

CODIFIED ORDINANCES OF SYLVANIA

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

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CHAPTER 901
 Streets Generally

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| <p>901.01 Setting of utility poles.
 901.02 Moving a permanent building.
 901.03 Awnings.
 901.04 Trimming trees over streets and
 sidewalks.</p> | <p>901.05 Street cleaning deposit.
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CROSS REFERENCES

- Power of Council to make improvements on streets - see CHTR.
 Art. III, §10.0
 Service Director to supervise improvements - see CHTR. Art.
 VII, §4.0
 Assessments - see Ohio R.C. 701.05, Ch. 727
 Excavations - see S.U. & P.S. Ch. 905
 Subsurface wiring - see S.U. & P.S. Ch. 933

901.01 SETTING OF UTILITY POLES.

No person shall set any utility pole in any street, public easement, alley, sidewalk, street right of way or public way within the City unless a permit to set such pole has been obtained prior to the commencement of work. Application shall be made on a form acceptable to the Service Director giving the exact location of each pole and its relation to curbs, drives, other utilities, etc. A permit shall be issued only after the application is processed by the Service Director.

(Ord. 35-69. Passed 8-4-69.)

901.02 MOVING A PERMANENT BUILDING.

No person shall move a permanent building over, upon, through or across any dedicated right of way, public easement or lands unless a permit has been obtained prior to such movement. Conditions of the permit shall carry the approval of the Director of Public Service, Director of Public Safety and the Chief of Police. The fee for such permit, payable on the issuance thereof, shall be one hundred dollars (\$100.00).
(Ord. 35-69. Passed 8-4-69.)

901.03 AWNINGS.

Awnings now erected or maintained, or which shall hereafter be erected or maintained, and which project over any part of the right of way shall be at an elevation of not less than eight feet above the sidewalk at all points; and may extend beyond the street line but not nearer than eighteen inches to the curb line. They shall be supported without posts, by metal brackets or proper hinges or pivots, with metal framework attached to the building, and the sidewalk shall be wholly unobstructed thereby. Provision shall be made so that the awning can be rolled or folded flat against the building, no part of the awning being less than eight feet above the surface of the sidewalk. (Ord. 35-69. Passed 8-4-69.)

901.04 TRIMMING TREES OVER STREETS AND SIDEWALKS.

The owner of any property within the City on which shade trees are planted or growing shall trim and maintain the branches of the trees so that such branches shall have a clear height of at least eight feet above the surface of the sidewalk and eighteen feet above the surface of the roadway. If any owner fails to comply with this section, such trimming may be done by the Service Director and the cost thereof charged against the owner and collected in the manner provided by law. The payment of such expense shall not relieve the owner from the penalties hereinafter provided. (1964 Code Sec. 52.17)

901.05 STREET CLEANING DEPOSIT.

(a) Whenever a permit for a new building or an addition to an existing building is issued, or a deposit is made for the inspection of the improvements for a subdivision, the applicant for such building permit or developer of such subdivision shall pay to the Director of Public Service a deposit of two hundred fifty dollars (\$250.00) for street cleaning costs. The street cleaning deposit shall be paid to the Director of Public Service prior to the issuance of a building permit and, with respect to a subdivision, prior to the commencement of any subdivision improvements, including soil removal. The Director of Public Service may waive the street cleaning deposit for any building permit applicant who proposes to construct an accessory structure to a one-family or two-family dwelling. Any deposit, or portion of deposit, remaining after completion of the construction or the development, and upon approval by the City, shall be refunded to the applicant within thirty days thereafter.

(b) Except as provided in subsection (c) hereof, upon receiving notice that a permit holder or developer, as described in subsection (a) hereof, has tracked mud, dirt, sticky substances or similar materials onto the City streets, the Zoning Administrator shall notify him in writing of the violation. The permit holder or developer shall promptly correct the violation within eight hours after receiving such notice. In the event that the violation is not corrected within that period, the City may proceed to clean the street itself and deduct the reasonable value of the street cleaning from the deposit made pursuant to subsection (a) hereof.

(c) If, in the opinion of the Director of Public Service or his designee, a hazard to the public exists because of the amount, type, or condition of material in a street, the street may be immediately cleaned by the City, and the cost of the cleaning deducted from the permit holder's or developer's deposit without prior notification to the depositor of the violation.

(d) If during the course of construction or improvements, the deductions for street cleanings made by the City reduce the deposit balance to less than twenty-five percent (25%) of the original deposit amount, the permit holder or developer who made the deposit shall make an additional deposit in order to bring the balance to not less than 100 percent (100%) of the original deposit amount. If such additional deposit is not made within three days after the depositor has been notified by the Director of Public Service, the City may order all construction or improvement stopped until such time as the additional deposit is received.

