

**Sylvania City Council**  
May 20, 2019

**7:30 p.m. Council Meeting**  
Agenda

1. Roll call. Mrs. Cappellini, Mr. Frye, Mr. Haynam, Mrs. Husman, Mr. Luetke, Mr. Richardson, Mrs. Westphal.
2. Pledge of Allegiance to the United States of America led by Mr. Luetke.
3. Additions to the agenda.
4. Approval of the Council meeting minutes of May 6, 2019.
5. Mr. Michael Lieber, Sylvania Town Crier to present his new uniform and updated scrapbook.
6. Proposed Ordinance No. 44-2019 requested by Councilman Haynam, Amending the Codified Ordinances of Sylvania, by adding Section 537.21 Parental Rights relating to Drug Testing Minors.
7. Centennial Crossings Pumping Station Replacement project.
  - a. Service Director's report on purchase of Gorman-Rupp pumping station.
  - b. Proposed Ordinance No. 45-2019, Accepting the proposal of the Craun-Liebing Company for the purchase of a Gorman-Rupp Aboveground Self-Priming Packages Pump Station.
  - c. Service Director's report on proposal to install pumping station by United Precast, Inc.
  - d. Proposed Ordinance No. 46-2019, Accepting the proposal of United Precast, Inc. for the installation of the Centennial Crossing Pump Station.
8. Proposed Ordinance No. 47-2019, An Ordinance to levy a municipal Motor Vehicle License Fee pursuant to Ohio Revised Code Section 4504.173. (First Reading)
9. Sylvania Codified Ordinance Section 925 and 929 revisions.
  - a. Proposed Ordinance No. 48-2019, Amending Chapter 929-Sewer Regulations of the Sylvania Codified Ordinances.
  - b. Proposed Ordinance No. 49-2019 Amending Chapter 925-Sewage Service Charges of the Sylvania Codified Ordinances.
10. Ditch Special Assessment.
  - a. Proposed Ordinance No. 43-2019, "Providing for the construction, maintenance, repair, cleaning and enclosing open drainage ditches located within the corporate limits of the City of Sylvania."

11. Report of Zoning Ordinance Amendment application ZA-1-2018, for property located at 4713 King Road from Bruce J. Fondren, Sr.
12. Committee reports.
13. Committee referrals.

### **INFORMATION**

- A. Board of Architectural Review minutes from May 15, 2019.
- B. Municipal Planning Commission minutes from May 15, 2019.

Minutes of the Meeting of Council  
May 6, 2019

The Council of the City of Sylvania, Ohio met in regular session on May 6, 2019 at 7:30 p.m. with Mayor Stough in the chair. Roll was called with the following members present: Katie Cappellini, Mark Frye, Doug Haynam, Sandy Husman, Mark Luetke, Patrick Richardson, Mary Westphal; (7) present; (0) absent.

Roll call:  
All present.

Pledge of Allegiance to the United States of America led by Mrs. Husman.

Pledge of  
Allegiance.

Mayor Stough stated that Council will now consider agenda item 3.

The following items were added to the agenda:

- 9. Exhibit A attachment to Ordinance No. 39-2019.
- 16d. Schedule a Committee of the Whole meeting for discussion on new city logo.
- 16e. Parks & Forestry update.
- 16f. Sister City update.

Mrs. Westphal moved, Mrs. Husman seconded to approve the agenda as amended; roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Richardson, Westphal, (7) yeas; (0) nays. The motion carried.

Agenda  
approval.

Mayor Stough stated that Council will now consider agenda item 4.

Mrs. Westphal presented the April 15, 2019 meeting minutes. Mrs. Westphal moved, Mr. Haynam seconded, that since the Mayor, members of Council, and others had been furnished copies of these minutes prior to this meeting, Council dispense with the reading of these minutes at this time, and the journal of the minutes of the regular meeting of April 15, 2019 be approved; roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the  
April 15  
meeting  
minutes.

Mrs. Westphal presented the April 23, 2019 special meeting minutes. Mrs. Westphal moved, Mr. Luetke seconded, that since the Mayor, members of Council, and others had been furnished copies of these minutes prior to this meeting, Council dispense with the reading of these minutes at this time, and the journal of the minutes of the special meeting of April 23, 2019 be approved; roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the  
April 23 special  
meeting  
minutes.

Mayor Stough stated that Council will now consider agenda item 5.

Chief Schnoor introduced the new police sergeant, Justin Bell and the two new patrolmen, Cody Calendine and Lindsey Russell.

Introduction of  
new police dept.  
members.

Mayor Stough stated that agenda item 6 has been postponed until next meeting.

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Mayor Stough stated that Council will now consider agenda item 7.

Mr. Mike Stormer from the Ohio Department of Transportation presented information on the Monroe Street Bridge over US23 deck replacement and noise walls aesthetics for Council to consider. A public meeting has been set for May 21<sup>st</sup> at Northview High School from 4:00 -6:00 p.m. This project is scheduled for 2021 with a 4 month complete shutdown of the bridge.

ODOT  
presented info  
on Monroe St.  
Bridge/US23.

Mayor Stough stated that Council will now consider agenda item 8.

Service Director's report on the Professional Engineering Services proposals for the Monroe Street and Silica Intersection Improvements was placed on file. Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 38-2019, "Accepting the proposal of Tetra Tech to provide Professional Engineering Services for improvements to the intersection of Monroe Street and Silica Drive; appropriating funds therefore in the amount of \$335,973; and declaring an emergency." Mr. Richardson moved, Mr. Haynam seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Husman, Luetke, Richardson, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Ordinance No.  
38-2019,  
"...professional  
engineering  
svcs-Monroe St  
& Silica Drive  
Improvements  
..."

Mr. Richardson moved, Mrs. Westphal seconded, that Ordinance No. 38-2019 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Richardson, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 9.

Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 39-2019, "Granting a license to First Brookside, LLC to enter a portion of City owned right-of-way to install and maintain a patio; authorizing the Mayor and Director of Finance to sign the license agreement; and declaring an emergency." Mr. Richardson moved, Mr. Haynam seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Richardson, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Ordinance No.  
39-2019;  
"Granting a  
license to First  
Brookside, LLC  
to enter city  
ROW for  
patio...."

Mr. Richardson moved, Mr. Luetke seconded, that Ordinance No. 39-2019 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Richardson, (7) yeas; (0) nays. The motion carried.

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Mayor Stough stated that Council will now consider agenda item 10.

Mr. Haynam moved, Mrs. Westphal seconded to allow Mr. Frye to push back from the table due to conflict of interest. Roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Richardson, Westphal, (7) yeas; (0) nays. The motion carried.

Mr. Frye push  
back from table.

Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 40-2019, "Accepting the proposal of the Henry County Water District to conduct further testing of the Michindoh Aquifer as an alternative water source for the City of Sylvania; repealing Ordinance No. 17-2019; appropriating funds therefore in an amount not to exceed \$22,500; and declaring an emergency." Mrs. Westphal moved, Mr. Luetke seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Cappellini, Haynam, Husman, Luetke, Richardson, Westphal, (6) yeas; (0) nays. The motion carried.

Ordinance No.  
40-2019;  
"Accepting  
proposal Henry  
Co. Water Dist.-  
Michindoh  
Aquifer  
testing....."

Mrs. Westphal moved, Mrs. Husman seconded, that Ordinance No. 40-2019 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, (6) yeas; (0) nays. The motion carried.

Mr. Frye returned to the table.

Mr. Frye  
returned to  
table.

Mayor Stough stated that Council will now consider agenda item 11.

Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 41-2019, a written copy of same having been previously furnished to each member of Council, "Providing for the controlling blight and disease of shade trees and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania; authorizing the Director of Public Service, by and through the proper officers of said City to do said work during the year 2019; establishing one district for said purpose in accordance with the provisions of Section 727.011 of the Revised Code of Ohio; providing for the assessment of the cost and expense thereof upon abutting property; and declaring an emergency"; Mrs. Cappellini moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Ordinance No.  
41-2019,  
"Providing for  
the controlling  
of blight and  
disease...shade  
trees..."

Mrs. Cappellini moved, Mrs. Westphal seconded, that Ordinance No. 41-2019 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Luetke, Richardson, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

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Mr. Richardson presented and read aloud by title only, proposed Resolution No. 6-2019, a written copy of same having been previously furnished to each member of Council, "Declaring the necessity of lighting the streets in the City of Sylvania, Ohio; determining the manner of providing street lighting and the basis for the property owner's share of the cost and annual assessment; and declaring an emergency"; Mr. Richardson moved, Mr. Frye seconded, that Council dispense with the Second and Third Readings of said Resolution; roll call vote being: Luetke, Richardson, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Resolution No. 6-2019,  
"declaring the necessity of lighting the streets..."

Mr. Richardson moved, Mrs. Westphal seconded, that Resolution No. 6-2019 be enacted as an emergency measure as declared therein; roll call vote being: Richardson, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 12.

Mr. Frye presented and read aloud by title only, proposed Ordinance No. 42-2019, "Amending Section 125.02 - Division of Police; Amending Section 139.03(e)(3) of the Codified Ordinances of Sylvania, 1979, as amended; and declaring an emergency." Mr. Frye moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Richardson, (7) yeas; (0) nays. The motion carried.

Ordinance No. 42-2019,  
"Amending Section 125.02-Div of Police; amending Section 139.03(e)(3).

Mr. Frye moved, Mrs. Husman seconded, that Ordinance No. 42-2019 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Richardson, Westphal, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 13.

Service Director's report on the Ohio Revised Code 4504.173, Permissive License Tax was placed on file. He reported on recently passed state legislation for municipalities to levy an annual five dollar license tax on vehicles registered within its municipal limits. The city would receive approximately \$87,140 should council authorize this tax. Mrs. Westphal moved, Mr. Haynam Seconded to authorize legislation to be prepared in support of the permissive license tax \$5.00 fee. Roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Richardson, (7) yeas; (0) nays. The motion carried.

Permissive License Tax fees.

Mayor Stough stated that Council will now consider agenda item 14.

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Law Director Brinning reported that the additional information from Bruce J. Fondren, Sr. on zoning ordinance amendment application ZA-1-2018 has not yet been received due to applicant working with their engineer for final plans. Proposed action on this application will be continued until the May 20, 2019.	Continuation of ZA-1-2018 action until May 20, 2019.
Mayor Stough stated that Council will now consider agenda item 15.	
Mrs. Westphal moved, Mr. Frye seconded to confirm the Mayor's appointment of Mr. Scott Coolman to service on the Civil Service Commission to fill a seat vacated by Mr. Anthony Spinazza, whose term expires December 31, 2020.	Scott Coolman appointment to Civil Service Commission.
Mayor Stough stated that Council will now consider agenda item 16.	
Mr. Richardson reported on the Streets Committee meeting held on April 22, 2019. He stated there was discussion on the proposed potential Centennial Road sidewalk. City administration will complete the survey and get cost estimates. The stakeholders will convene to discuss funding.	Streets Com Rept. Re: Centennial Road Sidewalk.
Mrs. Westphal reported on the Committee of the Whole meeting from April 23, 2019. She reported the purpose was to discuss the 2020 City Budget. Council and administration continue to discuss ways to identify opportunities for additional revenue to support the budget and suggestions were presented for controlling expenses.	C-O-W Mtg. Rept. Re: 2020 city budget.
Mrs. Westphal reported on the Utilities Committee meeting held on this date at 6:15 p.m. Mr. Aller reviewed the ditch maintenance assessment methodology and the Codified Ordinances Sections 925 and 929 which have not been changed since 1977.	Utilities Com. rept. Ditch Assessments; Section 925 & 929 of Codified Ordinances.
Mrs. Westphal moved, Mr. Luetke seconded to request administration to prepare legislation on the ditch maintenance assessment fees as presented. Roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Richardson, Westphal, (7) yeas; (0) nays. The motion carried.	Request legislation - Ditch Assess Fees.
Mrs. Westphal moved, Mrs. Husman seconded to request administration to prepare legislation on changes to the Codified Ordinances, Section 925 as presented. Roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.	Request legislation- Section 925 Codified Ordinances.

