

**CODIFIED ORDINANCES OF MARYSVILLE**

**PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE**

**TITLE ONE - Streets and Sidewalks**

Chap. 901. Streets.

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### PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

#### TITLE ONE - Streets and Sidewalks

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#### CHAPTER 901

##### Streets

<b>901.01</b>	<b>Excavations or construction; permit required.</b>	<b>901.06</b>	<b>Emergencies.</b>
<b>Engineer.</b>		<b>901.07</b>	<b>Authority of City</b>
<b>901.02</b>	<b>Exceptions to permit requirements.</b>	<b>901.08</b>	<b>Liability; contractor's license.</b>
<b>901.03</b>	<b>Permit applications.</b>	<b>901.09</b>	<b>Width of alleys.</b>
<b>901.04</b>	<b>Obligations of permittees.</b>	<b>901.99</b>	<b>Penalty.</b>
<b>901.05</b>	<b>Revocation or termination of permits.</b>		

#### CROSS REFERENCES

Dedication and acceptance - see Ohio R.C. 723.03

Dropping or depositing stones, mud, etc., on streets -  
see TRAF. 339.08

Barricades and warning lights - see GEN. OFF. 521.03

#### **901.01 EXCAVATIONS OR CONSTRUCTION; PERMIT REQUIRED.**

No person, firm, corporation or political subdivision shall do or permit to be done by its agents or employees any of the following activities without first obtaining a permit therefor from the City Engineer or his or her duly authorized representatives:

- (a) Make any excavation in any paved or concrete surface;
- (b) Remove, break or make holes in the pavement of the streets or other public ways or places, or cut any curb;
- (c) Construct, build, erect or place any permanent article or structure, or hinder visibility of oncoming traffic, under or upon any street, alley, lane or public way or place; or
- (d) Make any improvement or change in the surface of any street, alley, lane or other public way or place by grading, graveling, paving or curbing.  
(Ord. 55-85. Passed 10-10-85.)

### **901.02 EXCEPTIONS TO PERMIT REQUIREMENTS.**

Section 901.01 shall not be applied so as to require a permit for:

- (a) The repairing or improvement of streets or other public places under or by virtue of a contract with the City;
- (b) The maintenance, planting or removal of trees and shrubs from within the City right of way;
- (c) The addition of an overhead customer service line for any utility, which service line does not cross above the edge of pavement limits or extend over the pavement at a height of less than fifteen feet above the pavement;
- (d) Maintenance measures which do not necessitate breaking the pavement, curb or sidewalk; or
- (e) Direct replacement of utility poles outside of the pavement limits.  
(Ord. 55-85. Passed 10-10-85.)

### **901.03 PERMIT APPLICATIONS.**

(a) The City Engineer or his duly authorized representative shall receive applications for permits for any of the activities mentioned in Section 901.01. For each such activity a permit application shall be filed at the City Engineer's office, and such application shall contain the following information:

- (1) The date;
- (2) The name of the applicant;
- (3) The address of the applicant;
- (4) The name of the contact person;
- (5) The telephone number of the contact person;
- (6) A description of the work;
- (7) The location of the work by road name, and by the intersections that the work lies between, and the approximate distance from such intersections;
- (8) The approximate date when the work will begin;
- (9) The number of days to do the work;
- (10) The traffic control methods; and
- (11) Two sets of construction plans, if applicable, as set forth in subsection (e) hereof.

(b) Unless excepted by Section 901.06, the permit application shall be filed at least ten calendar days before the inception of the excavation or construction. If the applicant receives no response from the City within ten calendar days, it may be construed as approval.

(c) All permits shall expire 180 days from the date of the application or any extension granted by the City Engineer.

(d) One copy of the approved permit, along with applicable comments from the City Engineer, will be returned to the applicant after compliance with these requirements has been determined.

(e) Two sets of construction drawings will be required for all new construction or maintenance of major consequence as determined by the City Engineer. Construction drawings will not be required for minor or routine maintenance or minor service extensions.

(f) Blanket permits may be issued, at the discretion of the City Engineer, for projects of defined work limits.  
(Ord. 55-85. Passed 10-10-85.)

#### **901.04 OBLIGATIONS OF PERMITTEES.**

Any person, firm, corporation or political subdivision granted a permit as required in Section 901.01 shall be subject to the following obligations to the City:

- (a) Traffic shall be maintained at all times unless specific permission is granted by the City Engineer to close a road. Traffic maintenance and control shall be in accordance with the latest editions of the Ohio Department of Transportation Construction and Material Specifications and the Uniform Manual of Traffic Control Devices. The contractor shall notify the Fire Division and the Police Division prior to the closing of any road.
- (b) Excavations shall be made in such a manner as to inconvenience the public as little as possible.
- (c) All underground installations and repaving procedures shall be performed in accordance with the Standard Construction Drawings of the City.
- (d) All damaged surfaces or aboveground or underground facilities shall be restored to their original condition or better, as determined by the City Engineer.
- (e) The contractor shall comply with all applicable provisions of the Occupational Safety and Health Act (OSHA).
- (f) Property owners, residents or tenants abutting the work area shall be notified of proposed underground work prior to the beginning of construction by the contractor. The purpose of such notice is not only notification, but also to learn of underground facilities.

(Ord. 55-85. Passed 10-10-85.)

#### **901.05 REVOCATION OR TERMINATION OF PERMITS.**

Any permit granted by the City Engineer or his duly authorized representative pursuant to this chapter may be revoked and terminated by him at any time when, in his opinion, the terms of this chapter are being violated, or when the continued exercise of the privilege constitutes a menace to the public safety or is an unreasonable use of the public streets or ways.

(Ord. 55-85. Passed 10-10-85.)

**901.06 EMERGENCIES.**

In cases of unscheduled events, either legally mandated immediate service placements or emergency repairs to gas, water, telephone or other lines or pipes, where time does not permit the making of an application or the securing of a permit from the City Engineer or his duly authorized representatives, as herein otherwise required, repairs may proceed without a permit to do so. In such case, the person, firm, corporation or political subdivision shall make application and secure a permit for such undertaking on the next regular business day at the City Engineer's office and shall, in all other respects, comply with this chapter.  
(Ord. 55-85. Passed 10-10-85.)

**901.07 AUTHORITY OF CITY ENGINEER.**

(a) The City Engineer is hereby authorized to administer these requirements.

(b) The City Engineer shall be afforded every opportunity to inspect the work during construction.

(c) Failure of the City Engineer to inspect the work does not alleviate the responsibility for the work to be completed in accordance with the approved permit and these requirements.

(d) As used in this chapter, "City Engineer" means the City Engineer or his or her designee.

(Ord. 55-85. Passed 10-10-85.)

**901.08 LIABILITY; CONTRACTOR'S LICENSE.**

The applicant whose name appears on an approved permit shall assume all responsibility and shall save the City harmless from any and all claims for personal injuries and/or property damage, and shall defend any action that might be brought against the City in response to the work undertaken as specified under the approved permit, as follows:

(a) No contractor or person performing work pursuant to Section 901.01 shall conduct, carry on or engage in the business of excavating, or excavate for any reason whatsoever, in any paved surface of the City, except in cases of emergency, without first securing a license to engage in such business, except for those situations which are covered by subsections (b) and (c) hereof.

(1) Any contractor or person desiring to conduct, carry on or engage in the business of cutting the pavement or sidewalk, or excavating any pavement or concrete for any reason whatsoever, shall make written application for a license therefor to the City Engineer upon blank forms furnished by the City.

(2) The City Engineer, upon receipt of payment of forty dollars (\$40.00) by the Director of Finance, shall issue or cause to be issued to the applicant a license authorizing him to conduct, carry on or engage in the business of excavating, cutting, removing and/or replacing pavement or sidewalk for the whole or a remaining portion of the current calendar year.

(Ord. 23-05. Passed 5-12-05.)

Prior to the issuance of the license, the person making application for such license shall give to the City a surety bond in the amount of five thousand dollars (\$5,000), issued by a surety company authorized to do business in the State, conditioned that such person will guarantee proper execution and completion of the work authorized by any permit issued under such license for a period of one year after the expiration date of such license, will completely restore to its original condition and to the full satisfaction of the City Engineer any street, alley, public ground, sewer or other structure or service which may have been opened or disturbed by such person, and will strictly comply with the conditions and provisions of this chapter, and with the conditions of any permit issued pursuant thereto.

- (b) Any public utility which serves the City pursuant to a franchise may provide an undertaking in lieu of a fee and bond structure.

Such undertaking shall state that such utility is held and firmly bound unto the City with respect to the restoration of those City streets and roads it opens in the sum of five thousand dollars (\$5,000). The condition of this obligation is that such utility, whenever it makes any excavation, trench or other opening in any portion of any public street, alley or other public way, or tunnels under such public way, shall return the surface and the condition of such street, alley or other public way to its former condition, to the satisfaction of the City.

If the utility fails to return such street, alley or other public way to such condition, after written notice to do so, it shall, in accordance with these provisions, be liable to the City in the amount of the cost of restoring the streets, roads and public ways to such condition.

- (c) Any contractor performing work under Chapter 717 of these Codified Ordinances with respect to sewer tappers licenses is not subject to the fee and bond structure herein.
- (d) Any person, firm, corporation or political subdivision shall procure and furnish satisfactory evidence that he or it has procured and is keeping in full force and effect a policy of liability insurance, providing himself or itself and the City with indemnification against any claims, demands, lawsuits or judgments arising out of the exercise of the privilege granted. Such policy of liability insurance shall guarantee at least one hundred thousand dollars (\$100,000) per person or three hundred thousand dollars (\$300,000) aggregate for personal injuries, and one hundred thousand dollars (\$100,000) for property damage. A statement of self-insurance may be accepted from the utilities as directed by the City Engineer.  
(Ord. 55-85. Passed 10-10-85.)

#### 901.09 WIDTH OF ALLEYS.

All alleys of the City shall be of a uniform width of one rod (sixteen and one-half feet).  
(Ord. 55-85. Passed 10-10-85.)

**901.99 PENALTY.**

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). (Ord. 55-85. Passed 10-10-85.)

**CHAPTER 905**  
**Sidewalks**

<b>905.01 Sidewalk construction.</b>	<b>905.05 Grading lawn areas</b>
<b>905.02 Permit required.</b>	<b>adjoining sidewalks.</b>
<b>905.03 Permit fee.</b>	<b>905.99 Penalty.</b>
<b>905.04 Supervision of construction.</b>	

**CROSS REFERENCES**

Notice to construct or repair sidewalks - see Ohio R.C.  
729.03 et seq.

Sidewalk obstructions; damage or injury - see GEN. OFF.  
521.04

Duty to keep sidewalks clean and in repair - see  
GEN. OFF. 521.06

**905.01 SIDEWALK CONSTRUCTION.**

All sidewalks constructed, replaced or repaired in the Municipality shall be in accordance with the standard construction drawings on file with the City Engineer.  
(Ord. 2-83. Passed 1-13-83.)

**905.02 PERMIT REQUIRED.**

No sidewalk shall be constructed, replaced or repaired within the Municipality without the owner applying for, and receiving a written permit therefor from the City Engineer or Director of Administration.  
(Ord. 2-83. Passed 1-13-83.)

**905.03 PERMIT FEE.**

The City shall levy a fee of twenty dollars (\$20.00) for issuing the permit specified in Section 905.02 and Section 1100.02 of the Codified Ordinances of the City of Marysville.  
(Ord. 64-03. Passed 12-18-03.)

**905.04 SUPERVISION OF CONSTRUCTION.**

The construction or reconstruction of any sidewalks shall be as directed by Council and under the supervision of the City Engineer.  
(Ord. 291. Passed 6-28-28.)

**905.05 GRADING LAWN AREAS ADJOINING SIDEWALKS.**

All lawns adjoining sidewalks shall be graded and sloped by the owner so as to furnish drainage and proper slope for seeding within such time and as may be directed by the City Engineer.

(Ord. 291. Passed 6-28-28.)

**905.99 PENALTY.**

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00).

**TITLE THREE - Public Utilities**

- Chap. 921. Sewers.
- Chap. 925. Sewer Rates.
- Chap. 930. Water Rules and Regulations.
- Chap. 931. Water Rates.
- Chap. 935. Utility Claims Board of Appeals.
- Chap. 937. Stormwater Management.

**CHAPTER 921**  
**Sewers**

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| <ul style="list-style-type: none"> <li>921.01 Definitions.</li> <li>921.02 Use of public sewers.</li> <li>921.03 Conditions for connection.</li> <li>921.04 Permit required.</li> <li>921.05 Cost to be owner's responsibility.</li> <li>921.06 Separate building sewers required; exception.</li> <li>921.07 Use of old building sewers.</li> <li>921.08 Material specifications and construction.</li> <li>921.09 Size and slope of sewer; minimum diameter.</li> <li>921.10 Laying the pipes; gravity or artificial flow; excavations.</li> <li>921.11 Sewer sealing.</li> <li>921.12 Fittings for connection of sewer.</li> <li>921.13 Notification of Superintendent for inspection.</li> <li>921.14 Barricades and warning lights; restoration of pavement.</li> <li>921.15 Discharge of unpolluted drainage.</li> </ul> | <ul style="list-style-type: none"> <li>921.16 Nonacceptable wastewater; pretreatment requirements.</li> <li>921.17 Grease, oil and sand interceptors.</li> <li>921.18 Preliminary treatment by owner.</li> <li>921.19 Wastewater monitoring and inspection.</li> <li>921.20 Sampling and inspection of industrial wastes.</li> <li>921.21 Accidental discharges.</li> <li>921.22 Powers and authority of Superintendent.</li> <li>921.23 Right of entry of inspectors.</li> <li>921.24 Unauthorized work on waste works prohibited.</li> <li>921.25 Violations; hearings by Public Utilities Committee. (Repealed)</li> <li>921.26 National Categorical Pretreatment Standards.</li> <li>921.27 Dilution of wastes.</li> <li>921.28 Sewer sealing fees.</li> <li>921.29 Special agreements.</li> <li>921.30 Disclosure statements.</li> <li>921.31 Enforcement.</li> <li>921.32 Monitoring.</li> <li>921.33 Discharge of hauled waste.</li> <li>921.99 Penalty.</li> </ul> |
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**CROSS REFERENCES**

- Power to regulate water closets and privies - see  
Ohio R.C. 715.40
- Power to construct sewerage system - see Ohio R.C.  
715.40, 717.01
- Compulsory sewer connections - see Ohio R.C. 729.06
- Regulations to control house sewers and connections - see  
Ohio R.C. 729.51
- Assessments - see Ohio R.C. 729.07 et seq.
- Sewer rates - see S.U. & P.S. Ch. 925

**921.01 DEFINITIONS.**

As used in this chapter:

- (1) "ASTM" means the American Society for Testing and Materials.
- (2) "Act" means the Federal Water Pollution control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- (3) "BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Centigrade, expressed in milligrams per liter as prescribed in 40 CFR, Part 136.
- (4) "Backwater Valve" means a device installed and maintained by the property owner to protect the private property from sewage backups due to surcharged sewers.
- (5) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three feet outside the building wall.
- (6) "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.
- (7) "Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.
- (8) "City" means the City of Marysville, Ohio, acting through its duly authorized officials and employees.
- (9) "Combined sewer" means a sewer intended to receive both wastewater and storm or surface water.
- (10) "Commercial user" means any user of the sewerage system, not specifically categorized as residential or industrial, and generally classified in the Standard Industrial Classification (SIC) Manual in Division F - Wholesale Trade; Division G - Retail Trade; Division H - Finance, Insurance and Real Estate; portions of Division I - Services; and Division J - Public Administration.

- (11) “Compatible pollutants” mean pollutants which the treatment plant was designed to treat, which are BOD, SS, phosphorus, ammonia (NH<sub>3</sub>) and fecal coliform bacteria plus additional pollutants identified in the NPDES permit if the publicly owned treatment works was designed to treat such pollutants and if fact does remove such pollutants to a substantial degree.
- (12) "Debt service" means the funds used for the retirement of and interest on bonds and/or notes authorized and issued by the City to construct sewerage system facilities.

- (12.1) “Discharger” is used interchangeably with “user” and means those premises connected or required to be connected to the public sewer. “discharger” where the context requires, means “person”
- (13) "Domestic sewage" means sewage derived principally from dwellings, business buildings, institutions and the like, which sewage originated within the building, and includes the waste from kitchens, water closets, lavatories, bathrooms, showers and laundries.
- (14) “Easement” means an acquired legal right for the specific use of land owned by others.
- (15) “Floatable oil” means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and does not interfere with the collection system.
- (16) “FOG” means Fats, Oils and Grease or any substance with similar physical characteristics that are detectable on the basis of their common solubility to an organic solvent
- (17) "Foundation drains" means subsurface drains laid around the foundation of a building, either within or outside the building foundation, for the purpose of carrying ground or subsurface water to some point of disposal.
- (18) "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage and sale of produce.
- (19) "Governmental user" means any Federal, State, County, City, Village or political subdivision thereof.
- (20) “Incompatible pollutant” means any pollutant which is not a compatible pollutant
- (21) "Industrial user" means any nongovernmental user of the publicly owned treatment works identified in the SIC Manual of the U.S. Office of Management and Budget, as amended and supplemented, under the following divisions: Division A - Agriculture, Forestry and Fishing; Division B - Mining; Division D - Manufacturing; Division E - Transportation, Communication, Electric, Gas and Sanitary Service; and Division I - Services. A user in a division listed may be excluded if it is determined that it will introduce primarily segregated domestic waste or wastes from sanitary conveniences.
- (22) "Industrial waste" means the liquid- and water-carried wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments, as distinct from domestic wastes.
- (23) "Institutional user" means any hospital, school, nursing home or similar facility.
- (24) "Interference" means the inhibition or disruption of the publicly owned treatment work's (POTW) sewerage system, treatment processes or operations which may contribute to a violation of any requirement of its NPDES permit.
- (25) "May" is permissive; "shall" is mandatory.
- (26) "National categorical pretreatment standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section

307(b) and (c) of the Federal Water Pollution Control Act (33 USC 1347), which regulation applies to a specific category of industrial users.

- (27) "Natural outlet" means outlets, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

- (28) "New source" means any building, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of the proposed pretreatment standards under Section 307(c) of the Clean Water Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
- A. The building, structure, facility or installation is constructed at a site at which no other source is located; or
  - B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - C. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site;
    - 1. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs A. or B. hereof;
    - 2. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
    - 3. Begun or caused to begin as part of a continuous on-site construction program:
    - 4. Any placement, assembly or installation of facilities or equipment; or
    - 5. Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
    - 6. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time.
- (29) "NPDES (National Pollutant Discharge Elimination System) permit" means the same as such is defined in the Code of Federal Regulations, 40 CFR part 125, as amended, and in Public Law 92-500, Section 402.
- (30) "Nonsanitary flow" means storm water originating from downspouts, storm and ground water drains and foundation drains.
- (31) "Normal sewage" means sewage which, when analyzed, shows by weight a daily average of not more than 250 parts per million of suspended solids and not more than 200 parts per million of BOD.
- (32) "OEPA" means the Ohio Environmental Protection Agency
- (33) "Operation and maintenance costs" means the costs incurred in the act of keeping all facilities for collecting, pumping, treating and disposing of sewage in a good state of repair and functioning properly, including the replacement of such facilities when necessary.

- (34) “Pass through” means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation)

- (35) "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (36) "Persons" means any individual, firm, company, association, society, corporation or group.
- (37) "Phosphorus" means the total phosphorus content of a sample, including all of the orthophosphates and condensed phosphates, both soluble and insoluble and organic and inorganic species, and referred to in 40 CFR Part 136 as total phosphorus.
- (38) "POTW" means publicly owned treatment works.
- (39) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.
- (40) "Pretreatment Standards" means any limitations or restrictions imposed upon the discharge to the sewer from non-domestic users, in order to prevent:
- A. Pass through
  - B. Interferences
  - C. Harm to the sewers or treatment works
  - D. Adverse effect on the receiving stream
  - E. Inhibition of sludge disposal options
  - F. Violations of the NPDES permit
  - G. Endangerment of the health or safety of POTW workers or the public
  - H. Endangerment of public property; or
  - I. Creation of a nuisance
    1. "Pretreatment standards" include categorical pretreatment standards and any local limitations and prohibitions established by the Superintendent to fulfill the pretreatment program requirements contained in the City NPDES permit.
- (41) "Properly shredded garbage" means wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (42) "Public sewer" means any sewer owned by the City including storm, sanitary and combined sewers.
- (43) "Replacement" 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.
- (44) "Residential user" means any user discharging domestic waste from buildings or premises that are used as permanent places for human occupancy, such as single-family dwellings, rowhouses, townhouses, mobile homes, garden and standard apartments and high rise apartments. Transient lodging, considered commercial in nature, is not included.

- (45) "Sanitary sewer" means a sewer which carries sanitary and industrial wastes and to which storm, surface and ground water are not intentionally admitted.
- (46) "Sewage" means the combination of liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions (including polluted cooling water).
- (47) "Sewer service charge" means the total charge levied against users of the sewerage system for sewer service. The charge shall include user charges plus the cost of debt service.