- (e) As used in this section, the following terms shall have the following meanings:
- (1) "Permit holder or developer" means the permit holder or developer, and any of his employees, contractors, subcontractors, agents, or materialmen;
 - (2) "Street" means the street itself and any catch basin, inlet basin, manhole, or sewer pipe appurtenant to such street.

(f) Nothing contained in this section shall be construed to excuse or relieve any person or organization from criminal or civil liability arising out of a violation of any other provision or section of the Codified Ordinances. (Ord. 88-96. Passed 7-15-96.)

901.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

CHAPTER 905
Excavations

905.01	Permit required; fee.	905.04	Barriers and warning lights.
905.02	Twenty-four hours notice required.	905.05	Restoration of pavement.
905.03	Method of excavation; tunneling.	905.99	Penalty.

CROSS REFERENCES

Power of Council to make improvements - see Chtr. Art. III, §10.0
 Service Director to supervise improvements - see Chtr. Art. VII, §4. 0
 Liability for damage - see Ohio R.C. 723.49 et seq.
 Sewers - see S.U. & P.S. 929.04, 929.21
 Subsurface wiring - see S.U. & P.S. Ch. 933

905.01 PERMIT REQUIRED; FEE.

(a) No person, firm or corporation shall make any excavation in any street, alley, sidewalk or public way within the City unless a permit to make such excavation has been obtained prior to commencement of the work, as hereinafter provided.
 (Ord. 34-64. Passed 4-20-64.)

(b) Each permit for making such excavation shall be confined to a single project and shall be issued by the Service Director or other proper administrative officer. Application shall be made on a form prescribed by the Service Director, giving the exact location of the proposed excavation, the kind of paving, the area and depth to be excavated and such other facts as the Service Director may deem necessary. The permit shall be issued only after a cash deposit sufficient to cover the cost of restoration, as determined by the Service Director, has been deposited with the Clerk-Auditor, conditioned upon prompt and satisfactory refilling of excavation and restoration of all surfaces disturbed. The fee for such permit, payable prior to issuance of the permit, shall be fifteen dollars (\$15.00). Public utilities nevertheless may supply the City with a written undertaking satisfactory to the Director of Public Service and the Director of Law, in lieu of such cash deposit and may, in lieu of advance payment, pay permit fees monthly on receiving a statement therefor from the City so long as the City receives payment within fifteen days after mailing such statement.
 (Ord. 18-80. Passed 3-3-80.)

905.02 TWENTY-FOUR HOURS NOTICE REQUIRED.

At least twenty-four hours notice must be given to the Service Director before any street, alley, sidewalk or public way can be opened.
 (Ord. 34-64. Passed 4-20-64.)

905.03 METHOD OF EXCAVATION; TUNNELING.

In opening any street, public easement, alley, sidewalk, street right of way or public way all materials for paving and ballasting must be removed with the least possible injury or loss of the same and together with excavating material from the trench must be

placed where they will cause the least practicable inconvenience to the public. As little as possible of the trench shall be dug until the junction piece in the utility line is found unless it is first determined that a new opening into the line should be made. Whenever the sides of the trenches will not stand perpendicular sheeting, braces must be used to prevent unnecessary caving, and in no case shall the work be done by tunneling, unless authorized and directed by the Director. Safety rules promulgated by the Director shall be adhered to.
(Ord. 35-69. Passed 8-4-69.)

905.04 BARRIERS AND WARNING LIGHTS.

All excavations in any street, public easement, alley, sidewalk, street right of way or other public way shall be carefully guarded at all times with sufficient barriers, which during the nighttime shall be indicated by colored lights or torches or such other precautions as shall be necessary to guard the public against accidents. At all times the work shall be done so as to cause the least inconvenience to the property owners and the general public. The cost of such barricades, warning lights or such other features the Director may require shall be borne by the contractor. (Ord. 35-69. Passed 8-4-69.)

905.05 RESTORATION OF PAVEMENT.

(a) The restoration of pavement or other surface shall be performed under the direction and to the satisfaction of the Service Director.