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Mrs. Westphal moved, Mr. Luetke seconded to request administration to prepare legislation on changes to the Codified Ordinances, Section 929 as presented. Roll call vote being: Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Request  
legislation-  
Section 925  
Codified  
Ordinances.

Mrs. Westphal moved, Mr. Luetke seconded to schedule a Committee of the Whole meeting for Monday, May 13, 2019 at 5:30 p.m. to have discussion on the new city logo with Fuller Art House. Roll call vote being: Husman, Luetke, Richardson, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

C-O-W Mtg;  
May 5<sup>th</sup> @ 5:30  
p.m. - City  
Logo.

Mrs. Cappellini provided update on the parks & forestry committee. She has set up a tour of McNeely Park to look at a unique Oak Opening forest that has been untouched for 50 years. McNeely Park should set a baseline for our efforts at Harroun Park.

Parks &  
Forestry Update.

Mr. Luetke provided an update that the Sister City engaged in a mid-year meeting with Woodstock. New programs are being studied to organize a joint facebook page and website to tell the story of our cities and engage volunteers to help with a variety of new programs.

Sister City  
Update.

Mrs. Westphal moved, Mr. Richardson seconded to adjourn at 9:22p.m. Roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Richardson, Westphal, (7) yeas; (0) nays. The motion carried.

Adjournment.

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Clerk of Council

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Mayor



**ORDINANCE NO. 44 -2019**

**AMENDING THE CODIFIED ORDINANCES OF  
SYLVANIA, 1979, AS AMENDED, BY ADDING SECTION  
537.21 PARENTAL RIGHTS RELATING TO DRUG  
TESTING MINORS; AND DECLARING AN EMERGENCY.**

WHEREAS, the Board of Education of Sylvania City Schools has adopted Policy No. 2431-02 "Sylvania Schools Extra-Curricular/Co-Curricular Drug Testing Policy and Code of Conduct" which will subject virtually all high school students in Sylvania's public schools to drug testing; and

WHEREAS, the Drug Testing Policy provides parents or legal guardians no opportunity to prevent the drug testing of their minor children except by choosing to exclude their child student from important and valuable education opportunities; and

WHEREAS, the Drug Testing Policy requires students be excluded from important and valuable education opportunities if a positive test result occurs; and

WHEREAS, the Drug Testing Policy provides that students subjected to a test will be removed from class to a secured testing area where only lab technicians, designated school administrators and other students will be the only witnesses to the test; and

WHEREAS, the Drug Testing Policy provides that students subjected to a test may only wear pants, t-shirts or dresses and specifically provides that students subjected may not wear sweaters, coats vests, jackets, or baggy clothing; and

WHEREAS, the Drug Testing Policy provides that students subjected to a test will be given a collection cup by a lab technician and directed to urinate directly into the collection cup while the lab technician observes the collection process sufficiently to hear normal sounds of urination; and

WHEREAS, the Drug Testing Policy is unnecessarily intrusive, demeaning and potentially harmful to all students; and

WHEREAS, the Drug Testing Policy violates students' rights to be free from unreasonable search and seizure, as outlined by the Fourth Amendment of the United States Constitution and Article 1, Section 14 of the Ohio Constitution; and

WHEREAS, the Drug Testing Policy presumes students to be guilty until proven innocent and students subjected to the drug test must prove their innocence by having a clean urine sample; and

WHEREAS, the Drug Testing Policy violates a parent's or legal guardian's fundamental right to provide for the care, custody and control of their children as protected by the Due Process Clause of the Fourteenth Amendment of the United States Constitution as well as Article 1, Section 16 of the Ohio Constitution; and

WHEREAS, the City seeks to protect and preserve the fundamental rights of parents as they relate to drug testing of their children.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, \_\_\_\_\_ members elected thereto concurring:

SECTION 1. That Chapter 537 – Offenses Against Persons, of the Sylvania Codified Ordinances of Sylvania, as amended, be and it is further amended to add Section 537.21 – Parental Rights Relating to Drug Testing Minors to read as set forth on the attached “Exhibit A.”

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

SECTION 3. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the City should provide for engineering of the intersection improvements at the earliest possible time. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings:            Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2019, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

**Exhibit A**  
**ORDINANCE NO. \_\_\_\_-2019**

**537.21 PARENTAL RIGHTS RELATING TO DRUG TESTING MINORS**

(a) No person shall collect urine or other samples from any minor for the purpose of conducting a drug test except when a parent or legal guardian of the specific minor from whom the sample is to be collected is present to observe the sample collection process.

(b) No person shall collect urine or other samples from a minor for the purpose of conducting a drug test without providing the parent or the parents or legal guardian of the specific minor from whom the sample is to be collected no less than 30 days actual notice in advance of the time that the sample is to be collected. If a parent or legal guardian cannot be present at the time initially proposed for collecting the sample, the person proposing to collect the sample shall reschedule the sample collection with the parent or legal guardian of the minor from whom the sample is to be collected to a mutually agreeable time after the time initially proposed.

(c) This section will have no application to the execution of a properly served warrant issued by a duly constituted Court of the United States or the State of Ohio.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree.



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

7a

May 16, 2019

To: The Mayor and Members of Sylvania City Council

Re: **Centennial Crossings Pumping Station**

Dear Mayor and Council Members:

The Centennial Crossings Pumping Station is in need of replacement and was a point of conversation during our recent annexation. This project was included in our 2018 Capital Improvement Plan but due to a variety of issues the project was not completed.

Unfortunately, we did not carry over the project into the 2019 Capital Improvement budget. However, another project has bid substantially lower than the original estimate. This combination would result in a net zero difference in the budgeted dollars. Both of the projects mentioned are being funded from the Sanitary Sewer fund and would not use General Fund dollars.

Therefore, we request approval to purchase a Gorman-Rupp pumping station in the amount of \$49,890.00.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Service

KGA/dsw



**THE CRAUN-LIEBING COMPANY**  
24551 Detroit Road, Suite 1  
Westlake, Ohio 44145  
Tel: 216-228-7900 | Fax: 216-228-7905

## PROPOSAL/CONTRACT

<b>Purchaser:</b>	City of Sylvania	<b>For:</b>	City of Sylvania, Ohio
	Public Service Department		Centennial Crossing Pumping Station
	6730 Monroe Street		
	Sylvania, OH 43560	<b>RE:</b>	<b>Aboveground 6' X 6' Self-Priming Pump Station</b>

### ABOVEGROUND SELF-PRIMING PACKAGED PUMP STATION

Gorman-Rupp aboveground packaged sewage pump station furnished with duplex self-priming pumps.

Pump Station to Include:

#### Fiberglass Station Enclosure

- Fiberglass encased concrete base.
- Station insulation package.
- Four hinged access doors.
- Low enclosure temperature alarm sensor.
- 1300/1500 watt station heater.
- Ventilation blower with temperature stat.
- Alarm light, 115 volt, LED red globe (shipped loose for field mounting/wiring by E.C.).

#### Pumps and Motors

- Two Gorman-Rupp Model T3C3SC-B (Size 3" x 3") self-priming pump.
- Design condition point: 150 GPM @ 40' TDH (1400 RPM impeller speed).
- Eradicator solids management feature supplied.
- 7.5 horsepower, 1750 RPM, 213T frame, EISA/premium efficient, ODP, 1/60/240 volt motor.
- Pump drain kit (stainless steel fittings) including 10 ft. drain hose.
- Pump spare parts kit (includes mechanical seal and o-rings).

#### Valves and Piping

- 4" x 4" X 4" discharge header piping arrangement per Gorman-Rupp Drawing No. 45113-020.
- 3" x 4" suction elbows.
- 4" discharge check valves.
- 4" (3- way) discharge plug valve with manual lever and grease fitting.
- 4" discharge bypass connection with quick-connect camlock fitting.
- Gorman-Rupp automatic air release valves (Model GRP 33-07) and isolation ball valves.
- 4" X 4" flange X flange offset (12" L X 1.75" offset) to facilitate connection to existing discharge pipe in valve vault.
- Gorman-Rupp gauge kits, resiliently mounted with shutoff valves and hoses.

#### Electrical Control Component

- Controls mounted in NEMA 1 stainless steel control panel enclosure (36" H x 30" W x 14" D).
- Panel will be single phase, 60 hertz, 240 volt, 3-wire electrical service.

### **Motor Branch Component**

- Main terminal block and ground bar.
- Circuit breaker.
- Allen-Bradley full voltage NEMA rated motor starters (across-the-line).
- Motor overloads
- Control circuit.
- Pump mode selector (H-O-A switch).
- 3 kVA stepdown transformer (240/115 volt) mounted external to control panel.
- Three phase voltage monitor (auto reset).
- Two duplex ground fault interrupting receptacles.
- Transient voltage surge suppression (G-R standard).
- Panel strip heater
- Wiring inside panel.

### **Alarm/Status External Source Contacts**

Dry contacts (normally open) wired to terminal strip for:

- High water alarm.
- Low water alarm.
- Pump fault #1, #2 which includes high pump temperature shutdown and motor overload trip.
- Single phase power monitor.
- Low enclosure temperature alarm.
- Backup float control enabled.
- Pump run contacts supplied.
- Analog signal for wet well level monitoring.

### **Primary Level Control System**

- Integrinex "Standard" solid state liquid level control.
- Submersible transducer level sensor (weighted).
- Independent lag pump.
- High water alarm.
- Low water alarm.
- Alternation via Integrinex.
- Pump run indicators (Integrinex).
- Elapsed time meters (Integrinex).
- Sequence selector switch (Integrinex).
- Alarm silence (Integrinex).

### **Backup Level Control System**

- Float switch type backup level control system (independent/redundant).
- Float switch control to include two floats with 20 ft. cables.
- Stainless steel chain with weight for mounting of float switches within wet well.

**Note:** Backup float switch control to activate the lead and lag pumps separately (by use of a time delay relay), in the event of a primary level control failure. One low float to turn both pumps off.

### **Fault Monitoring System (By Others)**

- 15 amp circuit breaker provided for future customer supplied monitoring system.
- Dry contacts wired to a terminal strip within the pump control panel. All required field wiring from G-R panel to future RTU or dialer is by others.

### **Also includes**

- Certified pump reprime performance test.
- Operation and maintenance manuals.
- Startup services with startup report and operator training.
- Equipment warranty (five years).
- Spare parts to include: One mechanical seal (complete) with all seals, sleeves and o-rings required to replace during replacement of the seal; one set of impeller clearance adjustment shims; one cover plate o-ring and one rotating assembly o-ring.