- (48) "Sewerage system" means the structures, equipment and processes required to collect, transport and treat domestic and industrial wastes and to dispose of the effluent and accumulated residual solids, and shall be synonymous with "wastewater treatment system".
- (49) "Significant user" means:
- A. All dischargers subject to Categorical Pretreatment Standards under Section 403.6 and 40 CFR Chapter I, Subchapter N, as amended; and
  - B. All noncategorical dischargers that, in the opinion of the City have a reasonable potential to adversely affect the wastewater plant's operation, or that contribute a process wastestream which makes up five percent (5%) or more of the average dry weather capacity of the wastewater treatment plant, or that discharge an average of 25,000 gallons per day or more of process wastewater to the POTW. However, the City need not designate as significant any noncategorical industrial user that, in the opinion of the City, has no potential for adversely affecting the wastewater plant's operation or for violating any pretreatment standard or requirement. The agreement of the OEPA is not necessary in cases where the noncategorical discharger would have been designated as significant only because of an average discharge of 25,000 gallons per day or more of process wastewater. However, any noncategorical industrial user designated as significant may petition the City to be deleted from the list of significant users on the grounds that it has no potential for adversely affecting the wastewater plant's operation or violating any pretreatment standard or requirement.
- (50) "Storm sewer" means a pipe or conduit designed for the purpose of carrying storm, surface, cooling and drainage water from the point of origin to some point of disposal, but which is not intended to carry domestic or industrial sewage.
- (51) "Slug load" means any pollutant, including oxygen demand pollutants (BOD, etc.), released in a single extraordinary discharge episode of sufficient volume or strength to cause interference to the POTW.
- (52) "Superintendent" means the Superintendent of the Marysville wastewater treatment plant of the municipality or his or her authorized deputy, agent or representative.
- (53) "Suspended solids" means solids that either float on the surface of, or are in suspension in, water, municipal waste or other liquids, and which are removable by laboratory filtering.
- (54) "System Development Charge" means the amount paid by the owner of each new or old structure to be connected to the treatment works
- (55) "Toxic substance" means any of the U.S. Environmental Protection Agency's (U.S. EPA) 126 priority pollutants or other compounds designated by the City or the U.S. EPA, which pollutants can:
- A. Interfere with the operation of the municipal treatment works;
  - B. Contribute significantly to sludge management problems; or

- C. Pass through the treatment works with removals that would be unacceptable if the publicly owned treatment works (POTW) were, an industrial direct discharger.

- (56) "Treatment Works" mean any and all devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature, or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including interceptor sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof, elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste in sanitary sewer systems.
- (57) "Upset" means an exceptional incident in which a discharger unintentionally or temporarily is in a state of noncompliance with categorical pretreatment standards due to factors beyond the reasonable control of the discharger. Specifically excluded in noncompliance due to such incident to the extent that it is caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless or improper operation thereof.
- (58) "USEPA" means the United States Environmental Protection Agency
- (59) "User" means any person who discharges or who causes or permits the discharge of wastewater into the wastewater treatment system.
- (60) "User charge" means the charge assessed against users of the sewerage system to recover the costs of operation, maintenance and replacement of the sewage collection and sewage treatment system and the cost of rendering bills and collecting sewer service charges.
- (61) "Wastewater" means the liquid- and water-carried waste from dwellings, commercial buildings, industrial facilities and institutions, together with any ground water, surface water or storm water that may be present, whether treated or untreated, which waste is discharged or permitted to enter the wastewater treatment system.
- (62) "Wastewater treatment system" means the structures, equipment and processes required to collect, transport and treat domestic and industrial wastes and to dispose of the effluent and accumulated residual solids, and shall be synonymous with "sewerage system".
- (63) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.
- (64) "Water Reclamation Facility" means wastewater treatment plant
- (65) "40 CFR Part 136" means the part of the Code of Federal Regulations which prescribes the analytical methods to be used for reporting any discharge regulated directly or indirectly under an NPDES permits  
(Ord. 30-05. Passed 5-26-05.)

## **921.02 USE OF PUBLIC SEWERS.**

(a) No person shall discharge into any natural outlet within the City or into any area under the jurisdiction of the City, any wastewater or other polluted waters.

(b) No person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater without first obtaining the required permits from the City.

(c) No person shall discharge or cause to be discharged any storm water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial process water to any sanitary sewer.

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(d) No person shall discharge into the building sanitary sewer the surface water which collects in basement or foundation excavations. If the building sanitary sewer is complete before the plumbing can be connected thereto, the builder or sewer tapper shall keep the end of the building sanitary sewer tightly closed with a plumber's plug or other watertight plug.

(e) The owner of a house, building or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required, at the owner's expense, to install suitable toilet facilities therein and to connect such facilities directly to the proper public sewer in accordance with the rules and regulations within ninety days after the date of official notice to do so, provided the foundation wall of the structure from which sewage or other wastes originated is less than 100 feet from the nearest boundary of the right of way within which the sewer is located.

(f) No person shall be permitted to connect to or discharge wastewater to the City sewerage system unless it has been determined by the City that there is sufficient capacity in the system to collect, convey and treat the proposed wastewater discharge of such person.

(g) No user shall ever increase the use of process water or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with categorical pretreatment standards or those developed by the State or the City.

(h) The Ohio Reformatory for Women shall have a maximum sewage discharge of 250,000 gallons per day into the Collins Avenue ten-inch gravity trunk sewer. When the consumption exceeds 250,000 gallons per day, the Ohio Reformatory for Women shall construct at its cost a new service connection to an eighteen-inch gravity trunk sewer extending from Fifth Street to Collins Avenue. The Ohio Department of Rehabilitation and Corrections shall remit on behalf of the Ohio Reformatory for Women to the City the prorata share of the actual cost of the eighteen-inch gravity trunk sewer to be utilized by the capacity of its fifteen-inch sanitary sewer service line.

(i) The Milford Avenue sewer tap district shall be operated under the Codified Ordinances of the City of Marysville, Ohio including Chapter 921 Sewers and Chapter 925

Sewer Rates, all Federal and State laws relating to sewers and sewer usage, and all administrative regulations implementing City Ordinances, State, and Federal laws.

(j) The City of Marysville has constructed a sanitary trunk sewer known as the “Northside Trunk Sewer”. The actual cost of the Northside Trunk Sewer excluding oversizing shall be reimbursed to the City on a per acre or portion thereof basis for every user of the Northside Trunk Sewer. Use of the Northside Trunk Sewer shall be defined as either connection by direct customer service line and/or connection of other sanitary sewer trunk lines to the Northside Trunk Sewer. The Northside Trunk Sewer acreage fee shall be remitted before connection to the Northside Trunk Sewer is made. The Northside Trunk Sewer acreage fee shall remain in effect until the actual cost has been recovered. The map of the Northside Trunk Sewer service area, actual cost of construction and calculation of the acreage fee shall be available for public inspection (upon completion of construction and acceptance of the line) at the office of the City Engineer. (Ord. 30-05. Passed 5-26-05.)

(k) The Adena Pointe Sewer District shall be operated under these Codified Ordinances, including Chapter 921 Sewers and Chapter 925 Sewer Rates, all federal and state laws relating to sewers and sewer usage, and all administrative regulations implementing City ordinances, state and federal laws. (Ord. 17-08. Passed 6-26-08.)

**921.03 CONDITIONS FOR CONNECTION.**

Unless otherwise required by Federal or State law, a person seeking to tap into or otherwise utilize any sanitary sewer main of the City, or any tributary or branch line there from, shall, as a condition precedent to such tap, show that the property or the use of such line lies wholly within the City. The Village of Milford Center and the sewer district identified as the New California Sewer Sub District are specifically exempted from these conditions. The Village of Milford Center may utilize the City sanitary sewer system for all property and sewer lines wholly within the Village only. The New California Sewer Sub District may utilize the City's Sanitary Sewer System for all property and sewer lines wholly within the New California Sewer Sub District. (Ord. 30-05. Passed 5-26-05.)

**921.04 PERMIT REQUIRED.**

(a) No unauthorized persons shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Engineering Department

(b) The owner or his agent shall make application on a special form furnished by the Municipality. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. Permit and inspection fees shall be in an amount as set by Council.

(Ord. 30-05. Passed 5-26-05.)

**921.05 COST TO BE OWNER'S RESPONSIBILITY.**

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 30-05. Passed 5-26-05.)

**921.06 SEPARATE BUILDING SEWERS REQUIRED; EXCEPTION.**

A separate and independent building sewer shall be provided for every building. Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(Ord. 30-05. Passed 5-26-05.)

**921.07 USE OF OLD BUILDING SEWERS.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent to meet all requirements of this chapter.

(Ord. 30-05. Passed 5-26-05.)

**921.08 MATERIAL SPECIFICATIONS AND CONSTRUCTION.**

The size, slope, alignment and materials of construction of public sewer and/or building sewers and the methods to be used in excavating, placing of the pipe, jointing, testing and

backfilling the trench shall conform to the requirements of the City Engineer or other applicable rules and regulations of the City. In the absence of such provisions, the materials and procedures set forth in the appropriate specifications of the ASTM shall apply.  
(Ord. 30-05. Passed 5-26-05.)

**921.09 SIZE AND SLOPE OF SEWER; MINIMUM DIAMETER.**

The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than six inches. The slope of such six-inch pipe shall be not less than one-fourth inch per foot.

(Ord. 30-05. Passed 5-26-05.)

**921.10 LAYING THE PIPES; GRAVITY OR ARTIFICIAL FLOW; EXCAVATIONS.**

(a) Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from the frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

(b) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

(c) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specifications absent specifications specific to the City except that no backfill shall be placed until the work has been inspected.

(d) A Backwater valve shall be installed only for plumbing fixtures where the flood level rims of the lowest plumbing fixtures are below the elevation of the cover of the next upstream manhole in the public sewer. Plumbing fixtures having flood level rims above the elevation of the cover of the next upstream manhole in the public sewer shall not discharge through a Backwater valve

(Ord. 30-05. Passed 5-26-05.)

**921.11 SEWER SEALING.**

All abandoned building sewers, which shall not be put in future use, shall be sealed in an appropriate manner as approved by the Superintendent. Sewer sealing may be done by wastewater treatment personnel or by others as approved by the Superintendent. The appropriate inspection or sealing fee, as set by Council shall be charged.

(Ord. 30-05. Passed 5-26-05.)

**921.12 FITTINGS FOR CONNECTION OF SEWER.**

The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve inches in diameter or less, and no properly located "Y" branch is available, the owner shall at his expense install a "Y" branch in the public sewer at the location specified by the Superintendent. Where the public sewer is greater than twelve inches in diameter, and no properly located "Y" branch is

available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty-five degrees. A forty-five degree ell may be used to make such connection, with the spigot end cut so as not to extend past the linear surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the Superintendent. (Ord. 30-05. Passed 5-26-05.)

**921.13 NOTIFICATION OF SUPERINTENDENT FOR INSPECTION.**

The applicant for the sewer tap permit shall notify the Utility Office when the building sewer is ready for inspection and connection to the public sewer. Notification and inspection requirements shall be established by the Superintendent. The connection shall be made under the supervision of the Superintendent or his representative. Testing of the building sewer shall be in accordance with the requirements of the Superintendent. (Ord. 30-05. Passed 5-26-05.)

**921.14 BARRICADES AND WARNING LIGHTS; RESTORATION OF PAVEMENT.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Municipality. (Ord. 30-05. Passed 5-26-05.)

**921.15 DISCHARGE OF UNPOLLUTED DRAINAGE.**

(a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process water to any sanitary sewer.

(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water, unpolluted process waters or properly treated industrial waste shall be discharged to a storm sewer or natural outlet if available. (Ord. 30-05. Passed 5-26-05.)

**921.16 NONACCEPTABLE WASTEWATER; PRETREATMENT REQUIREMENTS.**

(a) The City shall make and enforce rules and regulations establishing the types and characteristics of sewage, industrial wastes and other matter which shall be discharged into the sanitary sewerage system, the types and characteristics of sewage and industrial wastes admissible to the system only after pretreatment and requisites for pretreatment, and otherwise governing the discharge of sewage, industrial wastes and other matter into the system in the interest of safety and the efficient operation of the wastewater treatment plant. Applicable

industrial pretreatment conditions and industrial pretreatment regulations, as promulgated under Section 307(b) of the Clean Water Act, are hereby incorporated into this chapter and made a part hereof by reference.

(b) An industry/commercial user must, upon application for sewer service, present to the City, on a form provided, a tabulation of the chemical analysis of the wastes to be discharged to the sewerage system and the volume of such wastes, or if this is not available, the expected waste analysis based upon similar processes now in operation.

(c) In cases where the character of sewage or industrial waste from any manufacturing or industrial plant, building or premises is such that it will damage the sewerage system or cannot be treated satisfactorily at the wastewater treatment plant, the City shall compel the user to dispose of such waste and prevent it from entering the sewerage system.

(d) In cases where the character of the sewage or industrial waste from any manufacturing or industrial plant, building or premises is such that it imposes an unreasonable burden upon the sewage collection, pumping or treatment works, greater than that imposed by the average sewage entering the sewerage system, the City may:

- (1) Compel such manufacturing or industrial plant, building or premises to pre-treat such sewage in such manner as specified by the City before discharging it into the sewerage system.
- (2) Require flow control or equalization of such wastes so as to avoid any slug loads or excessive loads that may be harmful to the treatment works; or
- (3) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

(e) No waste contributor shall cause to be discharged any industrial waste unless issued a wastewater discharge permit by the Superintendent. Maximum pollutant discharge concentrations in the discharge permits shall be determined in accordance with "local limits" approved by OEPA. Mass-based limits may be specified for any or all of the listed pollutants where applicable. The discharge of nonacceptable industrial wastewater into the sewerage system, whether directly or indirectly, is prohibited. Wastewater shall be deemed nonacceptable when the concentration of harmful or toxic substances in the wastewater exceeds certain tolerable limits. No person shall discharge wastewater containing concentrations in excess of following Local Limits:

<u>Parameter</u>	<u>Maximum for Any 1 Day</u>
Copper	0.290 mg/l
Cyanide (Total)	0.076 mg/l
Lead	0.540 mg/l
Mercury	0.0016 mg/l
Nickel	0.754 mg/l
Silver	0.265 mg/l
Zinc	1.220 mg/l
Oil & Grease	50.0 mg/l
pH (lower bound)	5.5 S.U.
pH (upper bound)	12.0 S.U.

In the absence of such specific wastewater discharge permit conditions, no person shall discharge any of the above pollutants, except as such pollutants may occur, and only in the concentrations such pollutants may occur, in the water supplied to the premises.

(Ord. 30-05. Passed 5-26-05.)

**921.17 GREASE, OIL AND SAND INTERCEPTORS.**

(a) Grease, oil and sand interceptors designated as pretreatment devices by OEPA, shall be provided when, in the opinion of the Superintendent, they are necessary to prevent the discharge of fats, oils, greases (commonly referred to as FOG), any inflammable wastes, sand and other substances harmful or hazardous to the building drainage system, the public sewer, or POTW plant or processes except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent. The size type and location of each interceptor shall be designed and installed in accordance with the manufacturers instructions and the requirements of this section based on the anticipated conditions of use. Wastes that do not require treatment or separation shall not be discharge into any interceptor or separator. The interceptor shall be located as to be readily and easily accessible for a total and complete cleaning and inspection. Details of this section to not preclude the Superintendent from promulgating additional specifications and requirements as necessary to protect the sanitary sewer system.

(b) Monitor: The device/system shall be equipped with a downstream monitoring well on the discharge line. The monitor well shall be of sufficient size to permit checking and sampling the waste for residual FOG. The system shall be equipped with an electronic monitoring system to notify the owner that service is required

(c) Grease and oil interceptors shall be constructed of materials impervious to and will not deteriorate by being in contact with the FOG laden wastes and capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

(d) Industrial and commercial users discharging grease and oil and/or inorganic materials such as sand and grit, shall install interceptors to reduce these waste characteristics to levels in accord with this chapter. All grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. Plans showing the size, location and cleanouts for such facilities shall be submitted to the Superintendent for approval. Cleaning of interceptor facilities shall be on a routine basis, as recommended by the Superintendent. Cleaning shall be performed by a licensed waste hauler. Evidence of cleaning, in the form of a receipt copy, shall be sent to the Superintendent for his records, on a routine basis. (Ord. 30-05. Passed 5-26-05.)

**921.18 PRELIMINARY TREATMENT BY OWNER.**

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense. (Ord. 30-05. Passed 5-26-05.)

**921.19 WASTEWATER MONITORING AND INSPECTION.**

(a) All industrial users who discharge or propose to discharge wastewater to the wastewater treatment plant system shall maintain such records of production and related factors,

effluent flows, and pollutant amounts and concentrations of such pollutants as are necessary to demonstrate compliance with this chapter and any applicable State or Federal pretreatment standards or requirements.

(b) Such records shall be made available upon request by the City. All such records relating to compliance with pretreatment standards shall be made available to officials of the OEPA or USEPA. upon demand.

(c) If so ordered by the City, the owner or operator of any premises or facility discharging industrial wastes into the system shall install, at his or her own cost and expense, suitable monitoring/sampling equipment to facilitate the accurate observation, sampling and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

(d) The monitoring/sampling equipment shall be located and maintained on the industrial user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the City may allow such facility to be constructed in the public right of way, with the approval of the public agency having jurisdiction of such right of way, and located so that the facility will not be obstructed by public utilities, landscaping or parked vehicles.

(e) When more than one user can discharge into a common sewer, the City may require the installation of separate monitoring/sampling equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the City may require that separate monitoring facilities be installed for each discharge.

(f) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the City's requirements and all applicable construction standards and specifications.

(g) Compliance determinations with respect to the prohibitions and limitations stated in Section 921.16 may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a twenty-four hour period, or over a longer or shorter time span, as determined to be necessary by the City, in order to meet the needs of specific circumstances.  
(Ord. 30-05. Passed 5-26-05.)

#### **921.20 SAMPLING AND INSPECTION OF INDUSTRIAL WASTES.**

(a) Waste Sampling.

- (1) Sampling of industrial wastewater for the purpose of compliance determination, with respect to the prohibitions and limitations stated in Section 921.02(g), will be done at such intervals as designated by the City. All records of sampling and other information must be kept for a period of at least three years.
- (2) Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for purposes of

inspection, observation, measurement, sampling and testing pertinent to the discharge to the community system in accordance with this chapter.

- (3) Duly authorized City employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. Information data submitted to the City with respect to the Industrial Pretreatment Program shall be made available to the general public or other governmental agencies. Industrial users may request that such information be kept as confidential files if the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the City as confidential shall be kept in a locked file cabinet, and shall not be transmitted to any governmental agency or the general public without the written consent of the industrial user.
  - (4) While performing necessary work for private properties referred to in subsection (a)(3) hereof, the City, or duly authorized employees thereof shall observe all safety rules applicable to the premises.
- (b) Analyses.
- (1) Laboratory analysis of industrial wastewater samples shall be performed in accordance with the current edition of "Standard Methods", or "Methods for Chemical Analysis of Water and Waste" published by the U.S. Environmental Protection Agency (EPA), performed in accordance with procedures established by the Ohio EPA. In addition, all measurements, tests and analyses of the characteristics of wastewater shall also be made in conformance with the Federal Register (40 CFR Part 136).
  - (2) A determination of the character and concentration of the industrial wastes may be made by the person discharging them or by a qualified agent, as approved by the City. If deemed appropriate, the City shall make its own analyses of the wastes and these determinations shall be binding as a basis for compliance determination and charges, except as provided in subsection (e) hereof.
- (c) Measurement of Flow.
- (1) The volume of flow used for computing industrial waste surcharges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the City.
  - (2) If the person discharging industrial wastes into the public sewers procures any part or all of this water from sources other than the City water system, all or part of which is discharged into the public sewers, such person shall install and maintain, at his or her expense, water meters of a type approved by the City for the purpose of determining the volume of water obtained from such other sources.

- (3) Devices for measuring the volume of waste discharged may be required by the City if these volumes cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by such person. Following approval and installation, such meters may not be removed without the consent of the City.

(d) Prohibited Discharges. No person shall discharge or cause to be discharged, either directly or indirectly, to the sewerage system, any of the following described substances, materials, waters or wastes:

- (1) Any liquid or vapor having a temperature higher than 105 degrees Fahrenheit at a point of discharge or causing the temperature at the treatment facility to exceed 104 degrees Fahrenheit.
- (2) Pollutants which create a fire or explosion hazard in the POTW including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degree Centigrade; using the test method specified in 40 CFR 261.21, as amended;
- (3) Any noxious or malodorous gas or substance which, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into the sewers for their maintenance and repair, or any pollutants which result in the presence of toxic gases, vapors or fumes within the wastewater treatment system in a quantity that may cause acute worker health and/or safety problems;
- (4) Any water or waste having a pH lower than 5.5 or higher than 12.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewerage system;
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair and fleshing, entrails, lime slurry, lime, chemical or paint residues, cannery wastes, bulk solids or any other solid object or viscous substance capable of causing obstruction to the flow of sewage or the operation of the sewerage system;
- (6) Any water or waste containing a toxic or hazardous waste listed in 40 CFR 261, as amended, in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewerage system;
- (7) Any water or waste containing emulsified oil or grease exceeding, on analysis, an average of fifty (50.0) milligrams of oil and grease per liter determined as total hexane-soluble matter;
- (8) Any garbage that has not been properly shredded to a degree that all particles will be carried freely under the flow conditions of the sewer, with no particle greater than one-half inch in any dimension;
- (9) Any water or waste containing suspended solids of such character or quality that unusual attention or expense is required to handle such material at the sewage treatment plant.
- (10) Any water or waste discharged in large enough quantities to cause a violation of the City's NPDES permit or to make the sludge unsuitable for reclamation;
- (11) Any water or waste discharged in large enough quantities to cause the effluent from the treatment works to be objectionably colored or such color as to interfere with any process including particularly disinfection;

- (12) Radioactive wastes or isotopes of such a half-life or concentration as may exceed limits in compliance with applicable State or Federal regulations;  
or
- (13) Any petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin if discharged in amounts that can pass through or cause interference.

Such list is subject to revisions as required to meet current water quality standards imposed by State or Federal agencies.

(e) Special Agreements. No statement contained in this section shall be interpreted as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, provided all national and state pretreatment standards are met.