(b) The backfilling over the drains, sewers or other utility lines, after they have been laid and accepted by the proper official, shall be done with granular material and tamped to the top of the pavement. All backfill and bedding shall be performed as directed by the Service Director. All paving which is removed must be replaced within forty-eight hours after the completion of the work in the excavation, unless instructed by the Service Director. The restoration shall be done so as to make the pavement at least as good as it was before it was disturbed. The contractor shall be responsible for any subsequent settlement of the ground or pavement. All other utility lines must be protected from settlement or injury. All utilities whose lines are encountered shall be immediately contacted by the contractor.

(c) Upon failure or refusal of the permittee satisfactorily to fill the excavations, restore the surface and remove all excess materials within the time specified in the permit, or, where not specified therein, within a reasonable time after commencement of the work, the Service Director shall have it done and the cost thereof shall be deducted from the deposit posted as provided in Section 905.01. If the cost of such restoration exceeds the amount of such deposit, the proper officer of the City shall proceed to collect the remainder due from such permittee, and no permit shall be subsequently granted until such amounts are paid.
(Ord. 35-69. Passed 8-4-69.)

905.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

CHAPTER 909
Sidewalks, Driveways and Curbs

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909.03	Compliance required.	909.19	Grade, level and inclination to be uniform.
909.04	Bond and license required.	909.20	Engineering stakes.
909.05	Bond requirements.	909.21	Weather.
909.06	Issuance of license; fee.	909.22	Materials.
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909.15	Gas and water curb boxes, gas drips, manhole covers and sidewalk grating.	909.31	Maintenance.
909.16	Fire hydrants, barricades, trees and lawns.	909.32	Deliveries over sidewalks: permit, liability bond and fees.
		909.33	Commercial driveways.
		909.99	Penalty.

CROSS REFERENCES

Power of Council to construct and repair sidewalks - see Chtr. Art. III, §10.0

Service Director to supervise improvements - see Chtr. Art. VII, §4.0

Sidewalks and gutters - see Ohio R.C. 729.01 et seq.

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

909.01 DEFINITIONS.

As used in Title One of Part Nine of the Codified Ordinances:

- (a) "City" means the City of Sylvania, Lucas County, Ohio.
- (b) "Council" means the Council of the City of Sylvania.
- (c) "Mayor" means the Mayor of the City of Sylvania.
- (d) "Director" means the Director of Public Service or his authorized representative.
- (e) "Inspector" means any inspector of the Department of Public Service.
- (f) "Owner" means the owner, owners, leaseholder or agent thereof, holding title to any private property adjoining any street in the City.
- (g) "Contractor" means any person, persons or company licensed by the City to construct or reconstruct walks, driveways and other work permitted under this chapter, acting directly or through a duly authorized representative.
- (h) "Right of Way" means any public property dedicated for public use as a street, avenue, boulevard, lane, alley or public thoroughfare.
- (i) "Walk" means any main or approach sidewalk, between the curb line and private property line.
- (j) "Driveway" means any driveway approach or runway between the curb line and private property line.
- (k) "Curb opening" means that part of a curb which has been or is out, dropped or replaced.
- (l) "Construction" means the construction of new work where no work has previously been done.
- (m) "Reconstruction" means the relaying, rebuilding or repair of old work in part or as a whole.
- (n) "Person" means any person, persons, partnership or corporation.
- (o) "Street" means any public thoroughfare dedicated for public use.
(Ord. 35-69. Passed 8-4-69.)

909.02 DUTY TO MAINTAIN SIDEWALKS.

It shall be the duty of every owner of any lot or parcel of land situated within the corporate limits of the City to keep and maintain good and sufficient sidewalks along all public streets, avenues, boulevards or lanes adjoining thereto.
(Ord. 35-69. Passed 8-4-69.)

909.03 COMPLIANCE REQUIRED.

All sidewalks, driveway approaches, runways or curb openings, hereinafter constructed, reconstructed or made on any public street, avenue, boulevard or lane within the corporate limits of the City shall be constructed, reconstructed or made and shall be used and maintained in accordance with the provisions of this chapter.
(Ord. 35-69. Passed 8-4-69.)

909.04 BOND AND LICENSE REQUIRED.

(a) No person, except the owner of the property, who is personally doing such work on the public right of way adjoining such property, shall construct or reconstruct any sidewalk or driveway, or cut, drop or remove any curb on a public right of way without first posting a bond and obtaining a license to engage in such work. Provided further, however, that any such owner doing any such work at such property must fully abide by and conform to all the provisions of this chapter except the requirement of posting bond and procuring a license.

(b) Any person who applies for a license hereunder shall, prior to any license being issued, furnish to the City through its duly authorized representatives satisfactory evidence that such person has presently in force a contractor's liability policy protecting the owner of the property, the City and the general public, Worker's Compensation insurance and unemployment insurance, where either or both are applicable.
(Ord. 35-69. Passed 8-4-69.)