**TOTAL PRICE, delivered to Sylvania, Ohio is.....\$49,890.00.**

Federal, State or Local taxes, which may apply will be added to the above price, if applicable.

Some of the remaining station items not included in the Gorman-Rupp quote is:

1. Installation of the Gorman-Rupp packaged station, along with the new precast top slab and related piping is by others.
2. Pumping, cleaning or bypass pumping of existing wet well.
3. Removal of existing wet well top piece (aluminum cover).
4. Removal or disposal of existing fiberglass divider, pumps, guide rails, upper guide rail brackets, existing level controls, or unnecessary piping in wet well and valve vault (as required).
5. Concrete collar poured around existing FRP structure to support the new top slab.
6. Electric service to Gorman-Rupp control panel or hook up of same.
7. Electrical disconnect switch or generator transfer switch and installation of same.
8. Any required telemetry equipment or installation of same.
9. Repairs to ground caused by equipment or personnel for site access.
10. Field mounting/wiring of red alarm light.
11. Any required painting or concrete coatings.
12. Padlocks.
13. Water for testing.
14. Taxes, fees, permits, bonds, or any items not specifically addressed.


**Terms:** Net 30 days from date of invoice.

**Estimated time for submittal drawings:** Three to four weeks after receipt of order.

**Estimated shipment:** Seven to eight weeks after receipt in our office of complete approved submittal data.

This quotation includes only equipment specifically mentioned herein and does not include, or infer inclusion of, any additional equipment, piping, valves, wiring, installation or services etc., regardless of its relation to the quoted equipment.

Please sign this Proposal/Contract form and return it to: **The Craun-Liebing Co., 24551 Detroit Road, Suite 1, Westlake, Ohio 44145.** AMproT3C SHP - Sylvania Centennial Crossing Rev6 Proposal

ACCEPTED THIS ____ DAY OF _____, 2019	SUBMITTED THIS 14TH DAY OF MAY, 2019
Purchaser: <u>City of Sylvania</u> Company Name	<u>THE CRAUN-LIEBING COMPANY</u> Company Name
By: _____ (Authorized Signature ) City Mayor	By:  Authorized Signature
Print Name: _____	Print Name: <u>A. R. (Randy) Keefe</u>
By: _____ (Authorized Signature ) City Finance Director	Title: <u>President</u>   Tel: <u>(216) 228-7900 Ext. 104</u>
Print Name: _____	



# The Craun-Liebing Company

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## CONDITIONS OF SALE

**PRICING.** *This proposal and the above prices will be firm if Purchaser's order is accepted by The Craun-Liebing Company within 30 days from proposal date and if shipment is to be made within 8 months from order date. Otherwise, price at time of shipment will prevail.*

*All sales, use or excise taxes payable by the Company, or to be collected by the Company from Purchaser, shall be added to the prices quoted above at time of shipment.*

*Payment terms: Net 30 days, subject to credit approval. Pricing is F.O.B. shipping points, with freight prepaid and included if so stated.*

**PROPOSAL.** *The provisions herein contain the entire agreement between the parties, and it is agreed that there are no agreements, warranties or representations, express or implied, related to this contract except as set forth herein. This Agreement may not be modified or amended except in writing by the parties bound thereby.*

**THE COMPANY'S LIABILITY.** *The Company shall not be liable for any loss, damage or expense resulting from delay or failure in the performance of the Company's obligations hereunder if such delay or failure is due to Acts of God or the public enemy, strikes, labor troubles, fire, explosions, floods, riots, war, governmental orders or restrictions, shortages of materials or labor, delay in transportation, theft, accidents, or any other cause for which the Company is not solely responsible. The Company's total liability for damages related to the performance or of failure to perform this contract shall be limited to the amount of the contract price and in no event shall the Company be liable for loss of profits by reason of plant shutdown, non-operation or increase in expenses of operation of other equipment or facilities or for any special, indirect, consequential, incidental and/or punitive damages.*

**WARRANTY.** *The Company warrants the proposed equipment against defective materials or workmanship for a period of 12 months from date of start-up, but not longer than 18 months from date of shipment, provided that Purchaser shall give the Company immediate written notice of the discovery of any such defects. All liability of the Company under this paragraph shall be limited to the repair or replacement of defective parts and the Company shall not, in any event, be liable for indirect, special, consequential, incidental or liquidated damages or penalties, whether based upon contract, warranty, tort or negligence.*

*THE ABOVE WARRANTIES ARE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE ARE HEREBY DISCLAIMED AND EXCLUDED FROM THIS AGREEMENT.*

7b

ORDINANCE NO. 45 -2019

**ACCEPTING THE PROPOSAL OF THE CRAUN-LIEBING COMPANY FOR THE PURCHASE OF A GORMAN-RUPP ABOVEGROUND SELF-PRIMING PACKAGED PUMP STATION; APPROPRIATING FUNDS THEREFORE IN THE AMOUNT OF \$49,890; AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 7-2018, approved by Sylvania City Council on February 5, 2018, authorized the Mayor and Director of Finance to enter into an Agreement with the Village of Centennial Crossings Property Owners Association and Centennial Crossings, LLC relative to the replacement of their sanitary sewer pumping station and the transfer of ownership of the pumping station to the City; and,

WHEREAS, this project was included and approved as part of the 2018 Capital Improvement Plan but was unable to be completed during 2018; and,

WHEREAS, the Director of Public Service has received a proposal from The Craun-Liebing Company for a new Gorman-Rupp Aboveground Self-Priming Packaged Pump Station at a cost of \$49,890; and,

WHEREAS, the Director of Public Service, by report dated May 16, 2019, has recommended that the proposal of The Craun-Liebing Company for the purchase of a new Gorman-Rupp Aboveground Self-Priming Packaged Pump Station at a cost of Forty-Nine Thousand Eight Hundred Ninety Dollars (\$49,890.00), be accepted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, \_\_\_\_\_ members elected thereto concurring:

SECTION 1. That the proposal of The Craun-Liebing Company in the amount Forty-Nine Thousand Eight Hundred Ninety Dollars (\$49,890.00) for the purchase of a Gorman-Rupp Aboveground Self-Priming Packaged Pump Station, is hereby accepted.

SECTION 2. That the Director of Public Service shall promptly give notice to said company to proceed under the proposal hereby approved and accepted.

SECTION 3. That to provide funds for said pump station purchase hereby authorized, there is hereby appropriated from the **SEWER FUND** from funds therein not heretofore appropriated to **Account No. 701-7540-53405, Equipment**, the sum of Forty-Nine Thousand Eight Hundred Ninety Dollars (\$49,890.00).

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the City should provide for the purchase of the pump station at the earliest possible time. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings:            Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2019, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

7c



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

May 16, 2019

To: The Mayor and Members of Sylvania City Council

Re: **Centennial Crossings Pumping Station Replacement**

Dear Mayor and Council Members:

United Precast, Inc. (UPI) is the field contractor for all Gorman-Rupp pumping station installations. Gorman-Rupp has operated in this manner for a very long time. This ensures proper installation of the pumping station and offers the City the assurance and ease of sole source contact.

Our City field staff will be performing the site construction items that are not included in the UPI scope of work.

We have worked with United Precast, Inc. on several projects in the past and recommend approval of their proposal to install the pumping station at a cost of \$16,177.00.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Service

KGA/dsw

# UNITED PRECAST INDUSTRIES, LLC

MANUFACTURER'S OF PRECAST CONCRETE PRODUCTS

400 HOWARD STREET  
MOUNT VERNON, OHIO 43050  
1-800-366-8740 (PHONE) 1-740-393-2036 (FAX)

TO: City of Sylvania  
Public Service Department  
6730 Monroe Street  
Sylvania, Ohio 43560

PROJECT: Centennial Crossings  
LOCATION: Sylvania, Ohio  
DATE: 5-14-19

---

Proposal for: **One Each Gorman Rupp 6 X 6 Pumping Station Installation**

## I. Included Items:

- A. One each precast concrete pump station top slab delivered and **set** in place on existing fiberglass pump station
  - 1. 8'-0" X 12'-0" X 8" thick
  - 2. 30" X 30" aluminum access hatch furnished and cast in
  - 3. 3" stainless steel vent furnished and cast in
- B. One each Gorman Rupp 6 X 6 above ground self priming pump station ( **furnished by others** ) installed on wet well top slab
- C. Weighted transducer and backup float switches ( **furnished by others** ) installed in wet well
- D. 4" ductile iron pump suction lines furnished and installed to be routed through existing base elbow
- E. 4" ductile iron pump station discharge piping furnished and installed to be routed through existing discharge line
- F. Air release piping furnished and installed from Gorman Rupp piping to wet well

## II. Items Not Included:

- A. Any excavating, backfilling, shoring, dewatering or gravel base
- B. Pumping, cleaning, or bypass pumping of existing wet well
- C. Removal or disposal of existing structure top slab, fiberglass divider, pumps, guide rails, upper guide rail brackets, existing level controls, or unnecessary piping in wet well and valve vault ( as required )
- D. Electric service to control panel or hook up of same
- E. Any required telemetry equipment or installation of same

- F. Connection of new discharge line to existing force main
- G. Any required painting or concrete coatings
- H. Padlocks
- I. Water for testing
- J. Bonds, including but not limited to bid bonds, supply bonds, payment bonds, or performance bonds, are specifically excluded from this proposal. If any type of bond is required, then the cost of the bond shall be added as a change order.
- K. No taxes, including but not limited to, sales tax, use tax, local taxes, gross receipts taxes, or B&O tax are included in this proposal. If this job is not tax exempt, then the taxes that are due on the work, services, or materials shall be added as a change order.
- L. Fees, permits, or any other items not specifically addressed as inclusions.

### III. Notes:

- A. Jobsite accessibility per the following requirements:
  - 1. **ACCESS WAY TO SITE:** Due to the loaded weight of our delivery trucks a firm and level access way is required. It is advisable that the access way be usable under all weather conditions likely to be encountered.
  - 2. **CLEAR AREA AROUND SITE:** The excavation must be clear and accessible. The dimension from the center of any structure to the crane should be no greater than 20 ft. The outside area must be firm enough to support the crane and its outriggers. Area to be free of any overhead obstacles.
  - 3. **EXCAVATION:** The excavation must be free of any water, mud, rocks or other debris. The bottom of the excavation should be made level with at least 3" of pea gravel or sand.
  - 4. **EXTRAS WILL BE CHARGED:** This quotation only includes setting the precast structures in place under the conditions outlined above. Any additional equipment or labor required to set the structures, any return trips by our equipment required to set the structures, or any excessive waiting time will be at customer's expense.
- B. This proposal includes only those items specifically mentioned herein and does not include, or infer inclusion of, any additional equipment, piping or valves regardless of its relation to the quoted equipment.
- C. Proposal is based on reuse of the existing fiberglass pump station.
- D. The transducer supplied must be a weighted transducer.
- E. This proposal includes the use of some materials that may not have domestic origin.