In all such cases, the provisions set forth in the City ordinances establishing sewer service charges will be governing factors in any contracts entered into.  
(Ord. 30-05. Passed 5-26-05.)

#### **921.21 ACCIDENTAL DISCHARGES.**

(a) Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Facilities to prevent an accidental discharge of prohibited materials shall be provided and maintained at the owner's or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review and shall be approved by the City before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his or her facility as necessary to meet the requirements of this chapter.

(b) If, for any reason, a facility does not comply with or will be unable to comply with any prohibition or limitation in this chapter, the facility responsible for such discharge shall immediately notify the City so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the City detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge, and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within five days of the occurrence of the noncomplying discharge.  
(Ord. 30-05. Passed 5-26-05.)

#### **921.22 POWERS AND AUTHORITY OF SUPERINTENDENT.**

The Superintendent shall make and enforce rules and regulations subject to approval of Council, establishing the types and characteristics of sanitary sewage and industrial wastes and other matter, not specifically covered in this chapter, which shall not be discharged into the sanitary sewer system and the types and characteristics of sanitary sewage and industrial wastes admissible to the sewer system only after pretreatment. The Superintendent shall make and enforce rules and regulations establishing details, specifications, inspections, construction methods and other related work necessary to protect the wastewater system.  
(Ord. 30-05. Passed 5-26-05.)

#### **921.23 RIGHT OF ENTRY OF INSPECTORS.**

The Superintendent and other duly authorized employees of the Municipality bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter.  
(Ord. 30-05. Passed 5-26-05.)

**921.24 UNAUTHORIZED WORK ON WASTE WORKS PROHIBITED.**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sanitary sewer system or wastewater treatment plant.  
(Ord. 30-05. Passed 5-26-05.)

**921.25 VIOLATIONS; HEARINGS BY PUBLIC UTILITIES COMMITTEE.  
(REPEALED)**

(EDITOR'S NOTE: Former Section 921.25 was repealed by Ordinance 46-05, passed July 28, 2005.)

**921.26 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.**

Upon the promulgation of Federal categorical pretreatment standards for a particular industry, the Federal standard, if more stringent, shall supersede the limitations imposed under this chapter. All affected users shall be notified of applicable reporting requirements, reports and compliance dates.

(Ord. 30-05. Passed 5-26-05.)

**921.27 DILUTION OF WASTES.**

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement.

(Ord. 30-05. Passed 5-26-05.)

**921.28 SEWER SEALING FEES.**

The Superintendent shall charge one hundred dollars (\$100.00) for each inspection performed under Section 921.11.

(Ord. 30-05. Passed 5-26-05.)

**921.29 SPECIAL AGREEMENTS.**

Nothing contained in Section 921.15 to 921.26 shall be construed as preventing any special agreement or arrangement between the Municipality and any industrial concern, whereby an industrial waste of unusual strength or character may be accepted by the Municipality for treatment subject to payment therefor by the industrial concern provided all applicable national and state pretreatment standards are met.

(Ord. 30-05. Passed 5-26-05.)

**921.30 DISCLOSURE STATEMENTS.**

(a) All significant users proposing to connect or contribute to the wastewater treatment facilities are required to file a disclosure statement and receive approval from the City. The following information must be supplied on the disclosure statement:

- (1) The name, address and location (if different from the address);
- (2) The SIC number according to the SIC Manual, Bureau of the Budget, 1972, as amended;
- (3) Wastewater constituents and characteristics;
- (4) The time and duration of the contribution;
- (5) The average daily and peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by their size, location and elevation;
- (7) A description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;

- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State or Federal pretreatment standards, and a statement regarding whether or not the pretreatment is required for the user to meet applicable pretreatment standards;
- (9) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

- A. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.);
  - B. No increment referred to in subsection (a)(9)A. hereof shall exceed nine months.
  - C. Not later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent, including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for the delay and the steps being taken by the user to return the construction to the established schedule. In no event shall more than nine months elapse between such progress reports to the Superintendent.
- (10) Each product produced by type, amount, process and rate of production;
  - (11) The type and amount of raw materials processed (average and maximum per day);
  - (12) The number and type of employees and hours of operation of the plant and proposed or actual hours of operation of the pretreatment system; and
  - (13) Any other information as may be deemed by the City to be necessary to evaluate the permit application.

The City will evaluate the data furnished by the user and may require additional information such as, but not limited to, spill and accident prevention, plans, methods of operation and methods of discharge, and disclosure of any on-site materials identified in 40 CFR 261, as amended, as toxic or hazardous wastes. After evaluation and acceptance of the data furnished, the City may authorize the industry to discharge subject to the terms and conditions of this section.

(b) Any user subject to national categorical pretreatment standards must submit, within nine months, a revised disclosure form of the information required by subsections (a)(8) and (9) hereof.

(c) Within ninety days following the date for final compliance with applicable national categorical pretreatment standards, or as required by the City the industry shall submit a report indicating the nature and concentration of all pollutants and the average and maximum daily flows for those processes which are limited by pretreatment standards or requirements. Industrial users subject to equivalent units must include a reasonable measure of long term production. Industrial users subject to production based standard must include the actual average production rate for the reporting period.

(d) The City will issue permits to discharge to all industrial users and significant users to control the users' discharge to the sewerage system and to ensure compliance with any regulation established by this chapter, including, but not limited to, the following:

- (1) The general and specific discharge prohibitions;
- (2) Compliance with specific local discharge limits;
- (3) The applicable Federal categorical pretreatment standards; and
- (4) Compliance with categorical standards reporting requirements.

An administrative order will be in the form of a written notice from the City and may be served upon any user by a duly authorized representative of the City or by certified mail with return receipt requested.

(e) At least ninety days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains the following information:

- (1) The name and address of the industrial user;
- (2) The location of such industrial user;
- (3) The nature, average rate of production and standard industrial classification of the operation(s) carried out by such industrial user;
- (4) The average and maximum flow of the discharge from such industrial user to the wastewater treatment system, in gallons per day;
- (5) The nature and concentration of pollutants in the discharge from each regulated process from such industrial user and identification of the applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable pretreatment standards;
- (6) The report shall be signed by a responsible corporate officer if the industrial user submitting the report is a corporation; by a general partner if the industrial user is a partnership; or by a duly authorized representative of the individual named above if the authorization is made in writing by the individual described above; and the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates; and the written authorization is submitted to the City.

(f) All industrial users shall promptly notify the Superintendent in advance of any changes in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes under 40 CFR 403.12(p), as amended.  
(Ord. 30-05. Passed 5-26-05.)

**921.31 ENFORCEMENT.**

(a) The City may take steps as are necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of people or to the environment, which causes interference to the treatment facilities or which causes the City to violate any condition of its NPDES permit. Such steps include the emergency termination of water and sewer service.

(b) Any user who violates any of the following conditions or applicable State and Federal regulations is subject to termination of wastewater treatment service:

- (1) Failure of a user to factually report the wastewater constituents and characteristics of his or her discharge;
- (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics; or
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.

(c) Whenever the City finds that any user has violated or is violating this chapter or any prohibition, limitation or requirement contained herein, or their permit to discharge, the City may serve upon such person a written notice stating the nature of the violation. Within thirty days of the date of the notice, a plan including a compliance schedule, for the satisfactory correction thereof, shall be submitted to the City by the user.

(d) At least annually, the Superintendent shall publish a list of all industrial users which at any time during the previous twelve months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Superintendent determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the

POTW's exercise of emergency authority to halt or prevent such a discharge;

- (5) Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;

- (6) Failure to provide, within thirty days after the due date, required reports such as baseline monitoring reports, ninety day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules or other reports required by the Superintendent;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations which the Superintendent determines will or has adversely affected the operation or implementation of the City's pretreatment program.

(e) No person shall fail to comply with this section.  
(Ord. 30-05. Passed 5-26-05.)

### **921.32 MONITORING.**

All sampling done by the industrial user on its discharged waste must be reported on the self-monitoring reports. If sampling performed by an industrial user indicates a violation, the user shall notify the City within twenty-four hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty days after becoming aware of the violation.

(Ord. 30-05. Passed 5-26-05.)

### **921.33 DISCHARGE OF HAULED WASTE.**

The Superintendent shall make and enforce rules and regulations concerning hauled waste as provided for in Section 921.22 including source/characteristic information. No person shall access the sewer system or wastewater plant for any activity including discharge of hauled septic or industrial waste except at locations, under procedures, and at times designated by the Superintendent. Any removal of manhole lids, or other access to the sewer system for the purpose of discharging wastes at times and/or locations other than those designated by the Superintendent, or without the expressed permission of the Superintendent, shall be considered a violation and shall be subject to enforcement action including fines and penalties as provided in Section 921.99.

(Ord. 30-05. Passed 5-26-05.)

### **921.99 PENALTY.**

(a) Except as provided in subsection (b) hereof, whoever violates or fails to comply with any of the provisions of this chapter shall be fined not less than one hundred dollars (\$100.00) nor more than five thousand dollars (\$5,000) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules and regulations issued hereunder.

(b) Whoever violates Section 921.24 shall be fined not more than five hundred dollars (\$500.00). Each day such violation continues, shall constitute a separate and distinct offense.

(Ord. 30-05. Passed 5-26-05.)

**NOTE: The next printed page is page 35.**

**CHAPTER 925**  
**Sewer Rates**

<p><b>925.01 Sewer rental rates.</b></p> <p><b>925.015 Surcharges.</b></p> <p><b>925.02 New sewer tap connections.</b></p> <p><b>925.03 Exceptions.</b></p> <p><b>925.04 Commencement of sewer rental charges.</b></p>	<p><b>925.05 Billing.</b></p> <p><b>925.06 Vacant premises; reoccupancy.</b></p> <p><b>925.07 Uninhabitable buildings.</b></p> <p><b>925.08 Collection; refunds.</b></p>
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**CROSS REFERENCES**

Compulsory sewer connections - see Ohio R.C. 729.06  
Sewers - see S.U. & P.S. Ch. 921

**925.01 SEWER RENTAL RATES.**

(a) The definitions set forth in Section 921.01 apply to this chapter.

(b) The rates set forth in this section are hereby fixed as the fair, proportional and reasonable rates for sewer service charges and user charges based upon the metered consumption of water. In cases where large industrial users have installed sewage flow meters to measure the volume of sewage discharged to the sewage collection system, sewer service charges and user charges shall be based on metered sewage flow. If the sewage flow meter malfunctions or becomes inoperable during all or part of the billing period, sewer service charges and user charges shall be based on a volume of sewage determined by multiplying the metered water consumption during the billing period times the average ratio of metered sewage flow divided by metered water consumption for those billing periods during the preceding twelve months for which sewage flow records and water consumption records are available. All users discharging waste to the sewage collection system shall be billed for wastewater treatment services, including governmental or institutional users, such as schools, Municipal utilities or other public buildings. (Ord. 13-01. Passed 3-22-01.)

(c) Residential, commercial, and industrial rates per 100 cubic feet or fraction thereof:

	January 1, 2006	January 1, 2007	January 1, 2008	January 1, 2009	January 1, 2010
First 200 Cu. Ft. Per Month	\$5.52	\$6.47	\$7.57	\$7.75	\$7.93
Over 200 Cu. Ft. Per Month	3.72	4.36	5.11	5.23	5.35
Minimum monthly charge	\$11.04	\$12.94	\$15.14	\$15.50	\$15.86

(Ord. 56-05. Passed 10-13-05.)

(d) Periodic sampling shall be performed on large industrial user waste in order to ensure that the concentration of ammonia ( $\text{NH}^3\text{-N}$ ) in its wastewater does not exceed twenty-five percent (25%) of the concentration of ammonia usually found in normal domestic waste.  
(Ord. 13-01. Passed 3-22-01.)

(e) Fees to inspect sewer lateral connections for sites smaller than one (1) acre in area will be assessed at the rate of fifty dollars (\$50.00) at the tap and fifty dollars (\$50.00) from the tap to the building per inspection. Fees to review plans and inspect sewer connections for sites larger than one (1) acre in area shall be in accordance with Section 1100.01.  
(Ord. 33-06. Passed 6-22-06.)

(f) The sewer service charge and user charges shall be reviewed annually by the City in order to determine whether or not they are sufficient to defray the fixed charges, amortization costs and annual costs of operation and maintenance of the sewerage system. If the difference between the total annual revenue derived and the total annual cost is sufficient to justify an increase or decrease in the sewer service charge or user charges, the City will adjust the rates as required. The purpose of the annual review is also to maintain a proportional user charge and industrial cost recovery system. (Ord. 13-01. Passed 3-22-01.)

**925.015 SURCHARGES.**

(a) Sewage or industrial wastes above normal sewage strength, but acceptable for discharge into the sanitary sewerage system, shall be subject to a surcharge. The surcharge shall be determined on the basis of either or all three constituents of the water or wastes:

- (1) Total suspended solids; and/or
- (2) Five-day BOD at twenty degrees Centigrade; and/or
- (3) Excess pounds of oil and grease.

(b) When either or all the total suspended solids, the BOD and oil and grease of a water or waste accepted for admission to the system exceeds the values of their constituents for normal sewage, the excess concentration in either or all three, as the case may be, shall be subject to a surcharge as follows:

- (1) Pounds of excess suspended solids per day x \$.091/lb. = suspended solids surcharge.
- (2) Pounds of excess BOD per day x \$.146/lb. = BOD surcharge.
- (3) Pounds of excess oil and grease per day x \$1.65 lb. = oil and grease surcharge.

In addition to the surcharge, the user will pay the user charges as defined in Section 925.01(c).

(c) The pounds of BOD per day, pounds of oil and grease per day, and pounds of suspended solids per day, above the concentrations previously described for normal strength sewage that are discharged to the sewerage system, shall be determined by the City or its authorized representative. In addition to a surcharge on BOD, suspended solids, phosphorus, and oil and grease, the City shall have the right to surcharge any user for the discharge of any other pollutant into the sewage system or for any other reason that it deems necessary and appropriate, such as excessively high rates of discharge. (Ord. 32-88. Passed 12-8-88.)

**925.02 NEW SEWER TAP CONNECTIONS.**

EDITOR'S NOTE: Ordinance 3-07, passed January 25, 2007 permits annual indexing of the Sewer Tap Connection fees based on the Municipal Cost Index. At least every five years have a feasibility study completed to determine if the Sewer Tap Connection fees are adequate for the City's capital project requirements. Rates based on the indexing of the Sewer Tap Connection fees will be effective annually by May 1.

(a) System development charges shall be assessed for sanitary service based on the water meter sizes as follows:

Meter Size (inches)	Meter Equivalents	Current Rate	Incremental Rate	Total
5/8	1.0	\$1,825	\$4,075	\$5,900
3/4	1.5	\$2,738	\$6,112	\$8,850
1	2.5	\$4,563	\$10,187	\$14,750
1 ½	5.0	\$9,125	\$20,375	\$29,500

2	8.0	\$14,600	\$32,600	\$47,200
3	15.0	\$27,375	\$61,125	\$88,500
4	25.0	\$45,625	\$101,875	\$147,500
6	50.0	\$91,250	\$203,750	\$295,000
8	80.0	\$146,000	\$326,000	\$472,000

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System development charges for individual units contained in a multi-unit dwelling shall be assessed, regardless of meter size, as follows:

<u>Meter Equivalent</u>	<u>Rate</u>	<u>Incremental Rate</u>	<u>Total</u>
0.7	\$1,277.50	\$2,852.50	\$4,130

(Ord. 34-06. Passed 6-22-06.)

- (b) Milford Avenue Sewer Tap District: In addition to all other fees in Section 925.02, the owners of undeveloped land (104.273 acres) or undeveloped parcels subdivided from developed lands in the Milford Avenue sewer district prior to making a tap shall remit a tap fee based on the actual cost of construction of the sewer main to serve these undeveloped lands. The tap fee shall be increased effective March 1st of any year by the change in the consumer price index-urban index in December from the previous December. These tap fees shall be refunded to the original developer or his successor or assigns until all undeveloped lands have been connected to the sewer main or twenty years has elapsed from the effective date of this subsection (b). Subsection (b) shall expire upon the development of all undeveloped lands or if twenty years from the effective date of this subsection (b) has elapsed. (Ord. 9-01. Passed 3-8-01.)
- (c) Adena Pointe Sewer District:
- (1) An amount of eight hundred dollars (\$800.00) shall be collected for each residential tap in the Adena Pointe Sewer District for the purpose of funding the abandonment of the lift station and connecting the tributary area to the City Southwest Trunk Sewer when constructed. This tap charge shall be collected until all area within the Adena Pointe Sewer District is developed. This fee shall increase each year based on the Municipal Cost Index to be consistent with indexing for sewer tap connection fees per Ordinance 3-07.
  - (2) In addition to all other fees in Section 925.02, the owners of undeveloped lands or undeveloped parcels subdivided from developed lands in the Adena Pointe Sewer District, prior to making a tap, shall provide the City written confirmation from Beazer Homes, Inc. or their successor or assigns that payment has been received for the pro rata contribution of costs for design and installation to serve the properties of such owner. Such payment shall mean that fraction of the total costs of sanitary sewer

improvements, including the lift station, that benefit both Adena Pointe and the undeveloped property. Such amount of nine hundred twenty-two dollars and ninety-seven cents (\$922.97) per lot shall be in accordance with the attached service area and cost. Cost recovery for storm system purposes shall also be paid to Beazer Homes, Inc. or their successors or assigns. Such storm cost shall be in an amount of nine hundred thirty-one dollars and twenty-one cents (\$931.21) per benefitted lot in accordance with the attached service area and cost. Such amounts to be recovered by Beazer Homes, Inc. their successor or assigns may be increased each year based on the Municipal Cost Index to be consistent with Ordinance 3-07. (3) Section 925.02(c)(2) shall expire upon the development of all lands or if twenty years from the effective date of this subsection (c) has elapsed. (Ord. 17-08. Passed 6-26-08.)

**925.03 EXCEPTIONS.**

- (a) Two families using the same sanitary facilities shall be charged for two units at dwelling rate.
- (b) Two businesses using the same sanitary facilities shall be charged for two private toilet units.
- (c) Business conducted in a home shall be charged for two sanitary facilities at dwelling rate. (Ord. 792-68. Passed 2-22-68.)

**925.04 COMMENCEMENT OF SEWER RENTAL CHARGES.**

Sewer rental charges shall commence at such time as water service is provided for the property and the sewer is connected.  
(Ord. 792-68. Passed 2-22-68.)

**925.05 BILLING.**

- (a) The Director of Finance shall cause a bill to be mailed to each user monthly based on the water usage for the latest period available.
- (b) All bills not paid within fifteen days of billing shall be subject to a penalty of five percent (5%).
- (c) Single-family residential housing units during the May through September consumption period shall have their sewer consumption bills calculated using their consumption history during October through April, as adjusted, as the basis for calculation of the summer sewer consumption to be billed. (Ord. 13-01. Passed 3-22-01.)
- (d) If a single-family residence requests water service to be temporarily disconnected, the sewer portion of the monthly utility bill will also be temporarily suspended pending re-establishment of water service to that residence. If it is determined the resident in said single-family residence continues to utilize the sewer service once water service has been disconnected that residence will be charged an amount equivalent to the minimum monthly sewer rate from the time water service was disconnected to the date of reconnection.  
(Ord. 20-01. Passed 4-26-01.)

**925.06 VACANT PREMISES; REOCCUPANCY.**

Upon written notification to the Director of Finance and upon presentation of satisfactory proof thereof, any owner of a building that has been vacant for a minimum of ninety days shall be charged a minimum charge of one dollar (\$1.00) per calendar month or any part thereof, to be billed bimonthly. Such owner shall notify the Director, in writing, at such time as the premises are reoccupied. At that time the standard rate shall be reinstated. Failure of an owner to so notify the Director of the reoccupancy shall make the owner subject to the standard rate, together with a penalty of five percent (5%) thereon until notice is given.  
(Ord. 20-84. Passed 5-10-84.)

**925.07 UNINHABITABLE BUILDINGS.**

In case of destruction which renders a building uninhabitable sewer charges to that property owner or tenant shall cease as of that date.

(Ord. 792-68. Passed 2-22-68.)

**925.08 COLLECTION; REFUNDS.**

(a) If sewer charges are not paid within fifteen days from the billing date, they will be carried forward each bimonthly billing period until September 15 of each year. At such time, the Director of Finance may certify such charges, together with a penalty of five percent (5%) thereon, to the County Auditor, who shall place such amount on the tax duplicate and collect such charges as penalties in the same manner as other taxes are collected.

(b) Refunds shall not be made for service discontinued for periods of less than four weeks.

(Ord. 23-84. Passed 5-24-84.)

**CHAPTER 930**  
**Water Rules and Regulations**

<b>930.01</b>	<b>Definitions.</b>	<b>930.07</b>	<b>Service lines.</b>
<b>930.02</b>	<b>General regulations governing connections.</b>	<b>930.08</b>	<b>Metered service.</b>
<b>930.03</b>	<b>Reserved.</b>	<b>930.09</b>	<b>Private fire protection service.</b>
<b>930.04</b>	<b>General regulations governing service.</b>	<b>930.10</b>	<b>Public fire protection.</b>
<b>930.05</b>	<b>Cost to be owner's responsibility.</b>	<b>930.11</b>	<b>Water restriction policy.</b>
<b>930.06</b>	<b>Backflow prevention system required.</b>		

**CROSS REFERENCES**

Fluoridation - see Ohio R.C. 6111.13

Water pollution - see Ohio R.C. 715.08, 743.25

**930.01 DEFINITIONS.**

(a) Interpretation of Words or Terms. For the purposes of this chapter, certain terms or words used herein shall be interpreted as follows:

- (1) "Person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- (2) The present tense shall include the future tense, the singular number includes the plural, and the plural number includes the singular, and words of any gender shall include all genders.
- (3) The word "shall" is a mandatory requirement; "may" is a permissive requirement; and the word "should" is a preferred requirement.
- (4) The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied".
- (5) The word "lot" includes the words "plot" and "parcel".

