shall leave behind or dump any material of any kind in the park, except that refuse, ashes, garbage or other material from picnic or other permitted activity may be deposited in receptacles or pits provided for such purposes.

(d) No person shall dump any substance liquid or solid injurious to any pool, wading pool, stream, pond or waterway, such as soap, detergent, paint, acid or petroleum product.

(e) No person shall remove any structure, building, equipment, tree, shrub, plant, rock, stone or mineral without written permission from the Park Board and Supervisor .

961.05 WEAPONS.

(a) No person except law enforcement officers shall carry firearms of any description or an air rifle, sling shot or missile-throwing device within the park, or discharge any firearms, fireworks or explosive substances without a specific permit from the Park Supervisor.

(b) No person shall release an arrow from a bow, cross bow or long bow, within the park, other than in the areas designated by the Supervisor as archery ranges or at such other locations as may be designated in writing for such purposes by the Supervisor.

961.06 ANIMALS.

(a) Horseback Riding. Horseback riding is prohibited within the confines of the park, without a written permit from the Park Supervisor.

(b) Pets. No person shall bring within the park, or permit, have or keep within the park, any dog, cat or other animal destructive to birds or other wildlife; provided, that dogs and cats shall be permitted in the park if they are controlled at all times on a leash no more than eight feet long.

- (1) No pets, except those used in the assistance of the blind, shall be permitted within the park or streets during publicly held festivities.
- (2) In the case of defecation, it shall be the responsibility of the owner or person in charge or control of such animal to remove all feces deposited by such animal and dispose of the same in a sanitary manner.
(Ord. 35-90. Passed 8-7-90.)

961.07 REGULATED ACTIVITIES.

(a) Swimming. Swimming within the park is permitted only in a swimming pool or pools operated by the City, and all persons shall abide by the swimming pool rules and regulations posted by the Park Supervisor at any such pool.

(b) Golf. No person shall hit a golf ball or practice golf in the park, except in areas designated for such purposes by the Supervisor.

(c) Camping. No person shall establish or maintain any camp or other temporary lodging or sleeping place within the park without a written permit from the Supervisor.

(d) Fires. No person shall start a fire within the park, except small fires for culinary purposes in park grills or privately owned grills or fires in the places or areas designated for such purposes by the Park Board. The Supervisor may, at his discretion, prohibit fires for a limited period at any location or for any purpose when necessary for the protection of park property. All fires within the park shall be put out by the person or persons starting or using the same before leaving the immediate vicinity of the fire. No person shall dump hot ashes into a trash container or onto the grass within the park.

961.08 PROHIBITED ACTIVITIES.

(a) Intoxicating Beverages. No person shall have in his possession, drink, sell or offer for sale intoxicating beverages within the confines of the park. Park police may confiscate and dispose of intoxicating beverages.

(b) Disturbing the Peace. No person shall disturb the peace and good order within the park by fighting, quarreling, making unreasonably loud noises, threatening violence to the person or property of others or by engaging in riotous clamor or tumult.

(c) Abusive Language. No person shall use obscene, profane or abusive language within the park such as may be likely to provoke one of reasonable sensitivities or which by its very utterance or usage inflicts injury or tends to incite an immediate breach of the peace.

(d) Loitering. No person or persons shall loiter in or near any building, toilet or structure, or loiter in or near any motor vehicle within the park.

(e) Soliciting. No person shall beg, hawk, peddle, distribute or solicit or offer for sale any article, thing, paper, privilege or service within the park; nor circulate petitions within the parks without a written permit from the Park Supervisor.

(f) Signs. No person shall expose, distribute or place any sign, advertisement, circular, notice or statement or display any banner or emblem within the park without written permit from the Supervisor.

(g) Erection of Structures. No person shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character except on written permit issued by the Supervisor.

(h) Special Activities. No person shall hold special activities such as festivals, carnivals, circuses within the park without a set fee or waiver of such fees by the Park Board.

961.09 USE OF RECREATIONAL FACILITIES.

(a) The Park Board may establish fees and charges for the use of park recreational facilities and may establish specific regulations governing their uses. No person shall make use of recreational facilities without paying required fees and adhering to the rules and regulations governing use of such facility. The Park Supervisor may maintain an appropriate office with attendant where participants may register, pay fees and secure rules and regulations governing use of the facility.

(b) The picnic facilities in City parks are primarily provided for use by families, local business and organizations. There must be shelter reservations to guarantee use of the pavilion. The fee structure and the waiver thereof shall be regulated by the Park Board.

961.10 EXCEPTIONS.

The provisions of this chapter shall not apply to the ordinary and necessary maintenance and construction activities of the other Departments of the City or to the necessary activities of the Police, Fire, Park, Street, Water or Sewer Departments.

961.99 PENALTY.

(a) Any person who fails to comply with any provision of this chapter may be expelled or removed from the park premises.

(b) Any person who violates any provision of this chapter shall be guilty of a minor misdemeanor.

CHAPTER 965
Municipal Swimming Pool

965.01 Hours; rules and fees.

965.99 Penalty.

CROSS REFERENCE

Authority to establish and maintain - see Ohio R.C . 717.01, 755.12

965.01 HOURS; RULES AND FEES.

- (a) Hours shall be subject to rules established by the Park Board.
- (b) No glass containers of any type shall be permitted in the pool area.
- (c) Persons using the facilities of the Municipal swimming pool are subject to all other ordinances, rules and regulations governing the use of the Municipal parks and playgrounds as set forth in the Codified Ordinances.
- (d) The rates for admission for persons using the Municipal swimming pool shall be established by Section 143.01(c).
(Ord. 2-85. Passed 2-5-85.)

965.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor. Each day on which a violation occurs or continues shall be deemed a separate offense.