We propose to furnish labor and material for in accordance with the above listed items for the total sum of:

**Sixteen Thousand One Hundred Seventy Seven** dollars **\$ 16,177.00**

- Customer is responsible for accessibility of UPI equipment to jobsite
- Detention time for trucks due to site inaccessibility or other conditions or actions unrelated to UPI will be charged at a rate of \$ 85.00 per hour per truck
- Prices in this proposal are good for 30 days
- Net due: 30 days with approved credit
- No retainage withheld for delivered materials only
- All materials remain the property of UPI until paid for in full
- 2% monthly service charge after 30 days
- Limited 1 year warranty applies
- Tax exempt form if applicable

I understand that the terms of this proposal are final and no other terms or actions proposed by the customer – including contracts or purchase orders – are applicable without the signed approval of the authorized agent for United Precast Industries, LLC (UPI). I also understand that UPI is under no obligation to produce and/or deliver the materials described in this proposal until it is signed by the customer.

Upon my signature this proposal and the terms within will act as a sales contract between United Precast Industries, LLC and the customer, and also acts as a request for the Notice of Commencement for the Project.

Authorized Agent for the City Mayor: \_\_\_\_\_

Print Name: \_\_\_\_\_

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

Authorized Agent for the City Finance Director: \_\_\_\_\_

Print Name: \_\_\_\_\_

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

Authorized Agent for UPI: **Kim Sobers**

7d

ORDINANCE NO. 46 -2019

**ACCEPTING THE PROPOSAL OF UNITED PRECAST, INC. FOR THE  
INSTALLATION OF THE CENTENNIAL CROSSINGS PUMP STATION;  
APPROPRIATING FUNDS THEREFORE IN THE AMOUNT OF \$16,177;  
AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 7-2018, approved by Sylvania City Council on February 5, 2018, authorized the Mayor and Director of Finance to enter into an Agreement with the Village of Centennial Crossings Property Owners Association and Centennial Crossings, LLC relative to the replacement of their sanitary sewer pumping station and the transfer of ownership of the pumping station to the City; and,

WHEREAS, this project was included and approved as part of the 2018 Capital Improvement Plan but was unable to be completed during 2018; and,

WHEREAS, the Director of Public Service has received a proposal from United Precast, Inc. to install the new Gorman-Rupp Aboveground Self-Priming Packaged Pump Station at Centennial Crossings at a cost of \$16,177; and,

WHEREAS, the Director of Public Service, by report dated May 16, 2019, has recommended that the proposal of United Precast, Inc. for the installation of the Gorman-Rupp Aboveground Self-Priming Packaged Pump Station at Centennial Crossings at a cost of Sixteen Thousand One Hundred Seventy-Seven Dollars (\$16,177.00), be accepted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, \_\_\_\_\_ members elected thereto concurring:

**SECTION 1.** That the proposal of United Precast, Inc. in the amount Sixteen Thousand One Hundred Seventy-Seven Dollars (\$16,177.00) for the installation of the new Gorman-Rupp Aboveground Self-Priming Packaged Pump Station at Centennial Crossings, is hereby accepted.

**SECTION 2.** That the Director of Public Service shall promptly give notice to said consultant to proceed under the proposal hereby approved and accepted.

**SECTION 3.** That to provide funds for said pump station installation hereby authorized, there is hereby appropriated from the **SEWER FUND** from funds therein not heretofore appropriated to **Account No. 701-7540-53405, Equipment**, the sum of Sixteen Thousand One Hundred Seventy-Seven Dollars (\$16,177.00).



SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the City should provide for the installation of the pump station at the earliest possible time. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings:            Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2019, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

**ORDINANCE NO. 47 -2019**

**AN ORDINANCE TO LEVY A MUNICIPAL MOTOR VEHICLE  
LICENSE FEE PURSUANT TO OHIO REVISED CODE SECTION  
4504.173.**

WHEREAS, as authorized by the provisions of O.R.C. Chapter 4504, Sylvania City Council finds it necessary to impose an annual license tax upon the operation of motor vehicles on the public roads in the municipality for the purpose of construction and maintaining public roads, highways, streets and bridges.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, \_\_\_\_\_ members elected thereto concurring:

SECTION 1. There is hereby levied an annual license tax upon the operation of motor vehicles on the public roads or highways pursuant to O.R.C. Section 4504.173 for the purposes of paying the costs and expenses of enforcing and administering the tax provided for in this section and to provide additional revenue for the purposes set forth in O.R.C. Section 4504.06, and to supplement revenue already available for such purposes.

SECTION 2. Such tax shall be at the rate of Five Dollars (\$5.00) per motor vehicle on each and every motor vehicle the district of registration of which, as defined in O.R.C. Section 4503.10, is the City of Sylvania.

SECTION 3. As used in the Ordinance, the term "motor vehicle" means any and all vehicles included within the definition of motor vehicle in O.R.C. Sections 4501.01 and 4505.01.

SECTION 4. The tax imposed by this Ordinance shall apply to and be in effect for the registration year commencing January 1, 2020, and shall continue in effect and application during each registration year thereafter.

SECTION 5. The tax imposed by this Ordinance shall be paid to the Registrar of Motor Vehicles of the State of Ohio or to a Deputy Registrar at the time application for registration of a motor vehicle is made as provided in O.R.C. Section 4504.10.

SECTION 6. All monies derived from the tax hereinbefore levied shall be used by the City of Sylvania for the purposes specified in this Ordinance.

SECTION 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 8. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

Passed, \_\_\_\_\_, 2019.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

**ORDINANCE NO. 48 -2019**

**AMENDING CHAPTER 929 – SEWER REGULATIONS OF THE  
SYLVANIA CODIFIED ORDINANCES, 1979, AS AMENDED; AND  
DECLARING AN EMERGENCY.**

WHEREAS, the Director of Public Service has recommended that Chapter 929 be amended as set forth on the attached “Exhibit A;” and,

WHEREAS, at the April 15, 2019 meeting of Sylvania City Council, the proposed revisions were referred to the Utilities Committee for their review and recommendation; and,

WHEREAS, the Utilities Committee met on May 6, 2019 to discuss the proposed amendments and thereafter recommended that the amendments be made; and,

WHEREAS, the recommended amendments have been made and are as set forth on the attached “Exhibit A.”

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, \_\_\_\_\_ members elected thereto concurring:

SECTION 1. That Chapter 929 – Sewer Regulations of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached “Exhibit A.”

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

SECTION 3. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the amendment to this Chapter should be provided for immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to

Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by this Charter.

Vote dispensing with the second and third readings:            Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2019, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

## **CHAPTER 929**

### **Sewer Regulations**

#### **ADMINISTRATION**

- 929.01** Definitions.
- 929.02** Use of public sewers required.

#### **SEWER BUILDERS**

- 929.03** License required.
- 929.04** License fee; bond.

#### **CONNECTION PERMITS**

- 929.05** Sewer connection permit required.
- 929.06** City not liable for damage caused by connection.
- 929.07** Application for permit.
- 929.08** Permit fee.
- 929.09** No permit to be granted outside sanitary sewer district service area.
- 929.10** Sanitary sewer connection charges, in addition to sewer tap charges and sewage service charges.

#### **CONNECTION PROCEDURE**

- 929.11** Commencement of work: notice required. (Deleted)
- 929.12** Supervision of entire job required when no junction is left in pipe. (Deleted)
- 929.13** Supervision of connection: expenses. (Deleted)
- 929.14** Completion and acceptance of work. (Deleted)
- 929.15** Water or gas pipes creating obstructions. (Deleted)
- 929.16** Excavations and restorations.
- 929.17** Quality of pipe. (Deleted)
- 929.18** Procedure for making connection. (Deleted)
- 929.19** Prohibited connections.
- 929.20** Connecting existing drain to sewer. (Deleted)
- 929.21** Building sewers. (Deleted)

#### **PRIVATE DISPOSAL SYSTEMS**

- 929.22** Connection to sanitary sewer required.
- 929.23** Privy vaults and septic tanks to be abandoned.
- 929.24** Connection to newly constructed sewer.
- 929.25** Building septic tank or privy vault near sewer prohibited.

#### **USE OF PUBLIC SEWERS**

- 929.26** Use of public sewers; prohibited discharges.
- 929.27** Powers and authority of inspectors.
- 929.28** Revisions.
- 929.29** Fuel spills; removal.

#### **PENALTY**

- 929.99** Penalty.

## CROSS REFERENCES

Service Director to supervise construction and repair of sewers - see

Chtr. Art. VII, §4.0

Compulsory sewer connections - see Ohio R.C. 729.06

Excavations - see S.U. & P.S. Ch. 905

Sewage service charges - see S.U. & P.S. Ch. 925

Improvements - see S.U. & P.S. 933.05

### **929.01 DEFINITIONS.**

Definitions shall be as provided in Section 925.01.  
(Ord. 106-77. Passed 12-7-77.)

### **929.02 USE OF PUBLIC SEWERS REQUIRED.**

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

(Ord. 106-77. Passed 12-7-77.)

(b) No person shall discharge to any natural outlet within the City or in any area under the jurisdiction of the City, any sanitary sewage, storm drainage, industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and Section 1181.05, subject to approval by the Director. (Ord. 6-2008. Passed 2-20-08.)

(c) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater within the City.

(d) The owner of all houses, buildings or properties 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 a public sanitary sewer of the City, is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sanitary sewer in accordance with the provisions of this chapter within 180 days after the date of official notice to do so.

(Ord. 106-77. Passed 12-7-77. Ord. \_\_\_\_-2019. Passed \_\_\_\_-2019.)

## SEWER BUILDERS

### **929.03 LICENSE REQUIRED.**

No person, firm or corporation shall lay, alter or repair any house drain, or make any connection whatsoever with any sewer, house drain or sewer drain work or do any kind of work connected with the laying of house drains or house sewers, or making any repairs, additions to or alterations in any drain or sewer connected with the public sewers in the City, unless licensed by the Director. Any person doing such work without such license shall be subject to a fine as provided in Section 929.99.

(Ord. 106-77. Passed 12-7-77. Ord. \_\_\_\_-2019. Passed \_\_\_\_-2019.)

#### **929.04 LICENSE FEE; BOND.**

Any person, firm or corporation desiring to do business as a sewer builder in the City shall file with the Director an application furnished by him, together with a surety bond, acceptable to the Director in the amount of ten thousand dollars (\$10,000) made payable to or in favor of the City, conditioned that he shall indemnify and save harmless the City from all accidents and the consequences thereof, and also from all damages caused by any negligence in protecting his work, or by any unfaithful, imperfect, inadequate, careless or unskilled work done by him, and that he shall also at the proper time promptly restore and replace the sidewalk, pavement, or street surface over any excavation he may have made to as good a state and condition as he found it previous to opening the same, and to keep and maintain the same in good order, to the satisfaction of the sewer inspector designated by the Director, for the period of twelve months next thereafter, and that he shall pay all fines imposed on him for a violation of any ordinance, rule or regulation prescribed by the City. He shall also submit with such application, proof of comprehensive general liability insurance with minimum and maximum limits in an amount satisfactory to the City. The sum of twenty-five dollars (\$25.00) must be deposited with the application as payment for the annual charge for license as a sewer builder in the City. No license shall be granted for more than one year, and all licenses shall be granted to expire December 31.

(Ord. 58-2014. Passed 1-5-15. Ord. \_\_\_\_\_-2019. Passed \_\_\_\_\_-2019.)