(b) Meanings of Certain Words and Terms.

- (1) "Adjacent buildings" means a group of two or more buildings on the same lot or parcel of land not separated by any street, avenue, thoroughfare, alley or other public right of way, except where the customer owns and/or leases a lot or parcel of land on both sides of a street, avenue, thoroughfare, alley or public right of way which lots or parcels of land otherwise would be contiguous, such buildings thereon shall be considered adjacent.

- (2) "Applicant" means a person owning the property on which service is being requested.
- (3) "Application" means a form which shall be completed by a person requesting installation of a customer service line.
- (4) Reserved for expansion.
- (5) Reserved for expansion.
- (6) "City" means the City of Marysville, Ohio, acting through its duly authorized officials and employees.
- (7) "Combined service" or "common service" means a service line intended, in whole or in part, to provide water service to more than one building and which may be owned by more than one person.
- (8) "Consumption":
  - A. "Monthly consumption" means the amount of water passing through the customer's meter (or for billing purposes, estimated to have passed through such meter) in a monthly billing cycle which equals approximately thirty days.
  - B. "Quarterly consumption" means the amount of water passing through the customer's meter (or for billing purposes, estimated to have passed through such meter) in a quarterly billing cycle which equals approximately ninety days.
- (9) "Cost" means the expenditure by the City for labor, materials, engineering, supervision, motor vehicles and tools, and any other expenditures incidental thereto to the extent that any or all of such items are directly assignable to the particular situation involved, except when modified by the word "estimated", in which case it shall be the estimated expenditure for such item.
- (10) "Customer" means a person who has contracted for water service to one premises.
- (11) "Fire protection service":
  - A. "Private fire protection service" means all fire protection service furnished by the City at customer request, other than public fire protection service. Private fire protection service includes, but is not necessarily limited to, water service to a customer's fire protection facilities such as sprinkler system and/or fire hose connections in buildings and structures and fire hydrants other than those which qualify as public fire hydrants within the definition of public fire protection service.
  - B. "Public fire protection service" means water service to fire hydrants which are operated and maintained by the City.
- (12) "Interference" means the inhibition or disruption of the public water distribution system, treatment processes, sources or operations which may lead to the discontinuance, temporary or otherwise, of service to a

customer, or which may contribute to a violation of any requirement of the public water systems permits.

- (13) "Plant" means all facilities necessary to furnish public water service and water for consumption and fire protection. "Plant" includes but is not limited to:
- A. Source wells, weirs, reservoirs, pumps, raw water lines, etc., necessary to provide raw water to the treatment plant.
  - B. "Treatment plant" includes all piping, buildings, pumps and related equipment necessary to treat raw water and bring it to an approved standard for consumption.
  - C. "Distribution system" includes all lines, booster pumps/station and high pressure areas, and storage devices needed to move treated water from the plant and to have available for use or consumption to a customer service line.
- (14) "Premises" means the physical property to be serviced. Each of the following, together with the lot or parcel of land upon which it is located or such portion of such land as is used or held for use with it, shall constitute a premises:
- A. One building designed or used for single-family occupancy as a residence.
  - B. One building designed or used for single-family occupancy both as a residence and for professional or business purposes, when the business or profession is conducted by the resident. (When not so conducted, the portion occupied by the resident constitutes one premises and each separate portion occupied by other persons for professional or business purposes constitutes a separate premises.)
  - C. A combination of adjacent buildings, one portion designed or used for single-family occupancy as a residence and the other portions designed for professional or business purposes, all of which are occupied by the resident. (When not so occupied, the portion designed or used for single-family occupancy constitutes one premises and each separate portion designed or used for professional or business purposes and occupied by other persons constitutes a separate premises.)
  - D. One building designed or used by one person for professional or business purposes.
  - E. A combination of adjacent buildings designed or used by one person for professional or business purposes.
  - F. Each combination of rooms designed or used for single-family occupancy as a residence, within a multiple unit building.
  - G. Each room or combination of rooms designed or used by one person for professional or business purposes within a house or within a multiple unit building.
  - H. Each parcel of land which requires water service.

- I. Each trailer or mobile home unit where the unit is not resting primarily on its wheels.
  - J. Any building not otherwise defined as a premises in any other definition of premises contained herein.
- (15) "Public water system" means the structures, equipment and processes required to collect, transport, treat and distribute consumable water. See also "Plant".
- (16) "System capacity charge" means the connection fee charged by meter size (see Section 931.06) for the facilities such as plant and elevated storage, source of supply and transmission mains that provide for water service and shall not be refunded.
- (Ord. 35-93. Passed 9-23-93.)

#### **930.02 GENERAL REGULATIONS GOVERNING CONNECTIONS.**

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any portion of the existing public water system without first obtaining a written permit from the Superintendent.

(b) The owner of a premises or his agent shall make application on a special form furnished by the Municipality.

(c) All applications for service must state the uses to which the water is to be applied. A separate application is required for each meter. Also, a separate application is required for each service line for private fire protection service. Upon the commencement of service by the City, the customer becomes obligated to pay for the water service furnished, and both the City and the customer become obligated to abide by all the terms and provisions of the regulations then in effect and as the same may be lawfully altered, amended or otherwise modified.

(d) When a change of occupancy occurs in any premises receiving water service, an application by the new occupant must be made to the City. Each person accepting water service from the City without making proper application therefor shall be deemed to be a customer for the purpose of all applicable tariffs of the City. However, the City may terminate such person's service, upon seven days notice, until proper application is made.

(e) Where no notice has been given to the City of a change of occupancy of a premises, the current owner shall be liable to the City for the payment of water service from the billing date next preceding the date of change of occupancy.

(f) When an application for water service is made, or when the City deems it necessary, the City has the right to require a cash deposit to secure the payment of bills.

(g) No agreement will be made by the City with any applicant for residential water service until all arrearages and charges due from the applicant for water service or other services rendered by the City to the applicant at any other residential premises shall have been paid.

(h) In the case of temporary service the City shall require a deposit, in addition to the deposit that may be required under this chapter, equal to the estimated cost of labor and material, including the meter, required to make the service available and to subsequently remove the service. A refund shall be made if the deposit exceeds the actual cost of such labor and materials; such refund to be that portion of the deposit which is in excess of actual costs, plus salvage value of materials, if any.

(i) The owner of a house, building or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right of way in which there is now located or may in the future be located a public water main of the City, is hereby required, at the owner's expense, to connect to the proper public main in accordance with the rules and regulations within ninety days after the date of official notice to do so, provided the foundation wall of the structure to which service is to be provided is less than 100 feet from the nearest boundary of the right of way which the water main is located.

(j) No person shall be permitted to connect to the City water system unless it has been determined by the City that there is sufficient capacity in the system to provide the water necessary for service.

(Ord. 35-93. Passed 9-23-93.)

(k) The Milford Avenue water district shall be operated under the Codified Ordinances of the City of Marysville including Chapter 930 Water Rates, all federal and State laws relating to water and water usage, and all administrative regulations implementing City Ordinances, State, and Federal laws. (Ord. 25-95. Passed 6-29-95.)

**930.03 RESERVED.**

(EDITOR'S NOTE: Section 930.03 is reserved for future legislation.)

**930.04 GENERAL REGULATIONS GOVERNING SERVICE.**

(a) When the supply of water is to be temporarily cut off by the City, it will give as much advance notice (except in case of emergency) as is practicable under the circumstances to all customers to be affected by the shut-off, stating the probable duration of the interruption of services.

(b) In the interest of public health, mains, service lines or other pipes may not be connected with any service line or piping which the City knows or has good reasons to believe is connected with any other source of water supply, nor may such mains, service lines or other pipes be connected in any way to any piping, tank, vat or other apparatus which contains liquids, chemicals or any other matter which may flow back into such mains, service lines or other pipes

and which may endanger or otherwise contaminate the water supply. (See Section 930.06 on backflow prevention.)

(c) The City shall not be liable for a deficiency or failure, regardless of cause, (except as a result of willful misconduct or negligence) in the supply of water or in the pressure, nor for any damage caused thereby, or by the bursting or breaking of any main or service line or any attachment to the mains and service lines or other facilities used by the City. All damage to a customer's boilers or other equipment depending upon pressure in mains and service lines to keep them supplied with water shall be borne exclusively by the customer.

(d) When an application is made for the installation of a City service line or for water service or for the reinstatement of water service, the City shall be entitled to assume that the piping and fixtures to which the service will be supplied are in good order to receive such service, but reserves the right to inspect such facilities to assure against possible damage and cross connections.

(e) Water will not be furnished where pipes are inferior, the plumbing is defective or the faucets, water closets or other fixtures leak or are imperfect. When such conditions are discovered, the supply of water may be cut off until repairs are made.

(f) The City shall have the sole right to determine the size, type and location of meters, meter settings, valves, service lines and connections necessary to provide the service applied for.

(g) Exclusive operating control of all service lines from main to meter, and of meters and meter installations shall at all times remain with the City, and shall not be interfered with in any respect.

(h) When a supply of water for building construction purposes is applied for, such supply shall be furnished under the regulations applicable to regular, permanent service. Special, temporary requirements for water service may be met by applying for the same at the office of the City.

(i) The customer shall not, without City consent, use water for any purpose or upon any premises not stated in the application for service.

(j) The City may discontinue with notice all or any part of its service to any customer for any of the following reasons:

- (1) For the use of water for any other purpose or upon any premises not stated in his application.
- (2) To prevent waste or reasonably avoidable loss of water.
- (3) For tampering with any service line, meter, curb stop, curb box, seal or other appliance under the control of, or belonging to, the City.
- (4) For continued vacancy of the premises.
- (5) For failing to make deposit when required.
- (6) For connecting the service line, or any pipe directly or indirectly connected therewith, with any other source of supply or with any

apparatus which may, in the opinion of the City, contaminate the City's water supply.

- (7) The denial to the City of reasonable access to the premises for purpose of inspection, reading, repairing or removing meters.
- (8) For any other violation of, or failure to comply with, the regulations of the City.

(k) In any case in which two or more customers are supplied through one service line, ("combined" or "common service") and the City is entitled under the preceding paragraph to discontinue service to any one of them, the City may shut off such service line.

(l) If a customer whose service has been discontinued for nonpayment of bills or for violations of or failure to comply with the regulations of the City, desires a reconnection, such reconnection may only be made after the customer has met the conditions set forth in Chapter 931.

(m) When a customer's meter cannot be read for a period exceeding three months for accounts read monthly, after the latest prior reading, the City may discontinue service to the customer upon giving seven days' written notice mailed to him of its intention to do so, unless the customer shall promptly make access to the meter possible during the City's regular business hours on any day except Saturday, Sunday and holidays, and notify the City thereof. If the customer notifies the City that he can promptly make access to the meter possible only during a time and day other than during the City's regular business hours, the City shall make a charge for the actual cost of such meter reading service.

(n) Any employee or agent of the City seeking access to the dwelling or structure of a customer shall voluntarily identify himself, provide proper City photo identification, and shall state the reason for his visit. The employee or agent shall in all cases direct himself to a person holding out himself or herself as being responsible for the dwelling or structure. Entrance will not be sought or gained by subterfuge or force. The City shall be responsible for any damage done by its employees when such damage results from willful misconduct or negligent act and within the scope of employment.

(o) Complaints with regard to the character of service furnished, or to the reading or registration of meters or to the bills rendered, must be made at the City's office, either orally or in writing. A record of such complaint will be kept by the City, giving the name and address of the complainant, the date, the nature of the complaint and the action taken or decision made by the City with respect to it.

(Ord. 35-93. Passed 9-23-93.)

#### **930.05 COST TO BE OWNER'S RESPONSIBILITY.**

(a) All costs and expenses incident to the installation and connection of the customer service line shall be borne by the owner. The owner shall indemnify the Municipality from any loss or damage that may directly or indirectly be caused by installation of the customer service line.

(b) All costs and expenses incident to or resulting from interference with the public water system or damages resulting from interference with the public water system shall be the responsibility of the person causing or creating such interference.

(c) It is the intent of the City to discontinue "combined" or "common services". Existing combined services will be maintained. However, at such time as maintenance is required, the combined service shall be split into two separate services with costs for such services to be the responsibility of the customer.  
(Ord. 35-93. Passed 9-23-93.)

#### **930.06 BACKFLOW PREVENTION SYSTEM REQUIRED.**

(a) If, in the judgment of the Manager of Water Distribution of the Division of Water of the City (hereinafter referred to as Manager of Water Distribution), a backflow prevention device is necessary for the safety of the public water system, the Manager of Water Distribution will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expense, install such an approved device at a location and in a manner approved and designated by the Manager of the Water Distribution and shall have inspections and tests made of such approved devices as required by the Manager of Water Distribution.

(b) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained, any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the Division of Water may enter the supplier distribution system of the Municipality, unless such private, auxiliary or emergency water supply in the method of connection and use of such supply shall have been approved by the Manager of Water Distribution and by the Ohio Environmental Protection Agency.

(c) It shall be the duty of the Manager of Water Distribution to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys or investigations shall be made a matter of public record and shall be repeated as often as the Manager of Water Distribution shall deem necessary for proper protection of the municipal water supply.

(d) The Manager of Water Distribution or his duly authorized representative shall have the right to enter, at any reasonable time, any property served by connection to the public water supply or distribution system of the Division of Water, for the purpose of inspecting the piping system or systems thereof. On demand, lessees or occupants of any property so served shall furnish to the Manager of Water Distribution any information which he may request regarding the piping system or systems or water used on such properties. The refusal of such information, when demanded, shall, within the discretion of the Manager of Water Distribution, be deemed evidence of the presence of improper connections as provided in this chapter.  
(Ord. 35-93. Passed 9-23-93.)

**930.07 SERVICE LINES.**

- (a) The application for the installation of the City service line must state the uses to which the water is to be applied, and the correct lot and street number or other complete identification of the premises to be supplied.
- (b) The application for installation of a City service line will be accepted subject to the conditions that there shall exist, adjacent to the premises to be served, a supply of water sufficient to provide the service requested.
- (c) A City service line may not be used to supply more than one premises, as provided.
- (d) Service lines shall be installed to provide for inside meter settings, except in special cases where the City has approved outside meter settings.
- (e) The curb stop or outside meter vault shall be installed at a place designated by the City between the curb line and the property line.
- (f) Curb stops or valves in the City's service lines are for the exclusive use and under the exclusive control of the City.
- (g) The owner shall at his expense install, maintain and repair the customer service line. When a leak in a customer service line is discovered, the City may turn off the water service until the leak is repaired. Without limiting the authority of the City under the preceding sentence, the City will endeavor, when the circumstances are such as to make it practicable, to give notice to the customer before discontinuing such service, in order to afford him a reasonable time to make such repairs.
- (h) If a City service line is to be installed where any portion of the line must pass through property not owned by an applicant, the applicant must assume full responsibility for acquiring the right to pass through such property.
- (i) When the installation of a customer service line has been completed, the owner shall leave the service line turned off until it is inspected and approved for use by the City.
- (j) The customer service line shall be laid at a depth of not less than four and one-half feet nor more than five feet below ground level. The service line shall be not less than one inch nominal size and shall be either Type K copper tubing or other City approved water pipe. Larger minimum size may be required based on pressure, distance and other considerations as determined by the City.

(k) The customer service line may be laid in a separate trench or it may be laid on a ledge in either side of the sewer trench. Such ledge shall be cut into the side of the sewer trench so as to provide a shelf twelve inches wide of solid firm soil for the entire length of the pipe. The applicant shall leave the trench open and pipe uncovered until it is inspected and approved by the City representative.

(l) The City service line shall be installed at the expense of the applicant. No installation of a City service line will be made between November 1 and the following April 1, unless the applicant pays in advance, or agrees to pay with security or assurance satisfactory to the City, any excess cost of installation that may reasonably be attributable to weather and soil conditions existing between such dates. Where a service line is to be installed in a paved or improved street, the cost of removing and replacing the street surface shall also be paid by the applicant.

(m) The City service line shall be operated and maintained by the City.  
(Ord. 35-93. Passed 9-23-93.)

**930.08 METERED SERVICE.**

(a) A meter will be installed by the City after the customer service line and plumbing have been made ready for such installation by the customer. The meter and setting shall conform to specifications as they may be prescribed from time to time by the City and shall be operated and maintained by the City.

(b) Meters so installed shall remain the City's property and shall not be moved or tampered with in any manner.

(c) Each service line must be separately metered and no meter may be used to serve more than one premises, except in the instance when a special arrangement shall be entered into by the City with an applicant for service to:

- (1) A building or combination of buildings, of the same ownership, housing two or more rental units, each of which is designed or used for single-family occupancy as a residence or by a person for professional or business purposes, or both; or
- (2) A building housing two or more units, not of the same ownership, each of which is designed or used for single-family occupancy as a residence or by a person for professional or business purposes, or both, or a mobile home or trailer park or court, of the same ownership, containing pads, lots or locations for two or more mobile homes or trailer units, not of the same ownership, each of which units is designed or used for single-family occupancy as a residence for single-family occupancy or by a person for professional or business purposes, or both.

Such special arrangement shall be entered into solely in the discretion of the City and shall provide for the metering of water service through one or more meters to two or more residential or professional business units, or combination thereof, per meter. The billing for water service shall be made to the applicant for service or his heirs, successors or assigns, who shall be considered to be the customer of the City, regardless of the ownership of the units

provided with water service through such meter or meters. One billing shall be made with respect to each meter through which water service is provided pursuant to such special arrangements as specified in Chapter 931.

(d) All meters placed in buildings shall be located in the basement, or if there is no basement, then in the first floor, as near as possible to the point of entrance of the service line, in a clean, dry, safe place, not subject to great variation in temperature, so located as to be easily accessible for installation or disconnection and for reading, and suitable for the purpose.

(e) Each meter shall be located at a point approved by the City so as to measure the entire supply delivered to the premises served, and a proper place and protection for the meter shall be provided. A stop-cock or valve approved by the City shall be provided on the service line on the inlet side of and near the meter, and a stop-cock or valve on the outlet side of and near the meter. An approved backflow device shall be provided between the meter and the stop-cock or valve on the outlet side of the meter, if required by the City to prevent water backing up through the meter. If an approved backflow device is required, a safety valve must be inserted at some convenient point on the house piping to relieve the excess pressure due to heating water. The control of the water supply by the customer shall be by means of the separate stop-cock or valve, to be provided by the customer, located at the outlet side of the meter.

(f) Curb stops and all other stop-cocks and valves between the main and the meter are for the exclusive use of the City and shall not be used by the customer for turning on or shutting off the water supply.

(g) Meters will be maintained by the City so far as ordinary wear and tear are concerned. Damages resulting from freezing within the customer's premises, hot water backflow, or negligence or purposeful act of the customer shall be paid by the customer.

(h) The City reserve the right to remove and test any meter at any time, and substitute another meter in its place. In case of a disputed charge for service involving a question as to the accuracy of a meter, procedures to be followed are set forth in Section 931.07.

(i) All meters used for measuring quantity of water delivered to a customer shall be in good mechanical condition and shall be adequate in size and design for the type of service which they measure and shall be accurate in accordance with AWWA Standard C700-77 for displacement type meters and with AWWA Standard C701-78 for turbine type meters.

(j) The minimum, intermediate and maximum test flow limits for positive displacement and turbine type cold water meters are as specified in AWWA Manual M6, Second Edition, and are as follows:

<u>Type of Meter</u>	<u>Nominal Meter Size Maximum</u>	<u>Minimum</u>	<u>Flow in G.P.M.</u>	
			<u>Intermediate</u>	
Displacement	5/8	0.25	2	15
Displacement	3/4	0.50	3	25
Displacement	1	0.75	4	35
Displacement	1 1/2	1.50	8	50
Turbine	2	16	0	100
Turbine	3	24	0	150
Turbine	4	40	0	200
Turbine	6	80	0	500

Displacement meters shall be tested at each of the rates of flow stated above for the various size meters. A new meter shall not be placed in service if it registers less than ninety-five percent (95%) of the water passed through it at the minimum test flow or over-registers or under-registers more than one percent (1%) to one and one-half percent (1 1/2%) of the intermediate and maximum limit. A repaired meter shall not be placed in service if it registers less than ninety percent (90%) of the water passed through it at the minimum test flow or over registers or under registers more than one and one-half percent (1 1/2%) at the intermediate and maximum limit.

(k) If the City finds as a result of the customer's willful act a meter seal has been broken, or any bypass inserted, or there is other evidence that the meter has been tampered with, the water may be shut off. Reconnection will not occur until the following has been paid by the customer:

- (1) A reconnection or turn off fee as set forth in Section 931.05(c).
- (2) The cost to restore the meter to proper working order.
- (3) The cost of the estimated quantity of water used based on the usage history for a comparable period of time. Unless the City can prove that tampering existed for greater than a three month period, the City shall not backbill for a period exceeding three months or one quarter.  
(Ord. 35-93. Passed 9-23-93.)

### **930.09 PRIVATE FIRE PROTECTION SERVICE.**

(a) Where a customer desires both regular water service and water service to private fire protection facilities on his premises which require either or both the service line and the meter to be of a larger size or of a different type than would be approved by the City for supplying and measuring the regular water service, the fire protection service shall be supplied through a separate service line. Exceptions because of low pressure or other operational issues may be approved by the City Administrator when recommended in writing by the Superintendent.