909.05 BOND REQUIREMENTS.

(a) Any person desiring to engage in the construction or reconstruction of walks or driveways or to make curb openings, shall file a bond in the sum of five thousand dollars (\$5,000), the surety thereon to be approved by the Director as to sufficiency, and such bond shall be subject to the approval by the Director of Law as to form. Such surety to the City shall be conditioned upon the faithful observance of the provisions of this and other applicable provisions of the Codified Ordinances and the specifications, rules or regulations pertaining to the construction and reconstruction of walks, driveways or curb openings and that the principal shall construct, reconstruct or make all walks, driveways or curb openings in strict compliance with all applicable existing ordinances, specifications, rules and regulations of the City.

(b) Such bond shall further provide for payment to the City, or all persons entitled thereto, of the cost and expense of reconstructing any walk, driveway or curb opening when required by the Director should any defects due to construction, material or workmanship develop in such work at any time within a period of one year from the first day of January next following the completion of the work, which defect is, in the judgment of the Director caused by the contractor's failure to conform to the specifications and regulations, relating to the construction or reconstruction of walks, driveways or curb openings, which are established under this chapter and amendments thereto. Such bond shall be further conditioned that such surety shall indemnify and save harmless the City on account of any and all claims or damages or injuries to persons or property due to failure of the contractor, his agent or servant to maintain the right of way where such construction or reconstruction is being done in a condition which is safe for public travel, and in compliance with the provisions of this chapter and amendments thereto or any ordinance, rules or regulations relating to public safety now in effect or which may hereinafter be enacted or promulgated.
(Ord. 35-69. Passed 8-4-69.)

909.06 ISSUANCE OF LICENSE; FEE.

(a) A person desiring to engage in the construction, reconstruction or making of walks, driveways or curb openings in the City shall apply to the Director for a license to engage in such activity, upon forms furnished therefor. Such information shall set forth:

- (1) Individual - name in full and address, or,
- (2) Partnership - names in full, evidence of legal organization of partnership in accordance with the laws of Ohio, business address, names in full and address of each person in such partnership, or
- (3) Corporation - name of such corporation, state of incorporation, name, title and signature of official or officials authorized to sign application, and such further information as may be required by the Director.

The applicant shall further furnish the Director with information as to his or their ability to do and perform all work as required in the construction or reconstruction of walks, driveways or curb openings.

(Ord. 35-69. Passed 8-4-69.)

(b) When the aforesaid application has been approved and the required bond has been accepted, the Director shall issue a license to the applicant upon the payment of the annual license fee of fifty dollars (\$50.00) for the fiscal year terminating April 30 of each calendar year. All license fees shall be credited to the General Fund of the City.

(Ord. 105-77. Passed 11-21-77.)

909.07 SUSPENSION OR REVOCATION OF LICENSE.

The Director may suspend or revoke a license or permit issued hereunder for incompetency or for any failure, refusal or neglect on the part of the holder thereof, or on the part of any agent or servant of the holder thereof, to strictly comply with any part or parts of this chapter or amendments thereto, or any effective rules, regulations or specifications relating to the use, construction, reconstruction or making of walks, driveways or curb opening or for failure to pay for charges for materials, labor, subcontractors or employees for such work for which a mechanic's lien is filed against the owner of the property. The holder of any such permit or license may appeal from such suspension or revocation to the Director and the findings of the Director in all such appeals shall be final and conclusive.

(Ord. 35-69. Passed 8-4-69.)

909.08 CONSTRUCTION PERMITS REQUIRED; FEES.

(a) Application for Construction Permit. Application for a permit to construct or reconstruct a walk or driveway or make a curb opening shall be on forms furnished by the Department of Public Service and such forms shall set forth the name and address of the applicant; name and address of the property adjoining the right of way where proposed work is to be done; street address and legal description of the lot or land adjoining the right of way; number of square feet of proposed walk or driveway to be constructed or reconstructed, or number of lineal feet of curbing to be cut, dropped or removed; width of present walk, driveway or curb opening; material in present walk, driveway or curb; material to be used in proposed construction or reconstruction of walk (concrete or sandstone) and such other

information as may be required. No walk shall be constructed or reconstructed until a permit has been obtained from the Director either by the owner of the contiguous property or his agent. A licensed contractor must ascertain that a permit has been procured before he constructs or reconstructs any sidewalk, driveway or curb opening. The permit shall be kept on the site of the construction or reconstruction until completion of this work.