#### **929.05 SEWER CONNECTION PERMIT REQUIRED.**

No connection shall be made with any public sewer or drain within the City without the written permission of the Director, and every connection or opening made into any public sewer or drain without such permission or in any manner different from the mode herein prescribed for such opening or connection shall subject the person making the same, and the owner of the premises directing it, to a penalty as provided in Section 929.99.

(Ord. 106-77. Passed 12-7-77. Ord. \_\_\_\_\_-2019. Passed \_\_\_\_\_-2019.)

#### **929.06 CITY NOT LIABLE FOR DAMAGE CAUSED BY CONNECTION.**

The City reserves the right to grant such permits as it may deem necessary for allowing persons to connect to the public sewers or drains, provided, however, that the permit shall be granted on the express condition that the owner for whose benefit such connection is made shall, in consideration of the privilege thereby granted, hold the City harmless for any loss or damage that may in any way result or be occasioned by such connection.

(Ord. 106-77. Passed 12-7-77. Ord. \_\_\_\_\_-2019. Passed \_\_\_\_\_-2019.)

#### **929.07 APPLICATION FOR PERMIT.**

(a) All applications for permits shall be made in writing by the parties employed to do the work, and shall be accompanied by the signatures of the owners of the premises for whose benefit the application is made, or by their authorized agents or attorneys and shall contain all information requested by the Director.

(b) The Director is hereby authorized and directed to receive applications for and issue sewer connection permits under the provisions of this chapter.

(c) Upon receipt of a connection application, the Director shall consult his records with regard to the sewer or drain desired to be connected with. If such connection can be made, the Director shall give such applicant the location at which the connection is to be made. The Director shall give to the applicant a permit stating that permission is granted to connect with such sewer or drain



and also state in such permit the name of the street and the abutting lot number. All permits shall be issued by the Director. Permits for connection to the sewer system shall be issued dependent on the Director's determination that there is or will be capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD, SS, and phosphorus.

(Ord. 106-77. Passed 12-7-77. Ord. \_\_\_\_\_-2019. Passed \_\_\_\_\_-2019.)

#### **929.08 PERMIT FEE.**

Effective on and after July 1, 2019, there is hereby established a fee of \$250 payable to the City for each sewer connection permit for the cost of inspection services. Excessive construction time or contractor caused delays may result in additional charges. The contractor shall be informed at the time of such charges.

(Ord. 75-79. Passed 8-20-79. Ord. \_\_\_\_\_-2019. Passed \_\_\_\_\_-2019.)

#### **929.09 NO PERMIT TO BE GRANTED OUTSIDE SANITARY SEWER DISTRICT SERVICE AREA.**

No permit to connect, either directly or indirectly, into a sanitary sewer of the City shall be issued by any official of the City, to any person if the lot or lots or lands to be connected with such sanitary sewer are in whole or in part outside of the sanitary sewer district service area, but the Director may issue such permits even though the lots or lands to be connected are outside of the territorial limits of the City, if they are wholly within such service area.

(Ord. 106-77. Passed 12-7-77.)

#### **929.10 SANITARY SEWER CONNECTION CHARGES, IN ADDITION TO SEWER PERMIT FEES AND SEWAGE SERVICE CHARGES.**

(a) There shall be paid to the City a sanitary sewer connection charge for each connection of a new building, addition or alteration to buildings causing increased sewage discharge, such amounts and under such circumstances, as hereinafter set forth.

The City of Sylvania Connection Fee of \$2.50 per gallon per day will be assessed base on Ohio Administrative Code 3745-42-05in the following manner:

<u>PLACE</u>	<u>SEWAGE FLOW, GALLONS PER DAY</u>
Single Family Residence	400 per unit
Apartments and Condominiums	120 per bedroom
Assembly/Banquet Halls	5 per seat
Barber Shop	80 per basin
Beauty Shop	200 per basin
Bowling Alleys (No food service)	75 per lane
Car Wash	Contact City
Churches (no kitchen)	4 per sanctuary seat
Churches (large, w/kitchen)	6 per sanctuary seat
Convenience Store	15 per employee
Country Clubs	50 per individual (occupancy limit)

Doctors/Dentists	75 per doctor 35 per employee 10 per patient (seen daily)
Industrial Facility	30 per employee
Food Service Operations –	
Restaurant/Tavern (non 24 hr)	35 per seat
24 – hour Restaurant	60 per seat
Restaurant along Freeway	100 per seat
Curb Service (Drive-In)	40 per car space
Gas Station	500 per pump island
Hospitals (No resident personnel)	300 per bed
Hotels/Motels	100 per unit
Institutions (residents)	100 per bed
	35 per employee
Laundries (coin-operated)	400 per machine (standard size)
Mobile Home Parks	300 per space
Nursing and Rest Homes	200 per bed
	50 per employee
Office Buildings	20 per employee
Schools	15 per employee
Elementary	15 per pupil
High and Junior High	20 per pupil
Service Stations	500 per service bay
Service Stations w/Store	20 per employee
Shopping Centers/Retail	15 per employee
	3 per parking space
Swimming Pool	10 per swimmer
Theater	5 per seat
Youth and Recreation Camps	50 per employee and camper
Veterinarian/Animal Hospital	100 per doctor
	15 per employee
	20 per run and cage

Note: There shall be a minimum Connection Fee of \$1,000.00 for all commercial and/or industrial facilities

(b) There shall be paid to the City, as a sanitary sewer connection charge, for each connection of a main building in areas abutting the wastewater treatment works grant No. C-390691-03 Step 3 project (Phase II Sanitary Sewer Project), such amounts and under such circumstances, as hereinafter set forth, as follows:

- (1) For inside City connection, the land being served by which has not been assessed by Phase II sanitary sewers, twenty-five dollars and ninety-four cents (\$25.94) per front foot of the land on which such main building is located.
- (2) For outside City connections, sixty-eight dollars and twenty-five cents (\$68.25) per front foot of the land on which such main building is located.

(c) The connection charges set forth in subsections (a) and (b) hereof are exclusive of, and in addition to, the permit fee established by Section 929.08.

(d) All connection charges received pursuant to this section shall be deposited in the Sewer Revenue Fund.

(e) The charges for connections outside the City for any real estate included in a territory sought to be annexed to the City by a petition on file in the office of the Clerk-Auditor, when such petition is not being delayed or opposed by any of the owners of real estate in the territory, shall be as specified above for inside City connections.

(f) The above connection charges are effective on and after July 1, 2019.  
(Ord. 74-80. Passed 10-20-80. Ord. \_\_\_\_\_-2019. Passed \_\_\_\_\_-2019.)

#### **929.11 COMMENCEMENT OF WORK; NOTICE REQUIRED.**

[Deleted.]

#### **929.12 SUPERVISION OF ENTIRE JOB REQUIRED WHEN NO JUNCTION IS LEFT IN PIPE.**

[Deleted.]

#### **929.13 SUPERVISION OF CONNECTION: EXPENSES.**

[Deleted.]

#### **929.14 COMPLETION AND ACCEPTANCE OF WORK.**

[Deleted.]

#### **929.15 WATER OR GAS PIPES CREATING OBSTRUCTIONS.**

[Deleted.]

#### **929.16 EXCAVATIONS AND RESTORATIONS.**

Excavations into streets, sidewalks or other public ways for the purpose of laying a sewer or drain, the restoration thereof, and the restoration of the flow thereof, shall be done in accordance with the provisions of Chapter 905. Restoration of the flow in a building sewer including crossovers to the wye and the entire cost thereof shall be by and at the expense of the owner of the premises whose building drain discharges into such building sewer the flow of which requires restoration, provided, however, the restoration of flow between a vee and a wye and the entire cost thereof shall be by and at the expense of the City unless the blockage of the sewer is found to have been caused by discharge from a particular building drain, in which event the owner of the premises served by that particular building drain shall, within thirty days after receiving a statement of the cost from the City, reimburse the City the entire cost of restoring such flow and should such owner not so reimburse the City the entire unpaid cost shall be a lien on the premises served by such particular building drain and such lien shall be certified to the County Auditor who shall place the same on the tax duplicate to be collected as other municipal taxes are collected. Should the restoration of flow in a building sewer, including crossovers to the wye, require excavation under the pavement of any street such restoration of flow requiring such excavation shall be made by the City and at the City's expense unless the blockage of the sewer is found to have been caused by discharge from a particular building drain, in which event the owner of the premises served by that particular building drain shall, within thirty days after receiving a statement from the City of the cost of such restoration of flow, reimburse the City the entire cost thereof, and should such owner

not so reimburse the City the entire unpaid cost shall be a lien on the premises served by such particular building drain and such lien shall be certified to the County Auditor who shall place the same on the tax duplicate to be collected as other municipal taxes are collected.

(Ord. 129-79. Passed 12-17-79. Ord. \_\_\_\_\_-2019. Passed \_\_\_\_\_-2019.)

#### **929.19 PROHIBITED CONNECTIONS.**

No roof drains, downspouts or footer drains shall be connected with the sanitary sewers in the City. (See also Section 1-20-23 of Building Code)

(Ord. 106-77. Passed 12-7-77.)

#### **929.20 CONNECTING EXISTING DRAIN TO SEWER.**

[Deleted.]

#### **929.21 BUILDING SEWERS.**

[Deleted.]

### **PRIVATE DISPOSAL SYSTEMS**

#### **929.22 CONNECTION TO SANITARY SEWER REQUIRED.**

Every owner or occupant of any real property which bounds or abuts on a sanitary sewer in the City shall make adequate and proper connection with such sanitary sewer according to the regulations of this chapter; provided, however, that real property in any area annexed to the City after this date shall be exempt from the provisions of this section from the date of annexation on the following conditions:

- (a) Such property has adequate and approved septic tanks and sanitary sewage;
- (b) Such property owner or occupant shall not build or construct any new dwelling or dwellings, or remodel, repair or reconstruct any existing dwelling or dwellings without connecting to the City's sanitary sewer system;
- (c) The County Health Department shall determine the adequacy of any septic tank, sanitary sewer or privy vault.

(Ord. 106-77. Passed 12-7-77.)

#### **929.23 PRIVY VAULTS AND SEPTIC TANKS TO BE ABANDONED.**

(a) Every owner or occupant of any real property which bounds and abuts upon a sanitary sewer in the City shall abandon the use of any outside privy vault and shall abandon the use of any septic tank installation and, as set forth in Section 929.22, make adequate and proper connection with such sanitary sewer and thereafter discharge therein all sewage from such property, in accordance with the regulations of this chapter.

(b) Every owner or occupant of any real property which bounds and abuts upon a sanitary sewer within the City, and who abandons a privy vault or septic tank and makes connection with the sanitary sewer system in the City, shall clean, demolish and fill such privy vault, and shall, if required by the Board of Health, Council or the Director, clean such septic tank so as to eliminate any noxious odors and so as to eliminate any menace to public health and safety. (Ord. 106-77.

Passed 12-7-77. Ord. \_\_\_\_\_-2019. Passed \_\_\_\_\_-2019.)

#### **929.24 CONNECTION TO NEWLY CONSTRUCTED SEWER.**

Every owner or occupant of any real property within the City which bounds and abuts, in the future, upon a newly constructed sanitary sewer, shall within 180 days from the completion of such sanitary sewer, make adequate and proper connection with such sanitary sewer and thereafter abandon the use of all outside privy vaults and septic tanks as provided by

Sections 929.22 and 929.23.