(b) A written application for private fire protection service shall be accepted subject to the condition that there shall exist, adjacent to the premises to be served, a supply of water sufficient to provide the service. The acceptance and approval of any application for, and the furnishing of, such service shall be on the basis of pressures as they may exist in the locality, which pressures are not guaranteed by the City and may fluctuate significantly from time to time.

(c) Due to the unusual requirements for safety, continuity and adequacy of private fire protection service, the use of water through private fire protection facilities must and shall be limited to the combating of fires only.

(d) A customer applying for private fire protection service shall present to the City a complete description of the requested service, giving the details of feeder lines and connections, hydrants, sprinklers, hose connections, etc., installed or to be installed in the customer's premises, and the City shall determine whether or not such service requires metering. The rate applying to this service is a flat rate and strict compliance with these regulations is necessary in order to make the use of this type of rate practical and satisfactory. However, unusual circumstances may exist at the time the application is made, or may develop in the future, whereby it may be necessary to meter such service. The City, therefore, reserves the right, at any time, to install a meter or flow-detecting device of a type acceptable to and approved by the Ohio Insurance Service Office. The cost of such meter or flow-detecting device, and of the installation thereof, shall be paid by the customer.

(Ord. 35-93. Passed 9-23-93.)

#### **930.10 PUBLIC FIRE PROTECTION.**

(a) Public fire hydrants shall be installed on all mains of sufficient size hereafter constructed at spacing which shall be in conformance with reasonable utility engineering practices and as required by the Division of Fire.

(b) No person, except the authorized personnel of the City, shall take water from any public fire hydrant, except for the purpose of combating fire. Should any other proposed use of a public fire hydrant be requested, arrangements must be made subject to the City's approval of such use.

(c) Once a fire hydrant has been installed and if thereafter any person requests a change of its location for any reason, the entire cost of relocation shall be paid by the person requesting the change.

(Ord. 35-93. Passed 9-23-93.)

#### **930.11 WATER RESTRICTION POLICY.**

(a) Actions to be Taken in the Event of a Drought.

- (1) In the event of a drought, we would attempt to monthly forecast our anticipated month's reserve of raw water.
- (2) At the juncture of an anticipated six-month supply of raw water we would consider asking all customers to take the following voluntary conservation steps:

- A. Restrict lawn sprinkling to alternate days according to house number.
- B. Curtail the washing of automobiles.
- C. Ask restaurants to serve water only upon request.
- D. Ask for ten percent (10%) reduction in residential, commercial and industrial consumption.
- E. Eliminate the sale of bulk water.
- F. Eliminate the filling of swimming pools.

- (3) At the juncture of an anticipated three-month supply of raw water we would consider the following mandatory restrictions:
    - A. No lawn sprinkling.
    - B. No washing of automobiles.
    - C. A twenty percent (20%) reduction in consumption for residential, commercial and industrial customers.
  - (4) At the juncture of an anticipated sixty-day supply of raw water we would consider the following steps to insure adequate supply for fire protection and the basic human needs:
    - A. Discontinue at the curb valve the nonessential industrial consumption.
    - B. Discontinue at the curb valve the nonessential commercial consumption.
    - C. Mandatory reduction of residential consumption by forty percent (40%).
  - (5) At the juncture of an anticipated fifteen days supply of raw water we would consider discontinuing all nonessential consumption and providing potable water as described in subsection (b) hereof.
- (b) System Zero Pressure.
- (1) The public should be notified immediately after the City Administrator's office has been notified by telephone, if possible. The restrictions may be implemented immediately.
  - (2) During times of restricted use, the restriction shall be enforced in a nondiscriminatory manner and in accordance with the following standards:
    - A. Customers violating usage restrictions shall first be given an immediate written notice. This notice shall describe in detail the offense, shall describe the procedures to be followed if the customer is found in violation again during the time of curtailment, and afford the customer a reasonable opportunity to comply with the policy.
    - B. The City may discontinue all or any part of its service to any customer who has been given written notice of violation and who continues to be in violation thereafter.
    - C. If a customer whose service has been disconnected for violation of restriction procedures desires a reconnection, such reconnection may only be made after the customer:

1. Has paid the City's regular business hours reconnection charge, except that the charge for any service turned on at the request of a customer after regular business hours or on Saturday, Sunday or holidays, will be at the other than regular business hours rate.
2. Has corrected any conditions, circumstances or practices in violation of the curtailment regulations of the City.  
(Ord. 35-93. Passed 9-23-93.)

**CHAPTER 931**  
**Water Rates**

<b>931.01</b>	<b>Bills and payments for services.</b>	<b>931.05</b>	<b>Disconnection and reconnection of service.</b>
<b>931.02</b>	<b>Rates for metered water service.</b>	<b>931.06</b>	<b>System capacity charges, inspection charges and other fees.</b>
<b>931.03</b>	<b>Rates for private fire protection.</b>	<b>931.07</b>	<b>Billing and service claims.</b>
<b>931.04</b>	<b>Multiple unit billing.</b>		

CROSS REFERENCES

Waterworks mortgage revenue bonds - see Ohio R.C.  
715.09 et seq.  
Weekly deposit of water works money collected - see  
Ohio R.C. 743.06

**931.01 BILLS AND PAYMENTS FOR SERVICES.**

- (a) All definitions set forth in Section 930.01 shall apply to this chapter.
- (b) The owner of the premises served shall be responsible for the payment of all water and water services supplied to his or her premises.
- (c) Bills will be mailed to the address of the premises served unless the owner requests, in writing, that they shall be sent to some other address supplied by him. Failure to receive a bill shall not relieve the owner from obligation to pay for service rendered when due.
- (d) Each bill for water service remaining unpaid fifteen days after the bill date shall become delinquent and subject to a five percent (5%) surcharge for late payment. Should the past due date of a bill coincide with a Saturday, Sunday or a legal holiday, it will automatically be extended to the first full business day following.

(e) Bills for water service shall be rendered monthly and shall show the quantity of water and the period for which the bill is rendered. Bills for private fire protection shall be rendered in advance.

(f) The net amount of a customer's bill will be accepted if mailed on or before the past due date indicated on the bill. The post office date stamped by the sending office will determine the mailing date of the customer's payment. The envelope in which such payment has been mailed may be preserved by the City; and where payment is made of the net amount after the past due payment date, the City may credit the amount enclosed to the customer's account and add the difference between the gross and net bill to the next bill.

(g) All bills for water service delinquent as of August 15 of each year shall have a final written notice issued with full payment due by August 31. Delinquent accounts after such final notice shall be forwarded to the County Auditor who shall place such amount on the tax duplicate and collect such charges and penalties in the same manner as other taxes are collected.

(h) Upon request of the customer for termination of service, the City shall make a final meter reading and shall render a final billing. Bills rendered upon such termination of service must be paid on or before the past due date indicated on the bill. When not so paid the gross amount becomes due and payable. Such bills may be increased by the reasonable cost of collection, which may not exceed fifty percent (50%) of the gross amount due.

(i) In cases in which a meter cannot be read, whatever the cause, the City may require a payment equal to a representative charge for a period of similar length for service rendered to the same premises, or if that cannot be ascertained, then to similar premises.

(j) Dishonored checks returned unpaid will be charged ten dollars (\$10.00) to cover processing costs.

(Ord. 36-93. Passed 9-23-93.)

### **931.02 RATES FOR METERED WATER SERVICE.**

(a) The rates for metered water service shall be as follows:

Rate per 100 cubic feet or fraction thereof:

<u>Cubic Ft. per Month</u>	June 1, 2007	January 1, 2008	January 1, 2009	January 1, 2010
First 140 (or any part thereof)	\$16.29	\$16.62	\$17.45	\$18.32
Next 1,360	5.31	5.58	5.91	6.26
Next 1,500	4.78	5.02	5.32	5.64
Next 2,000	4.43	4.81	5.19	5.61
Next 2,000	3.38	3.67	3.96	4.28

Over 7,000	2.24	2.43	2.64	2.86
Minimum Bill	22.81	23.27	24.43	25.65

(b) Minimum charges per month are established as follows:

Meter Size (inches)	Water Allowed Per Month (Cubic Feet)	June 1, 2007	January 1, 2008	January 1, 2009	January 1, 2010
5/8 X 3/4	140	\$22.81	\$23.27	\$24.43	\$25.65
3/4	380	\$35.55	\$36.66	\$38.61	\$40.67
1	590	\$46.70	\$48.38	\$51.03	\$53.82
1 ½	1,810	\$109.84	\$114.72	\$121.30	\$128.27
2	3,660	\$227.51	\$239.33	\$253.97	\$269.63
3	11,900	\$432.68	\$463.13	\$496.97	\$533.32
4	25,200	\$730.60	\$786.32	\$848.09	\$913.70
6	58,000	\$1,465.32	\$1,583.36	\$1,714.01	\$1,851.78
8	96,500	\$2,327.72	\$2,518.91	\$2,730.41	\$2,952.88

(Ord. 22-07. Passed 4-17-07.)

(c) Charges for bulk water sales will be calculated per 1000 gallons purchased and will be in an amount equal to the minimum charge in place for the first 100 cubic feet of metered usage specified in Section 931.02(a) above:

	May 1, 2001	January 1, 2002	January 1, 2003	January 1, 2004	January 1, 2005
Rate per 1000 gallons hauled	\$15.61	\$17.33	\$18.45	\$19.56	\$20.33

(Ord. 14-01. Passed 3-22-01.)

### **931.03 RATES FOR PRIVATE FIRE PROTECTION.**

The rates for private fire protection shall be as follows:

(a) Hose Connections and Hydrant.

	<u>Per Month</u>	
	<u>Net</u>	<u>Gross</u>
1 1/4" hose connection	\$10.62	\$11.18
1 ½" hose connection	13.55	14.26

2" hose connection	19.51	20.54
Private fire hydrants	38.92	40.97

(b) Automatic Sprinklers.

<u>Size of Connection (in.)</u>	<u>Floor Space (Sq. Ft.)</u>	<u>Per Month</u>	
		<u>Net</u>	<u>Gross</u>
2	5,000 or less	\$19.51	\$20.54
3	7,500 or less	26.51	27.86
4	10,000 or less	33.91	35.69
6	20,000 or less	50.81	53.48
8	30,000 or less	70.49	74.20
10	40,000 or less	94.19	99.15
12	50,000 or less	117.59	124.10
16	70,000 or less	165.29	174.00
Additional floor space per 1,000 sq. ft.		2.37	2.49

(Ord. 42-04. Passed 9-8-04.)

**931.04 MULTIPLE UNIT BILLING.**

(a) Each service line shall be separately metered and no meter may be used to serve more than one premises except in the instance when a special arrangement has been entered into by the City with an application for service to:

- (1) A building or combination of buildings of the same ownership, housing two or more rental units each of which is designed or used as a single-family residence or by a person for professional or business purposes or both.
- (2) A building housing two or more units, not of the same ownership, each of which is designed or used for single-family occupancy as a residence or by a person for professional or business purposes, or both, or a mobile home trailer park or court, of the same ownership containing pads, lots or locations for two or more mobile home or trailer units, not of the same ownership, each of which unit is designed or used for single-family occupancy or by a person for professional or business purposes, or both.

Such special arrangement shall be entered into solely in the discretion of the City and shall provide for the metering of water service through one or more meters to two or more residential or professional business units, or combination thereof, per meter. The billing for water service shall be made to the applicant/owner or his heirs, successors or assigns, who shall be considered to be the customer of the City regardless of the ownership of the units provided with water service through such meter or meters. One billing shall be made with respect to each meter through which water service is provided pursuant to such special arrangement. The amounts of each such billing shall be determined on the basis of the "customer equivalents" provided by the meter employed. The customer equivalents utilized are those recommended by the American Water Works Association (AWWA) in Manual M6, Water Meters - Selection, Installation, Testing & Maintenance. Such relationship is as follows:

<u>Size of Meter (inches)</u>	<u>Customer Equivalents</u>
5/8	1
3/4	1.5
1	2.5
1 ½	5.0
2	8.0
3	15.0
4	25.0
6	50.0
8	80.0
10	275.0
12	400.0
16	500.0

To determine the amount of any periodic billing for water service pursuant to such a special arrangements:

- (1) The total consumption through the meter during the billing period will be divided by the customer equivalent for the meter involved;
- (2) The applicable rates contained in Section 931.02 will then be applied to the quotient to determine the charge per customer equivalent; and
- (3) Such charge per customer equivalent will then be multiplied by the customer equivalent for that meter, the product of such multiplication producing the total bill as to that meter for that billing period.

(b) Where existing metered service installations do not conform with the metering requirement under Section 930.08, the billing to owners serviced will be by proration of the water consumption used until such existing metered service installations are brought into compliance with Section 930.08. (Ord. 42-04. Passed 9-8-04.)

### **931.05 DISCONNECTION AND RECONNECTION OF SERVICE.**

(a) Water service may be shut off not less than seven days after the City mails a disconnection notice informing the customer of the delinquent balance for any or all utility services provided by the City. Such services include, but are not limited to, water, sewer, and refuse.

(b) All partial payments received shall be applied to the oldest outstanding utility balance.

(c) If a customer who has been disconnected for nonpayment of any or all utility service bills or for violation of, or failure to comply with, the regulations of the City, desires a reconnection, such reconnection may be made after the customer:

- (1) Has paid all unpaid bills for all delinquent utility services owed to the City.

- (2) Has paid a reconnection or turn-on fee as set forth on the City's rate schedule.
- (3) Has corrected any condition in violation of the regulations of the City.
- (4) Has made or maintained a deposit as required.
- (5) Has made payment plan arrangements with the City in lieu of total payment. Violation of the payment terms in the payment plan arrangement previously approved by the Director of Finance shall result in immediate disconnection without further notice.  
(Ord. 28-94. Passed 8-25-94.)

(d) The fees for reconnection of service shall be as follows:

- (1) 9:00 a.m. - 4:00 p.m. (Mon.-Fri.)                      \$10.00
  - (2) After 4:00 p.m. and weekends or holidays                      87.00
- (Ord. 61-00. Passed 7-27-00.)

(e) When a customer's meter cannot be read for a period exceeding three months after latest prior reading, the City may discontinue service to the customer upon giving the customer a seven-day written notice of the City's intent to do so. If the customer notifies the City that he can promptly make access to the City during a time and day other than during the City's regular hours, the City shall make a charge for the actual cost of such meter reading services. There will not be a charge for reading meters during regular business hours.  
(Ord. 28-94. Passed 8-25-94.)

**931.06 SYSTEM CAPACITY CHARGES, INSPECTION CHARGES AND OTHER FEES.**

EDITOR'S NOTE: Ordinance 4-07, passed January 25, 2007, permits annual indexing of the Water System Capacity charges based on the Municipal Cost index. At least every five years have a feasibility study completed to determine if the Water System Capacity charges are adequate for the City's capital project requirements. Rates based on the indexing of the Water System Capacity charges will be effective annually by May 1.

(a) System development charges shall be assessed by meter size for each water service connected to the water system as follows:

Meter Size (inches)	Meter Equivalent	Rate	Incremental Rate	Total
5/8	1	\$2,212	\$2,238	\$4,450
3/4	1.5	\$3,318	\$3,357	6,675
1	2.5	\$5,530	\$5,595	\$11,125

1 ½	5.0	\$11,060	\$11,190	\$22,250
2	8.0	\$17,696	\$17,904	\$35,600
3	15.0	\$33,180	\$33,570	\$66,750
4	25.0	\$55,300	\$55,950	\$111,250
6	50.0	\$110,600	\$111,900	\$222,500
8	80.0	\$176,960	\$179,040	\$356,000

(Ord. 14-06. Passed 4-27-06.)

System development charges for individual units contained in a multi-unit dwelling shall be assessed, regardless of meter size, as follows:

<u>Meter Equivalent</u>	<u>Rate</u>	<u>Incremental Rate</u>	<u>Total</u>
0.7	\$1,548	\$1,567	\$3,115

(Ord. 28-06. Passed 6-8-06.)

61	Water Rates	931.06
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(b) System development charges for fire service lines shall be fifteen percent (15%) of the rate for a normal water service.

Fire Service

<u>Line Size (inches)</u>	<u>Customer Equivalent*</u>	<u>Rate</u>
1	2.5	\$829.50
1 ½	5.0	1,659.00
2	8.0	2,654.40
3	15.0	4,977.00
4	25.0	8,295.00
6	50.0	16,590.00
8	80.0	26,544.00
10	275.0	39,816.00
12	400.0	58,065.00
16	500.0	99,542.00

\* See Section 931.04(a)(2) for the definition of “customer equivalent”.  
(Ord. 42-04. Passed 9-8-04.)

(c) Inspection fees will be assessed at the rate of fifty dollars (\$50.00) per tap from the tap to the shut-off valve and fifty dollars (\$50.00) from the shut-off valve to the building at the meter for sites smaller than one (1) acre in area. If the City makes the tap and installs the line to the shut-off valve, the inspection fee will be waived for that part of the service only. Fees to

review plans and inspect water connections for sites larger than one (1) acre in area shall be in accordance with Section 1100.01. (Ord. 35-06. Passed 6-22-06.)

(d) Installation fees will be assessed by service line size for taps made by the City. These fees include labor and materials for the tap to and including the shut-off valve and are as follows:

<u>Service Line (inches)</u>	<u>Tap Charges</u>
1	\$1,000.00
1 ½	1,300.00
2	1,600.00
3-8	4,000.00

(e) Meter charges will be assessed for all water users. This assessment will include labor and materials to install meters as follows:

<u>Size of Meter (inches)</u>	<u>Meter Charge</u>
5/8	\$90.00
1	140.00
1 ½	260.00
2	600.00
3	980.00
4	1,600.00
6	2,500.00
8	4,800.00

(f) Abandonment costs shall be paid by the applicant as follows:

When in street or alley	\$750.00
Otherwise	300.00

(g) In the event of demolition or destruction of a property by fire, conscious act or otherwise, lines shall be abandoned within ninety days.

Milford Avenue Water District: In addition to all other fees in Section 931.06 the owners of undeveloped lands (88.84 acres) or undeveloped parcels subdivided from developed lands in the Milford Avenue water district prior to making a tap shall remit a tap fee based on the actual cost of construction of the water mains to serve these undeveloped lands. The tap fees shall be increased effective March 1st of any year by the change in the consumer price index-urban index in December. These tap fees shall be refunded to the original developer or his successors or assigns until all undeveloped lands have been connected to the water main or twenty years has elapsed from the effective date of this ordinance. This subsection (g) shall expire upon the development of all undeveloped land or if twenty years from the effective date of this subsection (g) has elapsed.

(Ord. 42-04. Passed 9-8-04.)

### **931.07 BILLING AND SERVICE CLAIMS.**

(a) Should a customer object to any bill and file a written objection, the City will accept payment of the net bill within seven days after the customer has been notified of the results of the City's investigation made in response to the complaint.

- (1) Should a customer question the accuracy of a meter in a billing dispute the meter will be removed for test. Such meters will be tested in accordance with standards in Section 930.08(j). In the event the meter so tested is found to have an error in registration greater than the limits in Section 930.08(j), the fee advanced will be refunded, and the bill corrected accordingly. The correction shall apply to both over and under registration.
- (2) The customer shall, upon requesting a meter test, advance to the City a charge of twenty-five dollars (\$25.00) for meters up to and including three-fourths inch in size and at actual cost to the City for all meters over three-fourths inch in size. The advance charged will be refunded only if the meter fails to meet the specifications in Section 930.08(j).

(b) Should a customer determine that the City's investigation of a billing or other water service dispute is not satisfactory, the customer shall file a written objection to the Board of Utility Claims to hear and resolve the billing dispute. Both the customer and the City may be present at the hearing to present details concerning the claim. The Board shall render a decision based on City ordinance and details of the claim. (Ord. 14-01. Passed 3-22-01.)



**CHAPTER 935**  
**Utility Claims Board of Appeals**

<b>935.01</b>	<b>Established.</b>	<b>935.04</b>	<b>City input.</b>
<b>935.02</b>	<b>Powers.</b>	<b>935.05</b>	<b>Rules of procedure.</b>
<b>935.03</b>	<b>Proof.</b>	<b>935.06</b>	<b>Appeal to Council.</b>

**CROSS REFERENCES**

Sewers - see S. U. & P.S. Ch. 921, 925

Water - see S.U. & P.S. Ch. 930, 931

**935.01 ESTABLISHED.**

A Utility Claims Board of Appeals is hereby established, consisting of two residents appointed by the President of Council with the advise and consent of Council and one member from the City administration, appointed by the Mayor. Initial appointments for residents of the City shall be those persons currently serving on the Review Board of Sewer and Sanitation Charge Claims with terms of office to be as set forth for the Review Board of Sewer and Sanitation Charge Claims.

(Ord. 28-91. Passed 5-23-91.)

**935.02 POWERS.**

The Utility Claims Board of Appeals shall hear appeals from decisions made by the Director of Finance regarding claims for refunds for municipally owned utility charges when the method of measuring the service billed by the City does not accurately reflect the actual services provided or where services were not received, and to approve, disapprove or modify decisions regarding such charges as made by the Director of Finance. This Board shall also hear other claims against municipally owned utilities.

(Ord. 28-91. Passed 5-23-91.)

**935.03 PROOF.**

The Utility Claims Board of Appeals may require proof of services not accurately billed or not received and may grant the applicant's claim for a refund as a credit to the account.

(Ord. 28-91. Passed 5-23-91.)

**935.04 CITY INPUT.**

The Utility Claims Board of Appeals shall provide a copy of the appeal request to the Director of Finance, Director of Administration and the appropriate Supervisor for them to review. In the event any of the foregoing shall have comments on the application, that person shall appear at the hearing on the petition before the Appeals Board.  
(Ord. 28-91. Passed 5-23-91.)