(b) Fees to be collected for the issuance of sidewalk and driveway construction permits in conformity with the provisions of this section shall be paid as follows upon obtaining the aforesaid permits:

For sidewalks and driveways involving up to thirty square feet of construction work	\$ 2.00
For sidewalks and driveways involving permits for more than thirty square feet and up to 100 square feet of construction work	5.00
For sidewalks and driveways involving more than 100 square feet of construction work	25.00

Such fees shall be payable at the office of the Director of Public Service.
(Ord. 105-77. Passed 11-21-77.)

909.09 NOTICE TO CONSTRUCT OR RECONSTRUCT; COSTS.

(a) Notice to construct or reconstruct walks or driveways or make curb openings shall be as provided by law. Council may, by resolution, order sidewalks or driveways to be repaired or reconstructed and the costs thereof shall be assessed and collected as provided by law.

(b) If the owner neglects to construct or reconstruct a walk or driveway within the time specified in the notice herein required to be given, it shall be the duty of the Director to construct or reconstruct such a walk or driveway or cause the same to be done, and in such case all of the cost and expense of constructing or reconstructing, including engineering, supervision, inspection and surveying such walk or driveway shall, as directed by ordinance of Council, be assessed as provided by law against the owner of the abutting property, lots or lands. (Ord. 35-69. Passed 8-4-69.)

909.10 CUTTING AND REPLACING OF CURB.

All concrete or stone curbs shall be cut by an experienced and competent curb cutter and the dropping or removal of any curb shall be done only by an experienced curb setter. The replacing of a curb shall be done by the City, through the Department of Public Service, by contract or force account as Council may direct, and the cost and expense for such work shall be charged against the private property contiguous to the right of way where such curb was replaced. No curb opening shall be less than fourteen lineal feet in width.
(Ord. 35-69. Passed 8-4-69.)

909.11 LOCATION OF SIDEWALK.

Walks shall be located on the public right of way as determined by the Director.
(Ord. 35-69. Passed 8-4-69.)

909.12 SPECIFICATIONS.

(a) All Portland cement concrete walks shall be not less than four inches in thickness. The width shall be a minimum of four feet; however, this provision may be increased where expected heavy pedestrian traffic warrants a wider walk; examples would be schools, churches, shopping centers and the like.

(b) Asphalt walks shall be permitted at railroad crossings only.

(c) In the repairing of sidewalks no patching shall be allowed.

(d) Any stone or concrete slab that can be trimmed to no less than two feet zero inches the full width may be used when specifically permitted by the Director, and no closure of any walk shall be less than two feet zero inches, the full width of the slab.

(e) All sidewalks over subspaces shall be reinforced concrete construction or reconstruction only, the plans for which must be approved by the Director.

(f) All driveways shall be constructed with a six-inch thick plain concrete slab or a two-inch thick asphalt concrete surface course of eight-inch stone base, the kind of material and the construction specifications therefor subject to the approval by the Director. The driveway within the limits of the sidewalk shall be six-inch plain concrete only, for a minimum width of one foot beyond the driveway on each side and must be effectively separated from the sidewalk by an expansion joint. The driveway shall be the same width at the curb line as the curb opening and not less than eight feet in width at the street side of the sidewalk.

(g) When and if any driveway is no longer used for driveway purposes, it shall be considered abandoned and the City reserves and shall have the right to forthwith take the necessary steps to close such driveway, replace the curb and restore the pavement to its original condition. The owner of the property served by such driveway shall be notified by personal service or registered mail of the City's intention to close such driveway. After fifteen days from the date of such notice, if the owner has failed to make such replacement or to contact the Department of Public Service, the Director shall proceed with the work of restoring the curb and pavement to their original condition. The cost of such work shall be charged against the abutting property and, if not paid, shall be certified to the proper taxing authority for collection in such manner as provided by law.

(Ord. 35-69. Passed 8-4-69.)

909.13 PLAN APPROVAL REQUIRED BEFORE PERMIT ISSUANCE.

All property owners shall have sidewalks and/or driveway plans approved by the Director prior to their obtaining a building permit.
(Ord. 35-69. Passed 8-4-69.)

909.14 INSPECTION; NOTICE TO DEPARTMENT.

No walks or driveways shall be constructed or reconstructed until an inspection has been made and line and levels are authorized and given by the Director. No driveway shall be constructed or reconstructed where the same is to be used in conjunction with a filling station, commercial or industrial building, if such driveway is less than sixty-five feet from the intersecting curb line to its nearest side on the stopside of any main thoroughfare. Notice shall be given to the Department of Public Service not less than twenty-four hours prior to starting the work upon any driveway.
(Ord. 35-69. Passed 8-4-69.)