(Ord. 106-77. Passed 12-7-77.)

#### **929.25 BUILDING SEPTIC TANK OR PRIVY VAULT NEAR SEWER PROHIBITED.**

No owner or occupant of any real property which abounds or abuts upon a sanitary sewer in the City shall install, rebuild or reconstruct therein a septic tank and/or privy vault. (Ord. 106- 77.

Passed 12-7-77.)

#### **929.26 USE OF PUBLIC SEWERS; PROHIBITED DISCHARGES.**

(a) No 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 wastewater facilities. Any person violating this provision shall be subject to the penalties imposed by Section 929.99.

(b) No person shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer; except storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the Director.

(c) Whenever the Director finds that any provision of subsection (b) hereof is being violated, he shall issue a written order to the person responsible for the removal, elimination, or correction of such condition, to remove such connections or drains from such sanitary sewer within sixty days after service of such order. The service of such order, as mentioned herein, may be made upon the person to whom it is directed, either by delivering a copy of the same to such person, or by delivering the same to and leaving it with any person in charge of the premises, or by affixing a copy thereof in a conspicuous place on the door to the entrance of such premises.

(Ord. 106-77. Passed 12-7-77.)

(d) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm drain or to a natural outlet approved by the Director and other regulatory agencies. Subject to testing and analysis approved by the Director, unpolluted industrial cooling water or process waters may be discharged on approval by the Director to a storm sewer, or natural outlet. All storm water collection, design, construction and maintenance shall be in accordance to Section 1181.06, subject to approval by the Director.

(Ord. 6-2008. Passed 2-20-08.)

(e) Whenever sewers are about to be or have been constructed for the purpose of carrying off sewage and drainage from lots and lands outside the corporate limits, no permission shall be given or granted to connect such sewers with the sewers or sewage treatment works of the City for carrying off such sewage or drainage, nor shall the use of the sewers or sewage treatment works of the City be permitted for the sewage and drainage of such lots and lands outside of the corporate limits, unless there has been secured written permission from the Director which shall be given

only if the sewers or system of sewers for which such connection or use is sought conform to the plans theretofore adopted by the City. A certificate of approval of such sewers by the Ohio EPA shall also be furnished where, by law, such approval is required.

(f) Whenever annexation of any territory to the City is sought or petitioned for, such annexation shall not be accepted unless approval of the Director as provided in subsection (e) hereof is filed in regard to existing sewers or sewage system in such territory.

(g) In addition to the Director's approval as required by subsections (e) and (f) hereof, applicants for permission to use or connect with City sewers shall execute such agreements as to terms, conditions and compensation for the use of such sewers and treatment works as shall be required by the City and authorized by law.

(h) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(2) Waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.

(3) Waters or wastes having a pH lower than 6.0 or higher than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(i) All major contributing industrial users of the treatment facilities shall pretreat any pollutant which may interfere with, pass through or otherwise be incompatible with the treatment works. Standards for pretreatment of such pollutants are published in 40 CFR 403.5, and are available from the Director. All owner(s) of any source to which pretreatment standards are applicable shall be in compliance with such standards within the shortest reasonable time, but not later than two years from the date of promulgation of such standards for the applicable industrial category.

If any major contributing industrial user proposes to pretreat its wastes, the design and installation of the plants and equipment shall be subject to the review and approval of the Director.

(j) The following described substances, materials, waters or waste shall be limited in discharges to the municipal system from all users to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Director may set limitations lower than the limitations established in the regulations below, or in subsection (i) hereof, if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Director shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant and other pertinent factors. The limitations or restrictions on material or



characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Director are as follows:

- (1) Wastewater having a temperature higher than 140°F (60°C) at the point of entrance to the public sewer.
- (2) Wastewater containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.
- (3) Wastewater from industrial plants containing more than 100 mg/l of floatable oils, fat or grease.
- (4) Any garbage that has not been properly shredded (see subsection (h) hereof). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Director for such materials.
- (6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Director.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable State or Federal regulations.
- (8) Quantities of flow, concentrations, or both which constitute a slug as defined in Section 925.01.
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (10) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.

The Director shall require all discharges to conform to all NPDES permit requirements and any other unspecified State or Federal regulations.

(k) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (h) hereof, and which in the judgment of the Director may interfere with, pass through or otherwise be incompatible with the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 925.05.

If the Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director and Ohio Environmental Protection Agency in accordance with Ohio R.C. Chapter 6111.

When considering the above alternatives, the Director shall give consideration to the economic impact of each alternative on the discharger.

- (1) Grease, oil and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive

amounts as specified in subsection (j)(3) hereof, or any flammable wastes, sand or other harmful ingredients; 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 Director, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Director. Any removal and hauling of the collected materials not performed by the owner's personnel shall be performed by currently licensed waste disposal firms.

(m) Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(n) When required by the Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Director. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(o) The Director may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

- (1) Wastewaters discharge peak rate and volume over a specified time period.
- (2) Chemical, physical and biological analyses of wastewaters.
- (3) Information on raw materials, processes and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
- (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- (6) Details of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

(p) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, all tests shall conform to Regulation 40 CFR 136. in the Federal Register entitled, "Guidelines Establishing Test Procedures for Analysis of Pollutants." Sampling methods, location, times, durations and frequencies shall be determined on an individual basis subject to approval by the Director.

(q) No statement contained in this chapter shall be construed 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. (Ord. 106-77. Passed 12-7-77. Ord. \_\_\_\_-2019. Passed \_\_\_\_-2019.)

## **929.27 POWERS AND AUTHORITY OF INSPECTORS.**

(a) The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation(Ord. 106-77. Passed 12-7-77.)



(b) The authorized employees of the City are authorized to obtain information concerning industrial or commercial process information which have a direct bearing on the kind and source of discharge to the wastewater treatment works and storm drainage system. The owner may withhold process information considered confidential. The owner must establish that the revelation to the public of the information in question might result in an advantage to competitors. (Ord. 6-2008. Passed 2-20-08.)

(c) While performing the necessary work on private properties, referred to in subsection (a) hereof, the Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 929.26(n). (Ord. 106-77. Passed 12-7-77. Ord. \_\_\_\_\_-2019. Passed \_\_\_\_\_-2019.)

#### **929.28 REVISIONS.**

Each year the Director shall review the rules, regulations, charges and fees set forth in Chapters 925 and 929. If revisions are necessary, the Director shall submit to Council the proposed revisions for Council action by ordinance. The user charge system shall be in accordance with the following:

(a) The user charges shall result in the distribution of operation, maintenance and replacement costs of the treatment works within the jurisdiction of the City in proportion to each user's contribution to the total wastewater loading of the treatment works. Factors such as strength, volume and delivery flow rate characteristics shall be included to ensure a proportional distribution of the costs.

(b) The user charges shall be reviewed annually and revised periodically as required.

(c) The user charges shall derive revenue sufficient to meet all costs of operation, maintenance and replacement of the system.

(Ord. 106-77. Passed 12-7-77. (Ord. \_\_\_\_\_-2019. Passed \_\_\_\_\_-2019.)

#### **929.29 FUEL SPILLS; REMOVAL.**

(a) As used in this section:

(1) "Diking" means the process of constructing a wall or embankment around the area of a fuel spill to avoid the spreading of any spilled substance.

(2) "Fuel spill" means the spilling, leaking, pumping, pouring, emitting, emptying or dumping of any gasoline, petroleum, fuel oil, sludge, oil refuse or other flammable poisonous or explosive liquid or solid.

(3) "Remove" or "removal" means the removal of a fuel spill from the area or the taking of such other action as may be necessary to minimize or mitigate damage to the public health, safety or welfare.

(4) "Sorbent" means materials essentially inert and insoluble used to remove a fuel spill through a variety of absorption mechanisms including straw, sand, expanded perlite, polyurethane foam, reclaimed paper fibre and peat moss.

(b) No fuel spill shall be washed, discharged or otherwise placed into the sanitary sewer system of the Municipality.

(c) In the event of a fuel spill, the Department of Public Service-Division of Streets shall be notified and the following procedure employed:

(1) The area surrounding the fuel spill shall be diked using dirt, sand or other earthen materials which will prevent the spreading of the spill.

(2) Once contained, the fuel spill shall be thoroughly covered with a sorbent.

(3) Upon the absorption of the fuel spill by the sorbent, the sorbent shall be removed by the Division of Streets to a location determined by the Director of Public Service and be disposed of through the person, firm or corporation who has entered into a contract with the City for waste collection pursuant to the provision of Section 941.07.

(Ord. 99-84. Passed 12-17-84.)

#### **PENALTY**

#### **929.99 PENALTY.**

(a) Whoever violates any provision of this chapter for which no other penalty is provided shall be fined not more than five hundred dollars (\$500.00), and each day's violation shall be considered a separate offense.

(b) Whoever violates any provision of Sections 929.22 to 929.25, shall for a first offense be fined not more than one hundred dollars (\$100.00) and for a subsequent offense shall be fined not more than two hundred fifty dollars (\$250.00).

(Ord. \_\_\_\_-2019. Passed \_\_\_\_-2019.)

“Exhibit A”

**ORDINANCE NO. 49 -2019**

**AMENDING CHAPTER 925 – SEWAGE SERVICE CHARGES OF THE SYLVANIA CODIFIED ORDINANCES, 1979, AS AMENDED; AND DECLARING AN EMERGENCY.**

WHEREAS, the Director of Public Service has recommended that Chapter 925 be amended as set forth on the attached “Exhibit A;” and,

WHEREAS, at the April 15, 2019 meeting of Sylvania City Council, the proposed revisions were referred to the Utilities Committee for their review and recommendation; and,

WHEREAS, the Utilities Committee met on May 6, 2019 to discuss the proposed amendments and thereafter recommended that the amendments be made; and,

WHEREAS, the recommended amendments have been made and are as set forth on the attached “Exhibit A.”

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, \_\_\_\_\_ members elected thereto concurring:

SECTION 1. That Chapter 925 – Sewage Service Charges of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached “Exhibit A.”

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

SECTION 3. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the amendment to this Chapter should be provided for immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to

Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by this Charter.

Vote dispensing with the second and third readings:            Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2019, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

## CHAPTER 925

### Sewage Service Charges

- 925.01** Definitions.
- 925.02** Enforcement of sewerage rules and regulations.
- 925.03** Charges authorized for sewerage system.
- 925.04** Sewer Revenue Fund.
- 925.05** Sewer charges levied.
- 925.06** Industrial Cost Recovery (Deleted)
- 925.07** Method of determining sewer charges.
- 925.08** Billing procedure.
- 925.09** Unpaid charges to be lien; discontinuance of service; simultaneous certification of sewer and water charges.
- 925.10** City exempt from charges; fire hydrants.
- 925.99** Penalty.