**935.05 RULES OF PROCEDURE.**

The Utility Claims Board of Appeals may, from time to time, adopt and amend rules of procedure to assist in effecting the purposes of this chapter. A copy of such rules or amendments shall be filed with the Clerk prior to becoming effective.  
(Ord. 28-91. Passed 5-23-91.)

**935.06 APPEAL TO COUNCIL.**

The decisions of the Review Board shall be in writing and may be appealed to Council, provided an appeal shall be filed in writing with the Clerk of Council within thirty days after the final decision of the Appeals Board.  
(Ord. 28-91. Passed 5-23-91.)

**CHAPTER 937**  
**Stormwater Management**

<b>937.01</b>	<b>Definitions.</b>	<b>937.13</b>	<b>Permit revoked.</b>
<b>937.02</b>	<b>Organization of utility.</b>	<b>937.14</b>	<b>Inspection and surveillance.</b>
<b>937.03</b>	<b>Responsibility.</b>	<b>937.15</b>	<b>Right of entry for survey and examination.</b>
<b>937.04</b>	<b>Operation and maintenance of stormwater systems.</b>	<b>937.16</b>	<b>Stormwater Enterprise Fund.</b>
<b>937.05</b>	<b>Land and facilities affected from outside the City.</b>	<b>937.17</b>	<b>Establishment of storm drainage service charges.</b>
<b>937.06</b>	<b>Rules and regulations.</b>	<b>937.18</b>	<b>Collection of stormwater drainage service charge.</b>
<b>937.07</b>	<b>Cooperation with Federal, State and other agencies and political subdivisions.</b>	<b>937.19</b>	<b>Delinquent charges.</b>
<b>937.08</b>	<b>National Flood Insurance Program.</b>	<b>937.20</b>	<b>County certification.</b>
<b>937.09</b>	<b>Permits process.</b>	<b>937.21</b>	<b>Drainage corrections.</b>
<b>937.10</b>	<b>Plan review process.</b>	<b>937.22</b>	<b>Stormwater credit.</b>
<b>937.11</b>	<b>Permit review.</b>	<b>937.23</b>	<b>Appeals.</b>
<b>937.12</b>	<b>Permit fees.</b>	<b>937.99</b>	<b>Penalty.</b>

**937.01 DEFINITIONS.**

For the purpose of this chapter, the words and phrases shall be defined as follows, unless the content clearly indicates or requires a different meaning.

- (a) “Credit” means a reduction in a customer's stormwater service fee, other than single family, given for certain qualifying activities which reduce either the impact of increased stormwater runoff or reduces the City's costs of providing stormwater management.
- (b) “Detention Facility” means a facility, by means of a single control point, which provides temporary storage of storm water runoff in ponds, parking lots, depressed areas, rooftops, buried underground vaults or tanks, etc., for future release, and is used to delay and attenuate flow.
- (c) “Developer” means a person, firm or corporation that presumes to excavate or fill, build structures or otherwise improve a specific parcel or tract of land.

- (d) “Drainage Facilities” means various drainage works that may include conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins and other structure components.
- (e) “Equivalent Runoff Unit” (ERU) means a value based on the parameters used in the Stormwater Management Utility rate structure which represents a unit of stormwater runoff. This value is used to facilitate comparison of the number of billing units of various properties. Each ERU is equivalent to 2,700 square feet of impervious area and that all residential single-family properties shall be assigned one (1) ERU.
- (f) “Impervious Surface” means surfaces on or in a lot or parcel of real property which reduce the rate of infiltration of stormwater into the earth.
- (g) “Intensity of Development Factor” means the runoff coefficient or percentage of impervious coverage on or in a lot or parcel of real property. The numerical value for each such land use is based upon generally accepted engineering standards and review of and application of said standards to local conditions.
- (h) “Retention Facility” means a detention facility that maintains a permanent pool of water as well as having flood peak flow reduction capability.
- (i) “Routing” means an engineering technique described as computation of the movement and attenuation of an inflow hydrograph as it passes through the stormwater system, resulting in a discharge hydrograph at the downstream end of the element, such as a pipe, channel or detention basin, and accounts mathematically for the effects of storage on flow through the element. "Level pool routing" assumes that a retention/detention facility maintains an "even" or "level" surface water elevation.
- (j) “Stormwater” means stormwater runoff, snowmelt runoff, and surface runoff and drainage.
- (k) “Stormwater System” means all man-made drainage facilities, structures and natural watercourses used for collecting and conducting stormwater, surface runoff, street wash water and drainage but which excludes sanitary sewage and industrial waste, other than unpolluted cooling water to, through and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenance features, canals, creeks, channels, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, retention or detention basins, dams, floodwalls, levees and pumping stations.
- (l) “Utility” includes all persons, firms, corporations or municipal corporations engaged in the business of providing stormwater management to citizens and/or consumers. (Ord. 38-03. Passed 10-9-03.)

### **937.02 ORGANIZATION OF UTILITY.**

The Utility shall be administered by the Director of Public Service or his/her duly authorized agent. (Ord. 38-03. Passed 10-9-03.)

### **937.03 RESPONSIBILITY.**

(a) The Utility shall monitor the design, operation, maintenance, inspection and construction of all stormwater systems in the City. The Utility shall be responsible for the design and construction of public stormwater systems in the City and shall inspect, operate and maintain them as prescribed in Sections 937.04, 937.10 and 937.15. For purposes of this Code, public stormwater drainage facilities begin at the grating or opening where water enters from a curb and gutter or swale, and ends at the outlet structure where water flows into a channel or natural watercourse.

(b) The Utility shall be responsible for controlling siltation and sedimentation that will adversely affect storm sewers, drainage ditches, watercourses and other drainage facilities or that will pollute public waters and watercourses. (Ord. 38-03. Passed 10-9-03.)

#### **937.04 OPERATION AND MAINTENANCE OF STORMWATER SYSTEMS.**

The responsibility for operation and maintenance of all stormwater systems within the City is as follows:

- (a) The Utility shall be responsible for operation and maintenance of public drainage facilities on public land and in street rights-of-way.
- (b) The developer/owner shall be responsible for operation and maintenance associated with stormwater drainage facilities on private property.
- (c) Where public facilities are in easements, the owner of the property is responsible for aesthetic maintenance such as lawn mowing, litter pickup, etc. The owner shall also ensure that no structures, plantings, dirt or debris interfere with the drainage facility's proper operation and maintenance in accordance with Section 521.05.  
(Ord. 38-03. Passed 10-9-03.)

#### **937.05 LAND AND FACILITIES AFFECTED FROM OUTSIDE THE CITY.**

Where stormwater drains from lands outside the City, facilities within the City shall be designed in accordance with this Code as if the entire drainage area was within the City.  
(Ord. 38-03. Passed 10-9-03.)

#### **937.06 RULES AND REGULATIONS.**

In order to accomplish the purpose of a stormwater management utility; to protect the drainage facilities, improvements and properties owned by the City; to secure the best results from the construction, operation and maintenance thereof; and to prevent damage and misuse of any of the drainage facilities, improvements or properties within the City, the Director of Public Service may make and enforce rules and regulations that are approved by the Director of Administration and are necessary and reasonable:

- (a) To prescribe the manner in which storm sewers, ditches, channels and other stormwater drainage facilities are to be designed, installed, adjusted, altered or otherwise changed.
- (b) To prescribe inspection and other fees permitted by this Code.
- (c) To prescribe the manner in which drainage facilities are operated.
- (d) To facilitate the enforcement of this Code.
- (e) To prescribe the collection procedures and timing of service charge bills.
- (f) To protect the public drainage facilities, improvements and properties controlled by the Division and to prescribe the manner of their use by any public or private person, firm or corporation.
- (g) To protect the public health, safety and welfare.  
(Ord. 38-03. Passed 10-9-03.)

**937.07 COOPERATION WITH FEDERAL, STATE AND OTHER AGENCIES  
AND**

**POLITICAL SUBDIVISIONS.**

The City, upon the recommendation of the Mayor and approval by Council, may enter into agreements with other political subdivisions including the Cities, County, State of Ohio, federal government and other agencies having power to regulate stormwater as provided by law where required. The City shall have the right to enter into agreements to make drainage improvements, where required, and as provided by law. (Ord. 38-03. Passed 10-9-03.)

**937.08 NATIONAL FLOOD INSURANCE PROGRAM.**

The Utility shall assist the City Engineer in the administration of the National Flood Insurance Program, pursuant to Chapter 1313 - Flood Damage Prevention Code.  
(Ord. 38-03. Passed 10-9-03.)

**937.09 PERMITS PROCESS.**

(a) It shall be unlawful for any person or organization to construct, enlarge, alter, repair, relocate, or demolish a storm sewer, natural watercourse or other drainage facilities without first obtaining a proper permit from the Director of Public Service and paying the prescribed fee.

(b) Permits are required for the following improvement categories:

- (1) Connection into the public stormwater system.
- (2) Improvements which are or will become public facilities.
- (3) Improvements within dedicated but unimproved street rights-of-way.
- (4) Improvements which require retention or detention facilities.

(c) An application shall be made by the owner of the property involved or his authorized agent employed in connection with the proposed work.

(d) A permit shall expire by limitation when no work is started within one hundred eighty (180) days from the date of issuance. However, one (1) renewal, which shall be valid for one hundred eighty (180) days commencing upon expiration of the original permit, shall be granted upon written application made prior to the expiration of the original permit.

(Ord. 38-03. Passed 10-9-03.)

**937.10 PLAN REVIEW PROCESS.**

(a) Plans for improvements made within the City that require stormwater drainage facilities and/or changes or alterations to existing stormwater drainage facilities must be submitted to the City Engineer for review and approval. Plans and applications may be submitted directly to the Utility or through the Development permit process. All drainage improvements must conform to Chapter 1313 - Flood Damage Prevention Code. The City Engineer shall have thirty (30) days after the date of receipt of application to review each plan submitted. Plans that are not approved may be resubmitted after revisions are made. No permit shall be issued until a plan is approved, or the need for a permit is waived, by the Director of Public Service.

(b) All applications for permits shall be accompanied by five (5) sets of plans and two (2) sets of specifications. In addition to the plans and specifications, the applicant shall provide all statements, calculations, drawings and other supporting data regarding the manner in which stormwater runoff from the project site on the proposed development area will be controlled.

(c) Every improvement shall be provided with a stormwater system capable of handling storm waters flowing onto the improvement site from other areas as well as stormwater from the site itself. The drainage system shall be designed to discharge into a watercourse,

drainage channel or other existing stormwater facility without producing any adverse effect on adjacent or downstream properties.

(d) A storm drainage facility shall be constructed when the stormwater flow from the tributary area, as determined by the Director of Public Service, is a hazard to adjoining property.

(e) The stormwater drainage system shall not be combined with any part of the sanitary sewer system, nor shall sanitary water be discharged thereto.  
(Ord. 38-03. Passed 10-9-03.)

#### **937.11 PERMIT REVIEW.**

It shall be the responsibility of the Director of Public Service to examine the application as described in the plan review process. If the examination reveals no objections to the proposed plan and it appears that the proposed work will be in compliance with codes, laws and ordinances applicable thereto and the proposed construction or work will be in conformance with this Code, the application shall be approved and a permit issued, as soon as practicable. If the examination reveals otherwise, the application shall be rejected and the findings shall be communicated in writing to the applicant. (Ord. 38-03. Passed 10-9-03.)

#### **937.12 PERMIT FEES.**

The owner/developer shall pay a permit fee and an inspection fee as for all stormwater facilities to be constructed. These fees shall be determined by Council.  
(Ord. 38-03. Passed 10-9-03.)

#### **937.13 PERMIT REVOKED.**

(a) The Director of Public Service may revoke the permit or stop work for any of the following reasons:

- (1) Whenever there is a violation of any provision of this Code, any ordinance of the City or statute of the State relating to the project.
- (2) Whenever the continuance of any work becomes dangerous to life or property.
- (3) Whenever there is a violation of any condition on which the issuance of the permit was based.
- (4) Whenever any false statement or misrepresentation has been made upon the application, plans or specifications on which the issuance of the permit or approval was based.
- (5) Whenever work is discontinued for a period of one (1) year or when, in the opinion of the Director of Public Service, the completion of the work has been unduly delayed.

(b) No revoked permit may be reissued until the plans and uncompleted work are made to comply with all the requirements of all laws, codes, regulations and ordinances then in effect.

(Ord. 38-03. Passed 10-9-03.)

#### **937.14 INSPECTION AND SURVEILLANCE.**

(a) After an application is approved and a permit is issued, construction can begin. It shall be the responsibility of the Director of Public Service, or his/her duly authorized representative, to inspect (or designate others to inspect) the premises for which permits have been issued.

(b) When the Director of Public Service or his/her duly authorized representative agent finds the drainage facility, or the construction thereof, is contrary to the approved plans, or presents an unsafe or dangerous condition in connection with the provisions of this Code or of any law or ordinance relating to the same subject matter, the Director of Public Service shall give written notice to the owner of the premises or the contractor responsible for the work. The notice shall state where and in what respect the work does not conform to the approved plans, or state the defective condition and law violated, and shall specify a reasonable period of time in which to conform to the plans or the Code.

(c) Notice, as required by this provision, is to be served on the owner, agent, contractor or other person responsible for the work or violation related to this Code, by personal delivery or by certified mail addressed to his last known place of residence or place of business. If the owner, agent or contractor fails to comply with said notice within the time period specified, such failure shall result in a revocation of the permit.

(d) In every instance, a revocation notice of the permit shall be in writing and shall be served upon the owner, his agent or the person having charge of the work. A revocation notice shall also be posted alongside the permit. After the notice is received or posted, it shall be unlawful for any person to proceed with any operation for which such permit was issued. No part of the fees for such permit shall be returned.

(Ord. 38-03. Passed 10-9-03.)

#### **937.15 RIGHT OF ENTRY FOR SURVEY AND EXAMINATION.**

(a) The employees of the Utility, or its agents including contractors and their employees, consultants and their employees, may enter upon lands within the City to make surveys and examinations to accomplish the necessary preliminary findings to establish a Master Plan and for detailed analysis to prepare final plans and specifications for the proposed improvements.

(b) Where improvements are made that require periodic maintenance or inspection upon the lands by the Utility, the owner of such lands must grant the City a perpetual easement and right of entry around and access to any stormwater channel or facility, including storm sewers.

(c) Where improvements are required upon lands, the owner of such lands must grant the City a temporary easement and right of entry for construction and specification purposes where required. This consent shall provide the City with the right of access only during the period of construction. (Ord. 38-03. Passed 10-9-03.)

#### **937.16 STORMWATER ENTERPRISE FUND.**

All revenues generated by or on behalf of the Utility including stormwater drainage service charges, permit and inspection fees, direct charges and interest earnings shall be deposited in the Stormwater Fund, hereby created, and used exclusively for carrying out the purpose of Chapter 937. (Ord. 38-03. Passed 10-9-03.)



**937.17 ESTABLISHMENT OF STORM DRAINAGE SERVICE CHARGES.**

(a) Application. A stormwater drainage service charge is imposed on each and every lot or parcel of land within the City and on the owner thereof, excepting only public streets, boulevards, alleys, viaducts, sidewalks, curbing, street crossings, grade separations and other public ways, highway structures and appurtenances belonging to the City.

- (1) Road and freeway rights-of-way shall be exempted from the stormwater drainage service charge because they function as part of the stormwater collection and conveyance system. Railroads and other rights-of-way will be charged as described herein.
- (2) Properties that have existing stormwater detention facilities, or those planning such facilities, may have their stormwater drainage service charges reduced as determined by the Director of Public Service. The detention facilities must be in accordance with the hydrologic, hydraulic and structural design requirements of the rules and regulations developed by the Utility under Section 937.06. Facilities of a temporary nature will not be allowed a decrease in their charges.

(b) Monthly Charge per Equivalent Runoff Unit (ERU). Bills for stormwater service shall be rendered monthly. The monthly charge per ERU shall be as established below. One ERU is equivalent to 2,700 square feet. The monthly charge per ERU shall be reviewed annually beginning in 2005 and adjusted to meet the Utility's budget for the next five year's operations and capital improvements. Any increase to the ERU charge noted below shall be approved by Council.

(Ord. 38-03. Passed 10-9-03.)

(c) Schedule of Fees. Each single-family property shall be billed as One (1) ERU. All non single-family property owners' bill shall be based on impervious area. Effective January 1, 2009, One (1) ERU Value shall be billed at \$2.75 per month.

(Ord. 55-08. Passed 12-4-08.)

(d) Continuance of Fee Structure. The maximum ERU permitted under this section shall never exceed the equivalent of 2,700 square feet and the billing per month shall never be less than two dollars and seventy-five cents (\$2.75) per month for one (1) ERU value.

(Ord. 47-04. Passed 9-8-04.)

**937.18 COLLECTION OF STORMWATER DRAINAGE SERVICE CHARGE.**

The stormwater drainage service charge shall be paid by the owner of each lot or parcel which is subject to this charge when billed. (Ord. 38-03. Passed 10-9-03.)

**937.19 DELINQUENT CHARGES.**

Each bill for Stormwater service remaining unpaid fifteen days after the bill date shall become delinquent and subject to a five percent (5%) penalty for late payment. Should the past due date of a bill coincide with a Saturday, Sunday or a legal holiday, it will automatically be extended to the first full business day following. (Ord. 38-03. Passed 10-9-03.)

**937.20 COUNTY CERTIFICATION.**

All bills for Storm water delinquent as of August 15 of each year shall have a final written notice issued with full payment due by August 31. Delinquent accounts after such final notice shall be forwarded to the County Auditor who shall place such amount on the tax duplicate of the owner's property and collect such charges and penalties in the same manner as other taxes are collected. (Ord. 38-03. Passed 10-9-03.)

**937.21 DRAINAGE CORRECTIONS.**(a) Notice to Correct Drainage.

- (1) Whenever the Director of Public Service finds that a tract of land is inadequately drained or that there is an obstruction to a culvert, covered drain, or other natural or man-made watercourse that interferes with water naturally flowing therein or that such culvert, drain or watercourse is of insufficient capacity to reasonably accommodate the flow of water; or that a condition which alters, impairs, reduces, restricts or otherwise damages any part of the stormwater system or which may do so in the event of a severe rainstorm constitutes a public hazard or nuisance, the Director of Public Service or his/her duly authorized representative shall notify the owner or person having possession, charge or management of such land to remove the obstruction or provide the necessary drainage. Such notice shall be served on such persons by personal delivery, by mail at the last known place of residence or by posting on the premises.
- (2) The owner must comply with the Director of Public Service's orders within the time specified, not to exceed ten (10) days. Failure to comply with such order shall constitute an unlawful act. Each and every day thereafter during which the owner fails to carry out the order of the Director of Public Service or his/her duly authorized representative, shall constitute a separate offense as specified in Section 937.99.

(b) Emergencies and Abatement. In case of an emergency, the Director of Administration may direct that action be taken immediately to correct the condition or abate the activity to protect the public health, safety and welfare. The Utility may perform the required work and charge the owner the abatement costs.

(c) Notice.

- (1) In any case, where a condition described in Section 937.21 exists for more than ten (10) days, the Director of Public Service shall serve written notice on the property owner directing the owner within a specified period of time, to fill or drain such land, remove any obstruction; and, if necessary, enlarge the culverts, drains or watercourse to meet the requirements of this Code.
- (2) After service of notice or after publication in a paper of general circulation in the City for two (2) consecutive weeks, the owner, or his agent or attorney, shall comply with the directions of the Director of Public Service's notice within the time therein specified. In the event an owner fails or refuses to comply with the Director of Public Service's notice, the City may perform the required work and charge the owner the abatement costs. Such costs shall constitute a lien on the real property from the time of service of the Director of Public Service's notice, which may be enforced by suit in the Court of Common Pleas.

(d) Abatement Costs. The Director of Administration shall account for all costs associated with an emergency or abatement including, but not limited to, administration, notification, inspection, serving of papers or documents, legal counsel, force account labor, enforcement, operational services and outside contracted services. These costs shall be added to the owner's stormwater drainage service charge.

(e) Penalty. This section shall not be construed to relieve the owner of any penalties prescribed by Section 937.99. (Ord. 38-03. Passed 10-9-03.)

#### **937.22 STORM WATER CREDIT.**

(a) Credits will be given to non-single family properties for reducing peak flow of runoff from a property using stormwater detention or retention or by providing maintenance on the part of the public, open channel stormwater systems passing through the property.

(b) In order to receive credits, property owners must complete an application packet. In order to receive certain levels of credit, a registered professional engineer must perform engineering calculations. The City will institute the credit, if applicable, after reviewing the application packet. Details of the credit program and all applications shall be contained in the storm water credit manual.

(c) A minimum peak flow credit of twenty-five percent (25%) can be obtained by having a stormwater detention facility that meets City standards and functions as designed. A peak flow credit of up to fifty percent (50%) can be obtained by providing an engineering analysis.  
(Ord. 38-03. Passed 10-9-03.)

#### **937.23 APPEALS.**

The Utility Claims Board of Appeals, as set forth in Chapter 935 of the Codified Ordinances, shall hear appeals. A property owner may appeal a decision made by an agent of the City of Marysville, pursuant to this chapter, by sending a notice of appeal to the Utility Claims Board of Appeals, 125 E. 6th Street, Marysville, Ohio 43040, within ten (10) days of receiving the decision. (Ord. 38-03. Passed 10-9-03.)

#### **937.99 PENALTY.**

Any person being the owner, agent, or having control of the premises, architect, engineer, contractor, builder, subcontractor, foreman, mechanic, employee, or any other person who pleads guilty or is convicted of a violation of the provisions of this Code, or of any certificate, order, or permit issued thereunder, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00). Each and every day on which such person continues to violate the provisions of this Code, after having once been notified of such violation, shall be deemed to be a separate offense. (Ord. 38-03. Passed 10-9-03.)