909.15 GAS AND WATER CURB BOXES, GAS DRIPS, MANHOLE COVERS AND SIDEWALK GRATING.

Any person installing, placing or causing to be installed or placed any curb box for gas or water, or gas drips, manhole covers or sidewalk gratings shall so install the same that it shall be on an exact level with the surface of the walk or driveway. When walks are reconstructed all the above appurtenances shall be set flush with the new sidewalk or driveway grade, and they shall be surrounded with one-quarter inch expansion joint material.
(Ord. 35-69. Passed 8-4-69.)

909.16 FIRE HYDRANTS, BARRICADES, TREES AND LAWNS.

(a) Any person constructing, reconstructing, removing or causing the construction, reconstruction or removal of walks, driveways or curb openings shall at all times maintain free access to fire hydrants and no material or dirt shall be stacked, piled or placed within fifteen feet of any such fire hydrants. Such person shall protect all trees, lawns, shrubbery and other improvements from damage. Trees and shrubbery may be planted no closer than ten feet from a fire hydrant, and in such a way as not to obstruct their view of access from the street. Gutters shall at all times be kept free of dirt or debris.

(b) Where it is necessary to place any material, debris or dirt on public property such material, debris or dirt shall be removed on the completion of the work and the surface restored to its previous condition. The Director shall, if in his opinion it is necessary, require the person doing or causing such work to be done to seed or resod such part or parts of any lawn as he may deem necessary.

(c) Any person performing any such work shall maintain such proper barricades, fences, signal lights or other protection as shall conform to applicable ordinances or safety regulations; and shall maintain access to private entrance walks and safe accommodations for pedestrian traffic and shall, as far as possible, maintain access to private driveways.
(Ord. 35-69. Passed 8-4-69.)

909.17 GRADES.

(a) All grades for walks shall conform to street grades, which shall be established by the Director.

(b) All walks and driveways shall be constructed or reconstructed to conform to the grade on the right of way where the grade has been established.

(c) The surface of all walks shall have a transverse slope of one-fourth to one-half inch per foot with the low side nearest to the curb line.

(d) In all cases where sidewalks cross driveways or runways the full width of the sidewalk shall conform to the established grade of the sidewalks adjoining both sides of such driveways or runways, unless permission has been first obtained from the Director.

(e) Upon a right of way where the street has not been improved by paving or grading, walks shall be constructed as prescribed by the Director.

(f) No material other than Portland cement concrete shall be used in the construction or reconstruction of such walks on any right of way which has not been improved by grading to an established grade.

(g) Whenever a sidewalk is reconstructed to a grade that does not meet the grade of adjacent existing walks, the person constructing the new sidewalk shall construct a ramp to eliminate any stub toes or grade inequality. The material, workmanship and character of the ramp shall be as determined by the Director.
(Ord. 35-69. Passed 8-4-69.)

909.18 DRAINAGE FOR WALKS.

Drainage for walks shall be provided by grading between walk and curb or ditch, at such places as may be necessary in the opinion of and directed by the Director, and the cost shall be borne by the owner of the property abutting the right of way.
(Ord. 35-69. Passed 8-4-69.)

909.19 GRADE, LEVEL AND INCLINATION TO BE UNIFORM.

All walks hereafter constructed or reconstructed on any right of way in the City shall be so constructed or reconstructed on such plane, inclination and level so that the wearing surface thereof shall be uniform and even throughout the right of way; and all walks in the City shall be maintained in such repair by the owner of property abutting on the right of way that the surface of the walk in front of all abutting property on any right of way shall be uniform and even throughout its length and width with the adjoining and connecting walk. All new lateral walks, from the main sidewalk to the property line hereafter constructed shall have a uniform slope from the main sidewalk to the property line of from one-quarter inch to one-half inch per foot, the low end of the aforesaid new lateral walk being adjacent to the main sidewalk and the lateral walk shall meet the grade of the main sidewalk, the intent of this section being the exclusion of steps or other abrupt changes in grade on the right of way.
(Ord. 35-69. Passed 8-4-69.)

909.20 ENGINEERING STAKES.

The Director shall furnish line and grade stakes as may be necessary for the proper control of the work; however, this shall not relieve the owner or contractor of any responsibility for making careful and accurate measurements in constructing the work to the lines furnished by the Director. The owner or contractor shall preserve the points furnished by the Director, and such stakes for line or grades which are disturbed or destroyed through the carelessness of the owner or contractor, and a charge of twenty-five dollars (\$25.00) per stake payable at the office of the Department of Public Service shall be made against the owner or contractor for such replacement.