#### CROSS REFERENCES

- Director to manage and have control over sewer system -  
see Chtr. Art. VII, **§4.0**
- Sewer rates - see Ohio R.C. 729.49, 729.52
- Weekly deposit of sewer rentals collected - see Ohio R.C. 729.52
- Sewer regulations - see S.U. & P.S. Ch. **929**
- Improvements - see S.U. & P.S. **933.05**

#### **925.01 DEFINITIONS.**

For the purposes of this chapter and Chapter **929** certain definitions shall be as follows:

- (a) "Biochemical oxygen demand", "(BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.
- (b) "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 the building and conveys it to the building sewer beginning five feet outside the inner face of the building wall.
- (c) "Building sewer" means the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- (d) "Capital charges" means those amounts paid by each premise connected to the sewer system to pay the debt service requirements and capital expenditures to enlarge or improve the facilities.
- (e) "Chemical Oxygen Demand", "(COD)" means the quality of oxygen required to oxidize soluble and particulate organic matter in water.
- (f) "Combined sewer" means a sewer intended to receive both wastewater and storm or surface water.
- (g) "Compatible pollutant" means pollutants that the treatment plant was designed to treat, including but not limited to BOD, COD, SS, phosphorus and fecal coliform bacteria.
- (h) "Connection charge" means that amount paid by each new premise connected to the sewer system to pay for the City's share of facilities required to serve the premises.

- (i) "Cost Recovery Charge" means that amount assessed each user to repay that portion of all construction costs allocable to the collection or treatment of wastes from the users of the wastewater facilities and capacity committed to their use.
- (j) "Director" means the Director of Public Service, or, if no person has been appointed to such office, the Clerk-Auditor or other City official who has been assigned the responsibility for administering this chapter.
- (k) "Easement" means an acquired legal right for the specific use of land owned by others.
- (l) "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. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
- (m) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
- (n) "Incompatible pollutant" means any pollutant that is not compatible (see subsection (g) hereof).
- (o) "Industrial user" means any user of the treatment works identified as a class D industry in the US Department of Labor Standard Industrial Classification Manual.
- (p) "Industrial wastes" means the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.
- (q) "Major contributing industry" means an industrial user of the publicly owned treatment works that:
  - (1) Has a flow of 50,000 gallons or more per average workday;
  - (2) Has a flow greater than five percent of the flow carried by the city sewer system;
  - (3) Has in its waste a priority pollutant in excessive amounts as defined in standards issued under the Clean Water Act; or
  - (4) Is found by the Lucas County Sanitary Engineer, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.
- (r) "Natural outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- (s) "Nonindustrial user" means all users of the wastewater facilities not classified as an industrial user (see subsection (o) hereof).
- (t) "NPDES Permit" means National Pollutant Discharge Elimination System Permit as issued by the State of Ohio Environmental Protection Agency under authorization issued by the U.S. EPA, Region V.
- (u) "Operation, maintenance and replacement costs" means those costs, including labor, materials, supplies, equipment, accessories and appurtenances, required to operate the facilities, keep the facilities in operating condition and maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed.
- (v) "Person" means any individual, firm, company, association, society, corporation or group.
- (w) "pH" means the logarithm of the reciprocal of hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.
- (x) "Phosphorus", "(P)" 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, as referred to in "Standard Methods" as total phosphorus.

(y) "Pretreatment" means the treatment of wastewaters from sources before introduction into the treatment works.

(z) "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

(aa) "Public sewer" means a common sewer controlled by a governmental agency or public utility. "overly period" means thirty years or the useful life of the treatment works, whichever is less.

(bb) "Sanitary sewer" means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

(cc) "Segregated domestic wastes" means wastes which are characterized by a per capita discharge of approximately 100 gallons per day at a loading of 180 mg/1 BOD, 200 mg/1 SS and 9 mg/1 phosphorus (normal domestic sewage).

(dd) "Sewage" means the spent water of a community (see subsection (mm) hereof).

(ee) "Sewage charges" includes all charges made under this chapter and Chapter 929 for the use of the City sewers and wastewater treatment works.

(ff) "Sewer" means a pipe or conduit that carries wastewater or drainage water.

(gg) "Significant user" means any industrial user that will contribute greater than ten percent of the design flow or design pollutant loading of the treatment works.

(hh) "Slug" means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average of twenty-four hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

(ii) "Storm drain", ("storm sewer") means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

(jj) "Suspended solids", "(SS)" means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods" and referred to as nonfilterable residue.

(kk) "Unpolluted water" means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

(ll) "User charge" means that amount paid by each premise connected to the wastewater facilities proportionate to the service provided. This charge shall cover all operation, maintenance and replacement costs for the facilities.

(mm) "Wastewater" means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.

(nn) "Wastewater treatment works" generally means the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose



of the effluent.

(oo) "Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently.

(Ord. 106-77. Passed 12-7-77. Ord. \_\_\_\_\_-2019. Passed \_\_\_\_\_-2019.)

#### **925.02 ENFORCEMENT OF SEWAGE RULES AND REGULATIONS.**

The Director shall make and enforce such rules and regulations as he may deem necessary and proper for the enforcement of the provisions of this chapter; the safe, economical and efficient management and protection of the sewerage system.

(Ord. 106-77. Passed 12-7-77. Ord. \_\_\_\_\_-2019. Passed \_\_\_\_\_-2019.)

#### **925.03 CHARGES AUTHORIZED FOR SEWAGE SYSTEM.**

It is hereby determined and declared to be necessary for the protection of the public health, safety, welfare and convenience of the citizens of the City to establish and collect charges upon all lots, lands and premises served by or having connections with the sewage system of the City.

(Ord. 106-77. Passed 12-7-77. Ord. \_\_\_\_\_-2019. Passed \_\_\_\_\_-2019.)

#### **925.04 SEWER REVENUE FUND.**

The funds received from the collection of the rates and charges provided in Section [925.05](#) shall be deposited daily with the City Treasurer, who shall keep the same in a separate fund designated Sewer Revenue Fund. Subject to the provisions of any ordinance or indenture of mortgage authorizing and securing the issuance of mortgage revenue bonds for such system, moneys in such Fund shall be used for the payment of the cost and expense of the operation, maintenance, repair and management of the system, and for the payment of debt charges on bonds issued for extensions and improvements of such system and any surplus in such Fund over and above the requirements before mentioned may be used for additions, betterments, enlargement and replacement of the system and parts thereof.

(Ord. 106-77. Passed 12-7-77. Ord. \_\_\_\_\_-2019. Passed \_\_\_\_\_-2019.)

#### **925.05 SEWER CHARGES LEVIED.**

(a) There is levied and assessed upon each lot, parcel of land, building or premises having any sewer connection with the sanitary sewer system of the City or otherwise discharging sewage, industrial wastes, water or other liquids either directly or indirectly to the City sewer system, a charge which shall be proportional to the services provided and shall be in accordance with the regulations of the EPA. Charges shall cover the cost of operation, maintenance, replacement, and capital costs, bond and interest redemption and other authorized expenditures.

(1) The user charges shall result in the distribution of operation, maintenance and replacement costs of the treatment works within the jurisdiction of the City to each user in proportion to such user's contributions to the total wastewater loading of the treatment works. Factors such as strength, volume and delivery flow rate characteristics shall be included to ensure a proportional distribution of the costs.

(2) The charges shall be reviewed annually and revised periodically as required.

(3) The charges shall derive revenue sufficient to meet all costs of operation, maintenance and replacement of the system.



(b) The Director may establish additional classes as determined to be necessary.  
(Ord. 17-94. Passed 2-7-94.)

(c) User and capital charges for wastewater treatment services shall be paid by each user connected to the system and shall be computed in accordance with the quantity of water used on such premises as measured per Section 925.07as follows:

	<b>Capital Charge</b>	<b>User Charge</b>	<b>Total</b>
City User	\$0.48/1000 gallons	\$2.46/1000 gallons	\$2.94/1000 gallons
Non-City User	\$0.58/1000 gallons	\$2.91/1000 gallons	\$3.49/1000 gallons
Out-of-State User	\$1.57/1000 gallons	\$3.34/1000 gallons	\$4.91/1000 gallons

(Ord. 79-2016. Passed 11-21-16.)

(d) When a considerable amount of water delivered to any premises is not returned to the City's sewage disposal system, the Director in such case may establish a special basis upon which the sewage disposal charges to such premises will be computed, or upon a determination by either the Director or the customer that the use of direct metering of sanitary sewage flow is necessary or is a more equitable method of determining sewage disposal charges, the Director may order the installation of sanitary sewage meters at the expense of the user.

(Ord. 17-94. Passed 2-7-94.)

(e) Administrative Billing Charge. As there are several hundred sewer customers who receive their bills from the City of Toledo, and the City of Sylvania is billed \$5.97 for each bill that is sent by the City of Toledo, an Administrative Billing Charge of \$1.99 per month will be added to the bills of all Sylvania Sanitary Sewer District Customers who are billed for these services by the City of Toledo.

(Ord. 10-99. Passed 1-19-99.)

(f) High Strength Surcharge. In addition to the minimum charge and commodity charge given herein any user discharging wastewater of higher strength than that of segregated domestic waste shall pay the following:

Charge/lb. of BOD	above 180 mg/l	\$4.99/100 lbs.
Charge/lb. of COD	above 450 mg/l	\$1.99/100 lbs.
Charge/lb. of SS	above 200 mg/l	\$3.32/100 lbs.
Charge/lb. of phosphorus	above 9 mg/l	\$40.14/100 lbs.
Charge/lb. of floatable oils	Above 100 mg/l	\$10.00/100 lbs.

(g) Over and above the charges established and set forth herein there may be established in special instances and upon special agreement between the City and the owner of any lot, parcel of land or premises served by the system, such additional charges for industrial wastes of unusual strength or composition which are acceptable by the City for treatment as may be determined to be fair and equitable. Each such special agreement and the charges established thereby shall not become effective until ratified by ordinance duly passed by Council.

(h) Each and every bill rendered for sewer discharged shall be paid within twenty days after the same becomes due. Ten percent (10%) additional shall be charged on each and every bill rendered for sewer discharged if not paid within twenty days after the same becomes due, and

such delinquent sewer accounts are subject to shut-off at the discretion of the Director.

(i) The Director in and for the City, with the consent of Council, shall have full discretion to determine what premises located outside the corporate limits of the City shall be permitted to maintain connections with the system and also, with the consent of Council, to discontinue the service of the system to any such premises after having given the owner or occupant thereof at least thirty days written notice of the determination to discontinue service. (Ord. 17-94. Passed 2-7-94. Ord. \_\_\_\_\_-2019. Passed \_\_\_\_\_-2019.)

#### **925.07 METHOD OF DETERMINING SEWER CHARGES.**

The following measures shall be used to determine the sewer charges provided by Section 925.05 upon premises served by the system.

(a) On premises using having a water meter acceptable to the Director, the quantity of water used, as measured by such meter, shall determine the sewer charge thereon.

(b) On premises where the quantity of water used is not measured by a water meter or is measured by a water meter not acceptable to the Director, the owner shall at his expense install and maintain a water meter acceptable to the Director and the quantity of water used as measured by such meter shall determine the sewer charge thereon as provided herein.

(c) In the event it can be shown to the satisfaction of the Director, with respect to any pool which has been filled or refilled with water pursuant to Section 923.07, that such swimming pool is not connected to the sanitary sewer system and water draining from such a pool cannot enter the sanitary sewer system, then the quantity of water charged and paid for under such Section 923.07, shall be excluded from the total quantity of water used to determine the sewer charge thereon, anything to the contrary in this Code notwithstanding.

(Ord. 106-77. Passed 12-7-77. Ord. \_\_\_\_\_-2019. Passed \_\_\_\_\_-2019.))