**TITLE FIVE - Public Services**

Chap. 941. Cemetery.

Chap. 945. Garbage.

**CHAPTER 941**

**Cemetery**

<b>941.01</b>	<b>Oakdale Cemetery.</b>	<b>941.08</b>	<b>Oakdale Cemetery Permanent Maintenance and Upkeep Fund. (Repealed)</b>
<b>941.02</b>	<b>Oakdale Cemetery hours.</b>	<b>941.09</b>	<b>Cemetery Advisory Board.</b>
<b>941.03</b>	<b>St. John's Catholic Cemetery.</b>	<b>941.10</b>	<b>Indigent burial procedure.</b>
<b>941.04</b>	<b>Cemetery rates.</b>	<b>941.11</b>	<b>Reserved.</b>
<b>941.05</b>	<b>Installment purchases.</b>	<b>941.12</b>	<b>Reserved.</b>
<b>941.06</b>	<b>Rules and regulations.</b>	<b>941.13</b>	<b>Exceptions.</b>
<b>941.07</b>	<b>Minimum depth for graves.</b>		

**CROSS REFERENCES**

Burials may be prohibited - see Ohio R.C. 759.05

Management and control - see Ohio R.C. 759.09

Cemetery Endowment Fund - see Ohio R.C. 759.12, 759.15

Burial permits - see Ohio R.C. 3705.24 et seq.

Burial of indigent persons - see Ohio R.C. 5113.15

**941.01 OAKDALE CEMETERY.**

Statement of Purpose. The City of Marysville recognizes its responsibility to protect and enhance the grounds of Oakdale Cemetery. The obligation to facilitate the interment process with respect and to assure the proper care of these sacred grounds by adherence to the highest maintenance standards is acknowledged. (Ord. 11-01. Passed 3-22-01.)

**941.02 OAKDALE CEMETERY HOURS.**

(a) Working and Visiting Hours.

- (1) Working hours shall be 7:30 a.m. until 4:00 p.m. daily, excluding Saturdays, Sundays and holidays.
- (2) Visiting hours shall be 7:30 a.m. to sunset everyday. Visiting at any other time shall be considered trespassing. (Ord. 11-01. Passed 3-22-01.)

**941.03 ST. JOHN'S CATHOLIC CEMETERY.**(a) City Services Provided.

- (1) The City shall provide for the opening and closing of gravesites, the installation of foundations and disinterment services for St. John's Catholic Cemetery upon the following conditions.
- (2) Orders for interments, disinterments and foundations shall follow the same regulations as for Oakdale Cemetery. The City shall not provide any services on Sundays or holidays.
- (3) The City shall be paid the required fee as charged by Oakdale Cemetery for any service performed. St. John's Catholic Cemetery shall be responsible for the collection and payment of all fees owed to the City. (Ord. 11-01. Passed 3-22-01.)

**941.04 CEMETERY RATES.**(a) Purchase of Lots.

- |     |                |                 |                  |                      |
|-----|----------------|-----------------|------------------|----------------------|
| (1) | <u>Section</u> | <u>Body Lot</u> | <u>Residents</u> | <u>Non-Residents</u> |
|     | Older & K      | 2               | \$ 700.00        | \$ 900.00            |
|     | M&O            | 2               | \$ 800.00        | \$1000.00            |
|     | P              | 2               | \$1000.00        | \$1200.00            |
| (2) | <u>Section</u> | <u>Body Lot</u> | <u>Residents</u> | <u>Non-Residents</u> |
|     | Older, K, M, O | 1               | \$ 300.00        | \$ 400.00            |
|     | P              | 1               | \$ 500.00        | \$ 600.00            |
- (3) A one-time maintenance charge of ten percent (10%) is included in the lot charges listed in subsection (a)(1) and (2) above.
  - (4) The maintenance charge is intended to assist in the perpetual maintenance, care and repair of lots, memorials, monuments and markers.

(b) Interments are prohibited on Sundays and City holidays, including but not limited to New Year's Day, Martin Luther King Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, The Friday after Thanksgiving Day and Christmas Day. If the holiday falls on a Saturday, the Friday before will be holiday. If the holiday falls on a Sunday, the following Monday will be the holiday. Funerals must in the Cemetery by 3:00 p.m. on weekdays and 12:00 noon on Saturdays or there will be an extra fee added to the regular fee. The extra fee will be: \$50.00 for the first fifteen minutes past 4:00 p.m. on weekdays and 12:00 noon on Saturdays plus \$25.00 for each fifteen minutes thereafter.

(c) Opening and Closing.

- |     |                      |                                |                 |
|-----|----------------------|--------------------------------|-----------------|
|     |                      | <u>Weekday</u>                 | <u>Saturday</u> |
| (1) | Standard vault grave | \$400.00                       | \$550.00        |
| (2) | Infant grave         | 225.00                         | 275.00          |
| (3) | Cremation            | 175.00                         | 225.00          |
| (4) | Disinterment         | Same as above for each opening |                 |

(d) Foundations, Monuments and Markers

- (1) Size of marker:
  - A. Minimum charge (300 sq. in. and under) \$100.00
  - B. All larger sizes (over 300 sq. in.) .35 per sq. in.

- (2) The length of monuments and markers shall not exceed three-fourths of the width of the lot upon which they are centered. Monuments or markers shall not exceed forty-eight inches above the base. Bases shall not exceed twelve inches in height. [Reference all provisions of 941.06(f)] (Ord. 11-01. Passed 3-22-01.)

#### **941.05 INSTALLMENT PURCHASES.**

- (a) Lots Purchased by Installments Shall Require:
  - (1) An initial payment of one hundred dollars (\$100.00) per gravesite.
  - (2) Then twenty-five dollars (\$25.00) per gravesite per month until the purchase price is paid in full.
  - (3) The purchaser may not place anything on the lot, nor may interment be made until the purchase price is paid in full.
  - (4) Purchasers of cemetery lots by installment shall keep their accounts current. Any account not current within sixty (60) days of notification shall have the purchase agreement forfeited.
  - (5) If the purchase agreement is forfeited, the total amount received less fifty dollars (\$50.00) shall be refunded and the gravesite made available for resale to the public. (Ord. 11-01. Passed 3-22-01.)

#### **941.06 RULES AND REGULATIONS.**

- (a) Definitions.
  - (1) "Cemetery" means a burial place for the human dead, only.
  - (2) "Lot", "plot", "gravesite" or "burial space" shall be used interchangeably, and means one, or more than one, adjoining graves.
  - (3) "Interment" means the disposition of the remains of a deceased person or persons by entombment or burial
  - (4) "Memorial" includes a monument, marker, tablet, private mausoleum or tomb for family, individual use, tombstone, or burial vault.
  - (5) "Endowment" means a specified amount of money set aside by the lot owner with only interest used, not principal, and given to Oakdale Cemetery for services rendered on such lot. No specific instructions go with the same. On the effective date of this revised ordinance, no new endowments will be accepted by Oakdale Cemetery.
  - (6) "Special endowment" means a specific sum of money placed in trust by lot owners with Oakdale Cemetery with only the interest on the investment to be used as the donor so desires. Only the Superintendent carries out the specific terms. On the effective date of this revised ordinance, no new special endowments will be accepted by Oakdale Cemetery.
- (b) Care of Lots.
  - (1) Under no circumstances shall a lot be terraced above or below surrounding or adjoining lots.
  - (2) To keep all lot owners harmonious as possible without infringing on an adjoining lot, ALL plantings shall be under the supervision of the cemetery personnel.

- (3) Flower beds may be made the full length of the monument on the lot at the head of grave only and twelve (12) inches out from the monument toward the burial spaces. No planting is allowed on the backside or sides of the monument. Cemetery personnel will remove plantings not meeting these requirements.
- (4) The use of decorative gravel and/or stone, lava rock or like material is not permitted.
- (5) No chairs, statues, artificial animals, settees, jars, boxes, shells, toys, bottles or glass containers, used as a receptacle, nor battery operated or electrified devices or any other inappropriate items shall be placed on gravesites. The cemetery personnel shall remove all such articles that violate this rule.
- (6) Artificial flowers shall be permitted all year, with the exception that grave blankets will be removed by February 1st to prevent damage to grass. Artificial flowers should be attached to the monument or within the twelve inch space in front of the monument or placed in the urn(s). Artificial flowers which are severely weathered or are out-of-season, shall be removed by Cemetery personnel, labeled with the date removed, the name on the grave from which they were removed, stored by the shop for four months to allow family members the opportunity to claim them and then disposed of.
- (7) Oakdale Cemetery shall not be responsible for any tools or other personal property, unattended by its owner.
- (8) All urns or vases shall be removed from a lot if not in use by June 1st, or if they are showing significant signs of deterioration or are causing problems in mowing, unless they are an integral part of the monument. Items removed shall be labeled with the date removed, the name on the grave from which they were removed, stored by the shop for four months to allow family members the opportunity to claim them and then disposed of. Urns and vases may be made of concrete, metal, plastic or other material.
- (9) No trees, plants or shrubs, shall be planted on lots or graves.
- (10) If any existing tree, plant, or shrub on any lot becomes detrimental or injurious to adjacent lots, walks, avenues or monuments, it shall be removed.
- (11) The use of "shepherd's rods" for hanging baskets, containing live or artificial flowers, are allowed, with the requirements that they be flush against the monument with the basket hanging over the monument and/or the 12 inch space in front of the monument, to make it easy to mow around. The height shall not exceed 60 inches from the ground. Ornamental objects hanging from the shepherd's rods are prohibited. "Shepherd's rods" which are not in use after June 1st shall be removed and shall be labeled with the date removed, the name on the grave from which they were removed, stored by the shop for four months to allow family members the opportunity to claim them and then disposed of.
- (12) Oakdale Cemetery reserves the right to remove any or all floral designs, flowers, weeds, trees, shrubs or plants of any kind.
- (13) Any article made of concrete is not considered ornamental and is strictly forbidden. (Ord. 11-01. Passed 3-22-01; Ord. 49-02. Passed 9-12-02.)

(c) Lots.

- (1) Persons desiring to purchase a lot shall go to the cemetery office, where records shall be kept, and the Superintendent or his assistant shall show the lots that are available and for sale.
- (2) Each individual section is subdivided into lots of different sizes, so as to meet the various needs of purchasers.
- (3) No lots shall be sold in any section until the same has been properly graded, landscaped, seeded, drained, water service installed and platted and is approved by Council.
- (4) Prices of all lots are fixed by Council and cannot be altered, in any circumstance.
- (5) Lots are conveyed by deed, for purposes of interment only. Lots are transferable by owners relinquishing the original deed to the cemetery
- (6) Cemetery personnel shall mark all lots by cornerstones, numbered to correspond with the deed, record and plat book, and set as level as possible with the sod.
- (7) No curbing, fencing, hedging, borders or enclosures, or other boundary markings shall be permitted on any lot. The cemetery reserves the right to remove the same if erected, planted or placed.
- (8) Purchased lots are exempt from taxation and liabilities for debts.
- (9) No lot owner has the right to transfer any lot, in whole or part, for profit or other similar devices.
- (10) The lot owner may dispose of an unused portion of a lot in a legal will or notarized statement. One copy shall be delivered to the cemetery office in order that it may be recorded.
- (11) As a husband is not always an heir-at law of his wife, nor wife of her husband, neither shall necessarily inherit the lot from the other. To assure the survivor an interest in the lot, both named should be embraced in the deed. If the proprietor died testate, the lot shall descend to his or her heirs jointly and in equal, undivided shares, subject to the same conditions. The heirs shall be determined by the statutes of Ohio, in force at time of death.
- (12) Persons purchasing a lot may not place anything on the lot, until all of the purchase price is paid in full.
- (13) Any purchaser desiring to return an entire lot or unused portion, may do so by bringing or mailing his or her certificate to the City of Marysville, where they will be reimbursed for the exact amount paid, less a service charge of twenty dollars (\$20.00) per gravesite.
- (14) The taking of plants, shrubs, trees or flowers from another's lot or grave is strictly forbidden.
- (15) The number of interments which may be properly made upon a lot is definitely fixed at the time of purchase, and no more shall be permitted.
- (16) The remains of the original lot owner shall stay on the original lot. Other remains may be removed from one lot to another, with legal consent by the closest, living legal heir(s) and then only for good cause, according to the aforesaid rules.

(d) Interments.

- (1) All interment charges shall be paid in advance, or guaranteed by the Funeral Director, personally.
- (2) Interments in one grave space are limited to either one body(casket), one body plus two cremations, or a total of three cremations. One body and an infant in a mother's or father's arms can be included in one casket.

- (3) All interments shall be made in concrete, metal or sectional vaults (approved) or plastic. No wooden boxes, except for children two years of age or under, may be used.
  - (4) All interments are subject to local, County and State laws.
  - (5) Errors may be corrected. If, at any time, a misinterment is made, the Superintendent shall have the error corrected as soon as humanly possible.
  - (6) Parties are advised to apply at the cemetery office before fixing the time for the funeral, to ascertain at what time the Superintendent can attend to the same, in order to prevent delay and confusion at the grounds. Applications will be considered each in its own turn.
  - (7) All interments shall be made under the supervision of the Superintendent and by the employees of the cemetery.
  - (8) No body shall be removed from the grounds, nor shall a body be removed from one part of the cemetery to another, without permission of the Superintendent and such removal shall be made by cemetery employees, under his supervision.
  - (9) The cemetery requires that all interments are settled solid before sodding.
  - (10) The arrangement of the location of graves upon a lot is determined by the Superintendent, as it is necessary that uniformity prevail.
  - (11) No interments shall be made without a burial permit furnished by the Funeral Director and delivered to the Superintendent before disposition of the body concerned.
  - (12) Orders for interments shall reach the Cemetery office forty-eight hours preceding the interment, except infants two (2) years or younger shall require twenty-four hour notification. For all Monday services, the order shall reach the Cemetery office by 12:00 noon on the preceding Friday.
  - (13) Funerals must be in the Cemetery by 3:00 p.m. on weekdays and 12:00 noon on Saturdays. [Cross reference 941.04 Section (b)]
  - (14) Upon entering the cemetery gates, the funeral cortege is in charge of the Superintendent or his assistants, and his orders shall be followed by the Funeral Director. No Funeral Director, his assistant, employee or agent shall be permitted to open the casket or touch the remains without the consent of the legal representation of the deceased or without a court order.
- (e) Removals; Disinterments.
- (1) All disinterments are subject to local, County and State laws and shall be enforced at all times.
  - (2) Arrangements for removals and disinterments must be made with outside firms or agencies. Cemetery personnel are restricted to the excavation of gravesite ground only.
  - (3) The Superintendent shall have the removal permit or disinterment permit from the County Health Departments involved.
  - (4) No disinterments or removals shall be executed in or out of Oakdale Cemetery on Sundays or holidays.
  - (5) Upon entering the cemetery gates the funeral cortege is in charge of the Superintendent or his assistants, and his orders shall be followed by the Funeral Director. No Funeral Director, his assistant, employee or agent shall be permitted to open the casket or touch the remains without the consent of the legal representative of the deceased or without a court order.

- (6) No person other than authorized personnel of Oakdale Cemetery shall erect or cause to be placed a sign, notice or display of any kind on cemetery grounds. Prosecution will follow any infringement of this rule.

(f) Monument, Markers and Memorials.

- (1) Any person contemplating the erection of a monument, marker or memorial shall first consult the Superintendent, so that memorials appropriate in size and design shall be selected for the proposed location.
- (2) The design, size and material shall be approved by the cemetery authorities.
- (3) All orders for foundations shall be presented on a regular form provided by the monument company, signed by the lot owner and dealer furnishing the memorial.
- (4) No marble or aggregate stones shall be allowed in the cemetery. Any dealer or producer who violates this regulation is subject to removal from the list of approved dealers.
- (5) All foundations to monuments, markers, etc., shall be made at ground level. (Note Special Provisions of Section 23)
- (6) All monument foundations shall be constructed of wet concrete, by cemetery employees, under the supervision of the Superintendent or his assistant. Charges will be billed to the dealer ordering the same.
- (7) Under no circumstances shall a foundation for a monument or marker be installed during freezing weather. The season for installation is usually April 1 to November 15, weather permitting.
- (8) Persons engaged in erecting markers or monuments or other structures, shall provide planking and use it to prevent injury to established turf. No ropes or chains may be attached to trees or other obstacles.
- (9) Mausoleum – (reserved for future section)
- (10) Cremation Garden – (reserved for future section)
- (11) The Superintendent shall refuse to permit the erection of, or shall cause the removal of any monument, marker or memorial which does not approximate the material, size or design required for a specific location. A good or better grade of granite or bronze will be acceptable, in the discretion of the Superintendent.
- (12) Markers, shall be placed two inches from lot lines, rather than placed in an unusual position of the lot. This is to facilitate lawn mowing by eliminating obstructions.
- (13) No monument, marker or memorial shall be installed without a foundation.
- (14) Temporary markers shall be allowed until a permanent monument or marker is set in place, but a temporary marker shall not be allowed for longer than one year maximum under any conditions. Temporary markers shall meet the siting requirements of a regular marker.
- (15) All memorial dealers shall abide by the rules and regulations of Oakdale Cemetery. Any dealer who violates such rules shall be removed from the approved list.
- (16) Cemetery employees shall exercise all possible care to protect monuments or markers, etc., and the lettering thereon, while working about them.
- (17) The cemetery personnel shall, to the best humanly possible, try to erect foundations, as soon as practicable, but shall not be liable for certain completed dates.

- (18) If indebtedness is charged against a lot owner or dealer, the cemetery authorities reserve the right to refuse installations on any lot.
- (19) Heavy loads of any kind, shall not be permitted to enter the grounds without the permission of the Superintendent.
- (20) No inscriptions or writings of any kind shall be placed or cause to be placed, on any monument or marker without the proper credentials presented to the Superintendent.

- (21) Under no circumstances shall any kind of hand made affair, resembling a memorial stone or rough boulder be placed on any lot in the cemetery.
  - (22) Approaching the bereaved and soliciting any business within the cemetery is not permitted.
  - (23) All memorials twenty-eight inches by fourteen inches or less in Section "K", "M" and "O" and future sections, shall be kept flush with existing ground level.
- (g) General Rules.
- (1) All visitors are expected to respect the solemnity of the cemetery, and strictly observe the rules which have been established by the cemetery authorities for the purpose of securing quiet and good order at all times, within these grounds.
  - (2) Visiting hours are from 7:30 a.m. to sunset. Visiting at any other time shall be considered trespassing.
  - (3) All lot owners have an interest for the welfare of the cemetery, and are subject to the laws, governing and respecting the rights of others.
  - (4) Persons not conducting themselves in a proper manner shall be excluded from the grounds. We consider these grounds as sacred, and people should act accordingly, while visiting here.
  - (5) No person shall mar or deface any property within the cemetery.
  - (6) Authorized cemetery personnel shall have the right at all times, to enter upon any lot, mausoleum or other structures, for a reasonable purpose.
  - (7) Vehicles in the cemetery shall not exceed fifteen miles per hour.
  - (8) In meeting a funeral procession on the grounds, a vehicle shall come to a complete halt, and remain so, until the cortege has completely passed. There will be no passing in the same general direction.
  - (9) The driver of a vehicle shall heed and obey all warnings, and signs given by designated personnel.
  - (10) There are trash cans dispersed on grounds for your convenience. Please keep your cemetery neat by cooperation. Your assistance is encouraged and needed, whenever possible.
  - (11) Sprinkling cans are placed at every hydrant, which are conveniently distributed on grounds. When not in use, place them where they belong, so that the next person might find them.
  - (12) Plucking of flowers, breaking of tree limbs, shrubs or any plants, on or off a cemetery lot is prohibited.
  - (13) No alcoholic beverages shall be permitted on the grounds at any time.  
(Ord. 11-01. Passed 3-22-01.)

**941.07 MINIMUM DEPTH FOR GRAVES.**

All burials in Oakdale Cemetery exceeding three feet six inches in length shall be excavated to a depth of not less than fifty-four inches and the bottom of such excavation shall be level.

(Ord. 11-01. Passed 3-22-01.)

**941.08 OAKDALE CEMETERY PERMANENT MAINTENANCE  
AND UPKEEP FUND. (REPEALED)**

(EDITOR'S NOTE: Former Section 941.08 was repealed by Ordinance 51-04, passed October 28, 2004.)

**941.09 CEMETERY ADVISORY BOARD.**

(a) Establish a Cemetery Advisory Board to hear issues. Board shall be made up of a funeral director, a Veteran from a Veteran's Service Organization, (e.g. American Legion, VFW, Amvets, DAV) or a member from a Federally chartered organization (e.g. DAR, Blue Star Mothers), a council member and a citizen. Members shall be appointed by the President of Council and shall be limited to two (2) consecutive four (4) year terms. Terms established to expire as follows: Council Member 2004, Veteran or Veteran Auxiliary representative 2004, Funeral Director 2006, Citizen 2006.

(b) The Cemetery Advisory Board shall meet prior to January 15 of each year to elect a chairman responsible for placing concerns and/or issues before the Board for discussion and resolution.

(c) The Board shall meet on an as-needed basis.

(d) A majority of the members shall be a quorum for the transaction of business.

(e) In addition to hearing citizens' concerns, responsibilities of the Board also include studying, investigating, advising and reporting to the Public Works Committee plans and/or recommendations to further the effective operation and maintenance of the cemetery.

(f) A journal of its proceedings shall be kept by a member of the Board.  
(Ord. 81-02. Passed 12-19-02.)