(Ord. 105-77. Passed 11-21-77.)

909.21 WEATHER.

The owner or contractor shall suspend all work when notified by the Inspector that the weather is unsuitable for carrying on the work. If work is allowed during cold or freezing weather, the owner or contractor shall take such additional precaution as the Director shall require or as set forth in specifications.

(Ord. 35-69. Passed 8-4-69.)

909.22 MATERIALS.

(a) The owner or contractor shall furnish satisfactory evidence as to the kind and quality of materials intended for use in the construction or reconstruction of walks or driveways either separately or in combination. Such material shall be packaged and marked as to admit its identification.

(b) All material used on any work shall be subject to test for the purpose of ascertaining quality, strength, durability, etc., and that the same meets the requirements of the specifications for the construction or reconstruction of walks and driveways on file in the office of the Department of Public Service.

(c) Walks shall be constructed of Portland cement concrete only.

(d) Whenever the Director deems it necessary, bituminous material shall be placed adjacent to all telephone or power poles or other structures which are within the limits of a sidewalk. The materials, workmanship and character of this construction shall be determined by the Director.

(Ord. 35-69. Passed 8-4-69.)

909.23 SUPERVISION.

(a) The Director shall at all times have access to the work and the contractor shall provide proper facilities or cause to be provided the proper facilities for inspection of all work.

(b) The owner or contractor shall have a responsible representative in charge of the work, on the site at all times, and he shall have the necessary qualifications and authority to execute, adhere to and carry out all the requirements of this chapter and any amendments hereto and of the specifications for the construction or reconstruction of walks, driveways or curb openings, on file in the office of the Department of Public Service.

(c) Orders or instructions from the Director or Inspector given to the aforesaid representative shall be as binding as though given to the owner or contractor. Should any person employed on the work refuse or neglect to comply with the direction of the Director or Inspector in the interpretation of the specifications and direction of the work, or in the opinion of the Director or Inspector be incompetent, disorderly or unfaithful, such a person shall be immediately removed and not again employed on any part of the work.

(d) The Director shall assign an Inspector to the work, or such part thereof as may be necessary; however, the presence of the Inspector shall not in any way relieve the owner or contractor from any responsibility in complying with the specifications relating to the construction or reconstruction of walks, driveways or curb openings. Any work done or performed contrary to this chapter or the applicable rules or specifications shall, upon direction of the Director, be made good or removed as directed.
(Ord. 35-69. Passed 8-4-69.)

909.24 RULES.

The Director is hereby authorized to adopt, promulgate, amend and enforce such administrative rules and regulations as may be necessary to execute and enforce the provisions of this chapter.
(Ord. 35-69. Passed 8-4-69.)

909.25 OBSTRUCTING WALKS OR ROADWAY WITH TRUCKS OR OTHER VEHICLES.

(a) No person shall so work or place a truck or other vehicle in any existing driveway or runway so that the walk is obstructed, or so that the truck or other vehicle extends into the street beyond the curb. Hereafter, no permits for curb cuts shall be issued when it is decided by the Director that insufficient space has been provided on private property to park or place an automobile, truck, a tractor-trailer combination or similar type vehicle. Curb openings for use by coal trucks serving a premises may be constructed providing there is a twenty foot clearance between the sidewalk and the nearest obstruction for the full width of the driveway, so that the coal truck will clear the sidewalk during the unloading of coal onto the premises.

(b) It is hereby made the duty of the Director of Public Safety and the officers of the police force to see that all provisions of this section as heretofore set forth are carried out in detail. (Ord. 35-69. Passed 8-4-69.)

909.26 USE OF OPENINGS TO SUBSPACES IN SIDEWALKS, ALLEYS AND STREETS.

The use of openings to subspaces shall be regulated by the Director of Public Safety so that the best interests and safety of the public are obtained. The Director of Public Safety shall, if necessary for the best interests and safety of the public, limit the use of the above mentioned openings to certain specified hours. An annual inspection fee of twenty-five dollars (\$25.00) shall be charged per subspace.
(Ord 35-69. Passed 8-4-69.)

909.27 PERMIT FEES.

(a) An individual permit shall be required for each separate job for which a charge shall be made.

(b) Permits for curb openings and closures shall be charged for at the rate of one dollar (\$1.00) per lineal foot, and shall be assessed against such abutting property. (Ord. 35-69. Passed 8-4-69.)