#### **925.08 BILLING PROCEDURE.**

The sewer charges herein provided shall be payable monthly in conjunction with the administration of charges for water service at the office of the Division of Utilities, Department of Public Service. (Ord. 122-87. Passed 12-7-87. Ord. \_\_\_\_\_-2019. Passed \_\_\_\_\_-2019.))

#### **925.09 UNPAID CHARGES TO BE LIEN; DISCONTINUANCE OF SERVICE; SIMULTANEOUS CERTIFICATION OF SEWER AND WATER CHARGES.**

(a) Each sewer charge established and made pursuant to this chapter is hereby made a lien upon the premises charged therewith; and if the same is not paid within twenty days after it is due and payable, it shall be certified to the County Auditor, who shall place the same on the real property tax list and duplicate, with the penalties provided herein and interest allowed by law, and it shall be collected as other Municipal taxes are collected. The City shall also have the right, in the event of nonpayment, to discontinue service to such premises of water supplied by the City water system and of sewage disposal or transportation until such unpaid sewer charges have been fully paid.

(b) When both sewer and water charges remain unpaid for services furnished to the premises, the Director of Public Service may certify such charges simultaneously to the County Auditor for placement on the tax duplicate.

(Ord. 121-87. Passed 12-7-87. Ord. \_\_\_\_\_-2019. Passed \_\_\_\_\_-2019.))

**925.10 CITY EXEMPT FROM CHARGES; FIRE HYDRANTS.**

Water supplied by the municipal water system for the extinguishing of fires, furnishing or supplying water to fire hydrants within the City shall not be used in determining any sewer charge as set forth in Section [925.05](#).

(Ord. 106-77. Passed 12-7-77. Ord. \_\_\_\_\_-2019. Passed \_\_\_\_\_-2019.)

**925.99 PENALTY.**

Whoever violates any provision of this chapter, other than for nonpayment of charges, or of a violation of any properly promulgated rule, regulation or order authorized by this chapter, shall be fined not more than five hundred dollars (\$500.00) or imprisoned up to ninety days or both. A separate offense shall be deemed committed upon each day during or on which a violation has occurred or continued.

(Ord. 106-77. Passed 12-7-77.)

**ORDINANCE NO. 43 -2019**

**PROVIDING FOR THE CONSTRUCTION, MAINTENANCE, REPAIR, CLEANING AND ENCLOSING OPEN DRAINAGE DITCHES LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SYLVANIA; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE, BY AND THROUGH THE PROPER OFFICERS OF SAID CITY TO DO SAID WORK DURING THE YEAR 2019; ESTABLISHING ONE DISTRICT FOR SAID PURPOSE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 727.012 OF THE REVISED CODE OF OHIO; PROVIDING FOR THE ASSESSMENT OF THE COST AND EXPENSE THEREOF UPON ABUTTING PROPERTY; AND DECLARING AN EMERGENCY.**

WHEREAS, it is immediately urgent and necessary that work is authorized for the purpose of constructing, maintaining, repairing, cleaning and enclosing open drainage ditches located within the corporate limits of the City of Sylvania during the year 2019;

WHEREAS, the Director of Public Service has recommended to Council the construction, maintaining, repairing, cleaning and enclosing open drainage ditches located within the corporate limits of the City of Sylvania during the year 2019 in accordance with plans, estimates and schedules therefore heretofore prepared and now on file in the Office of the Clerk of Council.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, \_\_\_\_\_ members elected thereto concurring:

SECTION 1. That it is hereby declared necessary and conducive to public health, convenience and welfare to construct, maintain, repair, clean and enclose open drainage ditches located within the corporate limits of the City of Sylvania during the year 2019. That for said purpose there is hereby established one (1) district which shall include all territory within and coextensive with the boundaries of the City of Sylvania, pursuant to the provisions of Section 727.012 of the Revised Code of Ohio.

SECTION 2. That the work of such construction, maintaining, repairing, cleaning and enclosing open drainage ditches located within the district of the City shall be done within said district, as herein set forth, and through the proper officers of the City of Sylvania; and such officers be, and they hereby are, authorized and directed to purchase required materials; to purchase or rent the necessary tools, machinery and appliances; to employ the necessary labor to do said work all in accordance with the plans, estimates and schedules therefore heretofore

prepared and now on file in the Office of the Clerk of Council for inspection of all persons interested, which said plans, estimates and schedules, including approximate present estimates of the cost of said work, is in the aggregate sum of Three Hundred Eleven Thousand, Six Hundred Fourteen Dollars and 15/100 (\$311,614.15).

SECTION 3. That said cost and expense of construction, maintaining, repairing, cleaning and enclosing open drainage ditches located within the corporate limits of the City in the amount of Three Hundred Eleven Thousand, Six Hundred Fourteen Dollars and 15/100 (\$311,614.15) shall be specially assessed by impervious area upon all of the lots and lands abutting and bounding upon each of said streets and public right-of-way in said district as follows:

- a. Small Lot Residential (lot size less than 9,900 square feet) = \$15.00 per year;
- b. Large Lot Residential (lot size greater than 9,900 square feet) = \$30.00 per year;
- c. Non-Single Family Residential = \$30.00 per year per 5,000 square feet of impervious area;

as provided in Section 727.012 of the Ohio Revised Code, which said lots and lands are hereby determined to be specially benefitted by said work in the amount equal to the amount specially assessed against each such lot and land. The cost of said work shall include acquisition of the necessary materials, tools, machinery and appliances, the wages for the necessary labor, the cost of said plans, estimates and schedules, cost of publication and mailing of notices, and cost of this Ordinance, costs of the preparation, levy and collection of special assessments and interest on notes issued in anticipation of the levy and collection of the special assessments together with all necessary expenditures.

SECTION 4. That the special assessment so to be levied on said lots and lands shall be paid in one (1) installment in the manner provided in the case of special assessments pursuant to Section 727.01 of the Ohio Revised Code.

SECTION 5. That to provide a fund out of which shall be paid the assessed cost and expense of said work, bonds or notes or certificate of indebtedness of the City of Sylvania are hereby authorized to be issued and sold in anticipation of the levy and collection of said assessments.

SECTION 6. That the Director of Finance has prepared and filed in the Office of the Clerk of Council a list of the special assessments, pursuant to this Ordinance, and this Council finds and determines that such special assessments are in proportion to the special benefit derived by each property against which such assessments are to be levied and are not in excess of any statutory limitation.

SECTION 7. That, pursuant to Ohio Revised Code Section 727.14, the Clerk of Council is hereby directed to give notice of the passage of this Ordinance by publication of such notice once a week for two (2) consecutive weeks, and as to an owner of any lot or parcel of land the assessment upon which is estimated to exceed Two Hundred Fifty Dollars (\$250.00), the Clerk of Council is hereby directed to serve such notice in the same manner as service of summons in civil cases, or by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. Objections to estimated assessments must be filed, in writing with the Clerk of Council within two (2) weeks after completion of the notice hereby required. An owner who fails to file an objection shall be deemed to have waived any objection. Any and all properly filed objections to estimated assessments shall be considered by Council at its first regular Council meeting held more than two (2) weeks after the completion of the notice hereby required and the estimated assessments so objected to shall at such meeting, be adjusted by Council by motion or other action reflected in the journal of the minutes of Council. Council, after adjusting such estimated assessments or, after the time for filing objections without any properly filed objections having been timely filed,

may, by Ordinance, levy such estimated assessments and adjusted estimated assessments, as the case may be. No notice shall be required other than as herein required.

SECTION 8. That the method, manner, consideration and procedure for such drainage ditch work is hereby approved and this Council hereby determines the method, manner and procedure for levying assessments for such drainage ditch work to be as set forth in this Ordinance.

SECTION 9. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 10. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 11. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the repair, cleaning, construction and maintenance of drainage ditches should be provided for immediately and therefore this Ordinance should be effective forthwith. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings:            Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2019, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

Board of Architectural Review

Minutes of the regular meeting of May 15, 2019. Mr. Lindsley called the meeting to order.

Members present: Mayor Craig Stough, Ken Marciniak, Daniel Arnold and Thomas Lindsley (4) present. Brian McCann excused. Zoning Administrator, Timothy Burns present.

Mr. Arnold moved, Mr. Marciniak seconded to approve the Minutes of the March 13, 2019 meeting as submitted. Vote being: Stough, Arnold, Marciniak and Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

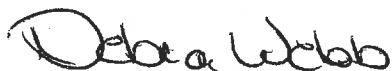
Item 3 – Regulated Sign – app. no. 18-2019 requested by Rick Kwapich of Reason Sign for Sautters Market, 5519 Main Street, Sylvania, Ohio 43560. Application is for a new wall sign. Sign is within the limits of the Sylvania Sign Code. Mr. Arnold moved, Mr. Marciniak seconded, to grant a Certificate of Appropriateness for the sign shown in the amended drawing showing red lettering on a white background. Vote being: Marciniak, Arnold, Stough and Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 4 – Regulated Sign – app. no. 19-2019 requested by Karrie Brock of Fast Signs for Creative Block, 5679 Main Street, Suite C, Sylvania, Ohio 43560. Application is for a hanging sign a two window signs. Mr. Brock was present and said that the hanging sign will not swing and that the window signs are directional signs. Signs are within the limits of the Sylvania Sign Code. Mr. Arnold moved, Mr. Marciniak, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Vote being: Marciniak, Arnold, Stough and Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 5 – Regulated Sign – app. no. 20-2019 requested by Karrie Brock of Fast Signs for Sylvania School Board (Maplewood Elementary), 6769 Maplewood Avenue, Sylvania, Ohio 43560. Application is for a new wall sign. Ms. Brock was present and said that the letters on the sign are plastic and that the sign will not be illuminated. Sign is within the limits of the Sylvania Sign Code. Mr. Marciniak moved, Mr. Arnold seconded, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Vote being: Marciniak, Arnold, Stough and Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Mr. Marciniak moved, Mr. Arnold seconded to adjourn the meeting. All present voted aye. Meeting adjourned.

Submitted by,



Debra Webb, Secretary  
Municipal Planning Commission

Sylvania Municipal Planning Commission

Minutes of the regular meeting of May 15, 2019. Mr. Lindsley called the meeting to order.

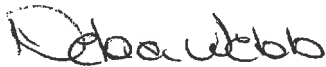
Members present: Mayor Craig Stough, Ken Marciniak, Daniel Arnold and Thomas Lindsley (4) present. Brian McCann excused. Zoning Administrator, Timothy Burns present.

Mr. Marciniak moved, Mr. Arnold to approve the Minutes of the March 13, 2019 meeting as submitted. Vote being: Stough, Arnold, Marciniak and Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 3 - Lot Split – app. no. 4-2019 requested by James Moomey for property located at 5708 Centerview Drive, Sylvania, Ohio 43560. Mr. Vincent Marino of Remax, agent for Mr. Moomey, was present. He said that the portion of the lot being split off was acquired several years ago and combined with the owners' residential lot; and that the same portion of the lot is now being split off to be sold. Mr. Marciniak moved, Mr. Arnold seconded to approve the lot split as requested. Vote being: Stough, Arnold, Marciniak and Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Mr. Arnold moved, Mr. Marciniak seconded to adjourn the meeting. All present voted aye. Meeting adjourned.

Submitted by,



Debra Webb, Secretary  
Municipal Planning Commission