**941.10 INDIGENT BURIAL PROCEDURE.**

(a) According to Ohio R.C. 5101.521, a funeral director burying the body of an indigent person that is to be buried at the expense of the City, shall submit to the Director of Finance a notarized statement of the amount of any contributions received from friends, relatives or others, of insurance or property, real or personal, or of any other thing of value, which may be applied to the burial expense of such person, or in the absence of any such things of value which may be so applied. Further, the funeral director shall submit a notarized, itemized statement of the burial expense of such person, as well as a death certificate.

(b) Upon the submission of such notarized statement to the Director of Finance and its approval by the Director of Administration as a satisfactory compliance with the requirement of this chapter, there shall be paid to such funeral director for the burial of such person an amount not to exceed seven hundred fifty dollars (\$750.00). This maximum amount shall include the cemetery and crematory charges, less the amount of any such things of value, which may be applied to such funeral expense as shown by the required notarized statement. (Ord. 24-05. Passed 5-12-05.)

**941.11 RESERVED.****941.12 RESERVED.****941.13 EXCEPTIONS.**

In cases of emergency, epidemic, catastrophe or Acts of God, the provisions of this Chapter may be suspended by order of the Mayor. (Ord. 11-01. Passed 3-22-01.)

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**CHAPTER 945**  
**Garbage**

<b>945.01</b>	<b>Definitions.</b>	<b>945.07</b>	<b>Payment of bill; overdue bills.</b>
<b>945.02</b>	<b>Storage of garbage.</b>	<b>945.08</b>	<b>Uncollected garbage a nuisance.</b>
<b>945.03</b>	<b>Collection of garbage and refuse.</b>	<b>945.09</b>	<b>Board of Sanitation Claims. (Repealed)</b>
<b>945.04</b>	<b>Disposal of garbage.</b>	<b>945.99</b>	<b>Penalty.</b>
<b>945.05</b>	<b>Service charges.</b>		
<b>945.06</b>	<b>Collection of service charges; refunds.</b>		

**CROSS REFERENCES**

Division of Public Works and Streets - see CHTR.

Sec. 9.03

Collection and disposal of garbage - see Ohio R.C.  
715.43, 717.01

Employment of scavengers - see Ohio R.C. 3707.39

Disposal and transportation upon public ways - see  
Ohio R.C. 3767.20 et seq.

Vehicle loads dropping, sifting, leaking - see TRAF.  
339.08

Littering - see GEN. OFF. 521.08

**945.01 DEFINITIONS.**

For purposes of this chapter:

- (a) "Garbage" means all putrescible wastes, except human excreta, sewage and other water-carried wastes, including vegetable and animal offal and carcasses of dead animals, and wastes including glass, crockery, tin cans and other containers from the preparation, cooking and serving of food, and shall include all such substances from all public and private establishments and from all residences.
- (b) "Other refuse" means ashes, glass, crockery and tin cans not used as containers in the preparation, cooking and serving of food, and paper, boxes, rags and old clothing and all similar nonputrescible wastes. This term shall not include any material such as earth, sand, brick, stone, plaster or other similar substances that may be accumulated as a result of construction operations.

- (c) "Householder" means the head of a family or one maintaining separate living quarters and includes owners, tenants and occupants of all premises where garbage or other refuse, or both, is or are created. Nothing herein shall be construed to apply to commercial occupants.
- (d) "Premises" means land or buildings, or both, or parts or either or both, occupied by a householder or a commercial occupant.
- (e) "Commercial occupant" means all persons, firms or corporations who own or operate stores, restaurants, industries, institutions and other similar places, public or private, charitable or noncharitable, and includes all responsible persons other than householders, upon the premises of which garbage or other refuse, or both, is or are created.  
(Ord. 72-05. Passed 11-17-05.)

#### **945.02 STORAGE OF GARBAGE.**

(a) No householder or commercial occupant shall permit to accumulate upon the premises any garbage or other refuse except in covered containers.  
(Ord. 72-05. Passed 11-17-05.)

(b) All garbage and other refuse shall be kept in rust-resistant, water tight nonabsorbent and easily washable containers which are covered with close-fitting lids. Where practicable, all garbage shall be drained of liquids and wrapped in papers. These containers shall be of adequate capacity, not to exceed fifty pounds in weight, and provided in sufficient number to hold all garbage that accumulates between collections. All containers shall be washed and treated with a disinfectant as often as necessary to prevent nuisance. On premises occupied by householders and offices only, garbage and other refuse may be kept in plastic bags designed for such purposes.  
(Ord. 56-08. Passed 12-4-08.)

(c) Insofar as practicable, boxes, papers and odd articles shall be crushed and bundled in lengths not to exceed three feet and not to exceed fifty pounds in weight.

(d) Containers used for holding garbage and other refuse shall be maintained in good condition. Any such container that does not conform to the provisions of this chapter, or may have ragged, or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced by a proper receptacle upon receipt of a written notice to that effect from the Director of Administration. If not so replaced within ten days after the receipt, such container may be collected and disposed of as waste by the Director.

(e) No person, unless authorized to do so, shall remove the lid from any refuse container or collect, molest or scatter refuse stored in such container.  
(Ord. 72-05. Passed 11-17-05.)

#### **945.03 COLLECTION OF GARBAGE AND REFUSE**

(a) The Director of Administration shall collect, or provide for the collection of all garbage and other refuse from all residential premises within the Municipality at least once a week.

(b) At the discretion of the Director of Administration the City may make arrangements to provide for collection of refuse for non-residential accounts where placements of dumpsters is determined not to be feasible. (Ord. 72-05. Passed 11-17-05.)

**945.04 DISPOSAL OF GARBAGE.**

(a) All householders in the Municipality shall dispose of all collectable garbage through the municipal collection service and shall not dispose of garbage by any other means, except as otherwise provided in this chapter.

(b) The Director of Administration shall dispose or provide for the disposal of all garbage and other refuse created within the Municipality in a manner so as not to cause a public health nuisance, the attracting of rats and flies or other conditions detrimental to public health and comfort.

(c) No person shall interfere in any manner with any receptacles containing any such waste materials, nor shall any person remove any such receptacle from the location where placed by the owner thereof, or remove any of the contents of such receptacles.

- (d) Each vehicle to be used shall meet the following minimum requirements:
- (1) The vehicle body shall be in good condition and repair.
  - (2) The vehicle shall be constructed, as nearly as possible, so the contents of the body will not spill or blow from the vehicle while in motion.  
(Ord. 72-05. Passed 11-17-05.)

**945.05 SERVICE CHARGES.**

(a) For trash and garbage service the following monthly rates shall be in effect:

	January 1, 2009
Householders who are not in excess of 65 years of age and Commercial occupants required to purchase sanitation services from the City of Marysville	\$21.00
Householders required to purchase sanitation services from the City of Marysville who are in excess of 65 years of age	\$15.00

Householders desirous of obtaining the reduced pricing for being in excess of 65 years of age are hereby required to make application to the City of Marysville in accordance with the policies and procedures prescribed by the Director of Administration. Approval of the application will be at the discretion of the Director of Administration, or their designee, after review for: proof of age, residency in the property for which the application is submitted, and other factors as required to determine the person making the application will be the direct beneficiary of the rate reduction.

(b) Those Householders and Commercial occupants desiring to lease a 90-gallon trash receptacle from the contracted hauler will be assessed an additional \$3.00 per month for the period January 1, 2009 - December 31, 2010. This additional fee will be remitted to the contracted hauler as a direct "pass-through" cost for the service provided.  
(Ord. 56-08. Passed 12-4-08.)

**945.06 COLLECTION OF SERVICE CHARGES; REFUNDS.**

(a) If refuse charges are not paid within fifteen days from the billing date, they will be carried forward each monthly billing period until September 1 of each year. At such time the Director of Finance may certify such charges, together with a penalty of five percent (5%) thereon, to the County Auditor, who shall place such amount on the tax duplicate and collect such charges and penalties in the same manner as other taxes are collected.

(b) Refunds shall not be made for service discontinued for periods of less than four weeks. (Ord. 72-05. Passed 11-17-05.)

**945.07 PAYMENT OF BILL; OVERDUE BILLS.**

The Director of Finance shall cause a bill to be mailed monthly to each householder or tenant receiving the water and/or sewer bill for the property stating the refuse charges for the preceding month's service. Such bills shall be mailed within the first 15 days of the month after the billing period. All bills not paid within fifteen days after the billing date shall be subject to a penalty of five percent (5%). (Ord. 72-05. Passed 11-17-05.)

**945.08 UNCOLLECTED GARBAGE A NUISANCE.**

Fermenting, putrefying or odoriferous garbage or other refuse in open containers, or dumped in the open, is declared to be a nuisance and the person responsible shall be liable to prosecution under the provisions of Ohio R.C. 3767.13 et seq. (Ord. 72-05. Passed 11-17-05.)

**945.09 BOARD OF SANITATION CLAIMS.**

(EDITOR'S NOTE: Former Section 945.09 was repealed by Ordinance 9-83, passed February 10, 1983. See Section 925.08 for relevant provisions.)

**945.99 PENALTY.**

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00).

(Ord. 72-05. Passed 11-17-05.)



**CHAPTER 951**  
**Parks**

**951.01 Definitions.****951.02 Public park rules and regulations.**

CROSS REFERENCES

Land appropriation for parks - see Ohio R.C. 715.21,  
719.01

Power to regulate vehicle speed in parks - see Ohio  
R.C. 4511.07(E)

**951.01 DEFINITIONS.**

- (a) "City" means City of Marysville, Ohio.
- (b) "City park" means all areas designated as park areas that are maintained or controlled by the City.
- (c) "Director of Public Service and/or Superintendent of Parks and Recreation and/or their designee" means the person(s) empowered by the City to cause the enforcement of the rules and regulations of the parks.
- (d) "Person" means any individual, company, partnership, corporation or association of any combination of individuals or any employee, agent or officer thereof.
- (e) "Park waters" means any lake, pond, reservoir, stream, channel, lagoon or other body of water, or any part thereof; whether natural or artificial, located in or adjoining a park.
- (f) "Fish" or "fishing" means taking or attempting to take fish by any method, and all other acts as placing, setting, drawing or using any device commonly used to fish whether resulting in such taking or not.

(g) "Animal" or "animals" means and includes, but not limited to quadrupeds, birds, fish, reptiles, amphibians, crustaceans, mollusks and insects.

(h) "Vehicle" means every conveyance with wheels, treads or other means or locomotion.

(i) "Motor vehicle" means any vehicle propelled or drawn by power other than muscular power. This includes but not limited to ATV's, snowmobiles, go carts, motorized scooters or motorized skateboards.

(j) "Noxious" means any material that is physically harmful or destructive to living beings. (Ord. 22-03. Passed 7-10-03.)

#### **951.02 PUBLIC PARK RULES AND REGULATIONS.**

(a) Removal or Destruction of Property and Natural Features.

- (1) No person shall remove any property, natural feature or part thereof including, but not limited to, any building, equipment, sign, rock, stone, mineral formation, earth, wood, tree, shrub, flower, plant from any park without the permission of the Director of Public Service and/or Superintendent of Parks and Recreation and/or their designee. A violation of this provision constitutes a misdemeanor of the first degree.
- (2) No person in a park shall injure, destroy, break, cut, chop, write upon, mutilate, set fire to, deface, dig, paint or damage in any manner any property, natural feature or part thereof, including but not limited to, any building, equipment, sign, rock, stone, asphalt, concrete, mineral formation, earth, wood, tree, shrub, flower or plant. A violation of this provision constitutes a misdemeanor of the first degree.
- (3) No person in a park shall impound or cause to be impounded any park water or in any way alter or affect the normal flow of such waters without the permission of the Director of Public Service and/or Superintendent of Parks and Recreation and/or their designee. A violation of this provision constitutes a minor misdemeanor.

(b) Deposit of Materials.

- (1) No person shall deposit, discard, dump or leave behind any material of any kind in a park without the permission of the Director of Public Service and/or Superintendent of Parks and Recreation and/or their designee, except material arising from the normal use and enjoyment of a park and then only in receptacles which are provided by the City for this purpose. The first conviction violating this provision constitutes a minor misdemeanor. The second conviction for this provision constitutes a misdemeanor of the fourth degree. The third conviction for this provision constitutes misdemeanor of the third degree.
- (2) No person in/or adjacent to a park shall deposit, discard, dump or leave behind any noxious or waste material. A violation of this provision constitutes a misdemeanor of the first degree.

- (3) No person in or adjacent to a park shall place or permit to be placed in any park waters any noxious or deleterious substance, either solid or liquid, which may render such waters harmful or inimical to the public health or to animal and plant life. A violation of this provision constitutes a misdemeanor of the first degree.
- (c) Protection of Animals, Hunting and Fishing.
- (1) No person in a park shall hunt, capture, take, trap or in any other way abuse, molest, injure, pursue or destroy any animal, with the exception of fishing in accordance of the Rules and Regulations of the ODNR. A violation of this provision constitutes a misdemeanor of the first degree.
- (2) No person shall disturb the wildlife and their natural habitat. A violation of this provision constitutes a minor misdemeanor.
- (3) No person in a park shall fish in any park waters in violation of any sign or signs prohibiting fishing or a manner thereof. A violation of this provision constitutes a minor misdemeanor.
- (d) Animal Control.
- (1) No large domestic or non-domestic pets or animals are permitted in a City Park with the exception of cats and dogs, without the permission of the Director of Public Service and/or Superintendent of Parks and Recreation and/or their designee. A violation of this provision constitutes a minor misdemeanor.
- (2) No pets shall be allowed in parks posted "No Pets". A violation of this provision constitutes a minor misdemeanor.
- (3) All pets must be controlled by a leash. A violation of this provision constitutes a minor misdemeanor.
- (4) No pets shall be permitted to cause damage to the park. A violation of this provision constitutes a minor misdemeanor.
- (5) Horses are prohibited in all City parks. A violation of this provision constitutes a minor misdemeanor.
- (6) Pet owners must clean up after their pets. A violation of this provision constitutes a minor misdemeanor.
- (7) No person in or adjacent to a park shall abandon any animal. A violation of this provision constitutes a minor misdemeanor.
- (e) Aerosol Paint Cans. No person in a park, except City employees or their agents, shall carry on or about his or her person a container capable of propelling paint by means of a gaseous charge. A violation of this provision constitutes a misdemeanor of the fourth degree.
- (f) Personal Conduct.
- (1) All park visitors must obey all posted signs. A violation of this provision constitutes a minor misdemeanor.
- (2) No person in or adjacent to a park shall conduct himself, by work or act, in a riotous, disorderly, boisterous or other manner so as to disturb the peace and good order in the park. A violation of this provision constitutes a misdemeanor of the first degree.

- (3) No person in or adjacent to a park shall operate or play a radio, TV, musical instrument or amplifying or sound equipment so as to disturb the peace and good order in the park. The first conviction violating this provision constitutes a minor misdemeanor. The second conviction for this provision constitutes a misdemeanor of the fourth degree. The third conviction for this provision constitutes a misdemeanor of the third degree.
- (4) No person in a park shall solicit or procure participants for, engage in or promote any game, which is played for money or other things of value. The first conviction violating this provision constitutes a minor misdemeanor. The second conviction for this provision constitutes a misdemeanor of the fourth degree. The third conviction for this provision constitutes a misdemeanor of the third degree.
- (5) No person in a park shall use insulting, abusive, threatening, profane or indecent language. The first conviction violating this provision constitutes a minor misdemeanor. The second conviction for this provision constitutes a misdemeanor of the fourth degree. The third conviction for this provision constitutes a misdemeanor of the third degree.
- (6) No person in a park shall loiter in the vicinity of a toilet and no person over the age of six shall enter the toilet facilities provided for the exclusive use of the opposite sex. The first conviction violating this provision constitutes a minor misdemeanor. The second conviction for this provision constitutes a misdemeanor of the fourth degree. The third conviction for this provision constitutes a misdemeanor of the third degree.
- (7) No person in a park shall assault or commit bodily injury upon another or engage in or abet or aid in any fight, quarrel or other disturbance. The first conviction violating this provision constitutes a minor misdemeanor. The second conviction for this provision constitutes a misdemeanor of the fourth degree. The third conviction for this provision constitutes a misdemeanor of the third degree.
- (8) No persons or groups of persons shall assemble in or adjacent to any park for any unlawful purpose or in riotous assemblage or with any intent to annoy, harass, or inflict property damage or bodily injury upon another person or persons or inflict damage to a park. The first conviction violating this provision constitutes a minor misdemeanor. The second conviction for this provision constitutes a misdemeanor of the fourth degree. The third conviction for this provision constitutes a misdemeanor of the third degree.
- (9) No person in a park shall solicit or attempt to solicit another to engage in any act of sexual perversion or solicit, or request another to commit, perform, engage in any lewd, lascivious, obscene or indecent act of behavior. A violation of this provision constitutes a misdemeanor of the first degree.
- (10) No person in a park shall appear in a state of nudity or commit, perform or engage in any lewd, lascivious, obscene, illicit, carnal or indecent act of behavior and no persons shall make any indecent exposure of his or her persons. A violation of this provision constitutes a misdemeanor of the first degree.

- (11) No person in a park shall tamper with any security equipment that is temporarily or permanently attached to the restroom or any other structure. A violation of this provision constitutes a misdemeanor of the first degree.
- (12) No person shall ignore or remove a posted reservation notice. The first conviction violating this provision constitutes a minor misdemeanor. The second conviction for this provision constitutes a misdemeanor of the fourth degree. The third conviction for this provision constitutes a misdemeanor of the third degree.

(g) Camping; Fires, Picnicking.

- (1) No person in a park shall start or maintain a fire except in a place or site designated for this purpose. The first conviction violating this provision constitutes a minor misdemeanor. The second conviction for this provision constitutes a misdemeanor of the fourth degree. The third conviction for this provision constitutes a misdemeanor of the third degree.
- (2) No person in a park shall build a fire at a time or period of time when the Director of Public Service and/or Superintendent of Parks and Recreation and/or their designee has prohibited the building of fires. The violation of this provision constitutes a misdemeanor of the first degree.
- (3) No person in a park shall establish or maintain any camp or other temporary lodging or sleeping place within a park without a permit from the Director of Public Service and/or Superintendent of Parks and Recreation and/or their designee. The first conviction violating this provision constitutes a minor misdemeanor. The second conviction for this provision constitutes a misdemeanor of the fourth degree. The third conviction for this provision constitutes a misdemeanor of the third degree.

(h) Firearms and Weapons. No person in a park shall carry on his or her person firearms of any description, knives, bow and arrows, crossbows, air or gas guns, missiles or missile-throwing devices or other dangerous weapons. No person shall cause any of the aforementioned weapons to be discharged in, into, and/or through any park area. The violation of this provision constitutes a misdemeanor of the first degree.

(i) Commercial Activities. No person in a park shall sell or offer for sale any article, privilege or service unless such sale is pursuant to a contract or an agreement with the City through the office of the Director of Public Service and/or Superintendent of Parks and Recreation and/or their designee. A violation of this provision constitutes a minor misdemeanor.

(j) Erecting and Attaching Signs. No person in a park shall erect a sign or attach a sign to property owned or controlled by the City, nor shall any person display any placard, notice, advertisement, circular, banner or statement of any other kind other than a permanent sign on a vehicle without a permit from the Director of Public Service and/or Superintendent of Parks and Recreation and/or their designee. A violation of this provision constitutes a minor misdemeanor.

(k) Fireworks and Explosives. No person in a park shall have in his or her possession any fireworks or explosives, without the permission of the Director of Public Service and/or Superintendent of Parks and Recreation and/or their designee. A violation of this provision constitutes a misdemeanor of the first degree.

(l) Vehicles and Traffic.

- (1) No person in a park shall operate or park a motor vehicle in any area other than designated park drive or parking area. A violation of this provision constitutes a minor misdemeanor.
- (2) No person in a park shall operate any vehicle in a manner as to endanger any other person or property. A violation of this provision constitutes a minor misdemeanor.
- (3) No person in a park shall violate the posted speed limit of the park. A violation of this provision constitutes a minor misdemeanor.
- (4) No person shall operate a motor vehicle on any pedestrian access/trail in a park. A violation of this provision constitutes a minor misdemeanor.
- (5) No person shall park a motor vehicle overnight in any park. A violation of this provision constitutes a minor misdemeanor.
- (6) A motorized scooter or wheelchair may be used for the transportation of a disabled person.

(m) Swimming. No swimming shall be allowed in the parks. Exception: The Municipal Swimming Pool during hours of operation. A violation of this provision constitutes a minor misdemeanor.

(n) Ice Skating. Ice Skating shall be permitted only in designated areas. A violation of this provision constitutes a minor misdemeanor.

(o) Drugs and Alcoholic Beverages. No person in a park shall violate any existing Federal, State, or City laws and ordinances pertaining to drugs and alcoholic beverages and their consumption and usage. A violation of this provision constitutes a minor misdemeanor.

(p) Hours of Operation. All parks shall open at sunrise and unlighted parks shall close at sunset. Lighted parks shall be open according to hours posted. A violation of this provision constitutes a minor misdemeanor.

(q) Employee Exemption.

- (1) Acts of City employees and its agents shall be exempt from these rules and regulations to the extent necessary for the performance of their authorized duties.
- (2) Director of Public Service and/or Superintendent of Parks and Recreation and/or their designee may, from time to time, conduct or permit activities, which may violate the adopted rules and regulations.

(r) Ejection from Park. Law enforcement officers, park employees, and other agents employed or contracted by the City to administer programs on behalf of the City may order any person violating these rules and regulations to leave the park, and no person shall ignore such an order. A violation of this provision constitutes a minor misdemeanor.

(s) Penalty. The penalty for all of the above offenses are set forth and defined in Ohio R.C. 2921.21, and the above offenses will be enforced in accordance with the provisions of Ohio R.C. 2921.21. (Ord. 22-03. Passed 7-10-03.)