909.28 CONTRACT AND PERFORMANCE BONDS.

(a) The bidder whose proposal is accepted shall enter into a written contract for the performance of the work within seven days after notice of such acceptance by the City and shall simultaneously with it deliver an executed performance bond in the penal amount of 100 percent of the full bid price.

(b) This bond shall be satisfactory to the Director as to sufficiency and to the Director of Law as to form, and shall have as surety thereon a company, authorized under the laws of the State of Ohio to do business in the State, and who has a local agent in the State. (Ord. 35-69. Passed 8-4-69.)

909.29 DEPOSIT TO ACCOMPANY BID.

(a) All bids for furnishing the labor or material, or both, for the construction or reconstruction of walks, driveways and curb openings for the City shall be accompanied by a bidder's bond, certified check or cashier's check on a solvent bank, payable to the City, in the amount of five percent of the total amount of the bid.

(b) All bids shall be on and conditioned that if the bid is accepted a contract shall be entered into and signed by the party making such bid and placed in the hands of the Director within ten days after the acceptance of such bid, and upon failure to do so, the bidder's bond, certified check or cashier's check shall be forfeited and become the property of the City.

(c) All bidder's bonds, certified checks or cashier's checks so accompanying bids shall be left with the Director at the time of filing the bid and no bid shall be received by the Director or considered by him unless the same is accompanied by the aforementioned bidder's bond, certified check or cashier's check.

(d) The Director shall return all checks accompanying bids which have been rejected to the person making such bid, whereas the bidder's bond, certified check or cashier's check accompanying the accepted bid shall be retained until a contract is entered into and performance bond furnished in accordance with the terms of the bid, when such check shall be returned by the Director to the person making the accepted bid.

(e) In case such successful bidder fails to execute such contract in the manner and by the time herein prescribed, then the full amount of his deposit shall be forfeited to the City and deposited by the Director with the Treasurer of the City, and credited to the General Fund. (Ord. 35-69. Passed 8-4-69.)

909.30 BASIS AND METHOD OF PAYMENTS.

(a) The footage of walks and driveways to be paid for shall be the actual number of square feet of walks or driveways of the specified thickness, in place, and the removal or replacement of curb shall be paid for by the actual number of lineal feet, completed and accepted, and shall be paid for at the contract unit price bid.

(b) Such payments shall constitute full compensation for necessary excavation and backfill, the removal and disposal of all excess excavation, furnishing, preparing and placing all material, including expansion joints, reinforcing steel and subgrade material and for all labor, equipment, tools and incidentals necessary to complete these items.

(c) Payments shall be made based on the monthly estimate of the Director after final inspection and checking of the work, according to the certificates of the Inspector.

(d) Such certificates shall be based on the amount of work satisfactorily completed the previous calendar month, and shall amount to ninety percent of the value of completed work.

(e) Final payment shall be made immediately after the Director has certified that all work required hereunder is fully constructed or reconstructed in accordance with the contract documents and after the contractor has furnished a satisfactory bond guaranteeing the payment of all bills for labor or material incurred in the performance of the work, or satisfactory evidence that all such bills have been paid.

(f) Final payment shall be the value of the materials furnished and labor performed under the contract, at prices named in the proposal and according to the certificate of the Director. (Ord. 35-69. Passed 8-4-69.)

909.31 MAINTENANCE.

(a) The acceptance of any defective material or faulty structure by the City shall not relieve the contractor of the responsibility of replacing at his own expense defective walks or driveways, constructed by the contractor or his subcontractor. All such replacement work shall be started not later than ten days after being instructed in writing by the Director. Full or partial payment by the City shall not be construed to mean that the work performed is acceptable to the City. Final acceptance by the City of all work performed under this contract shall not extend more than six months beyond final construction operations.

(b) At the discretion of the Director a sum of money equivalent to five percent of the total cost of the work performed may be retained by the City until final acceptance of all work performed, which final acceptance may be six months from last construction operation. This money to be retained by the City shall be held as security for the work of replacement of such defective walk or driveway as is found to be the responsibility of the contractor. (Ord. 35-69. Passed 8-4-69.)

909.32 DELIVERIES OVER SIDEWALKS: PERMIT, LIABILITY BOND AND FEES.

(a) No driver or person in charge of a vehicle shall drive or back a vehicle upon or over a sidewalk so as to crack, break or otherwise damage or deface such curb or sidewalk by unloading, throwing or placing upon the same any stone, iron, steel, building material or other heavy body or substance; providing, however, that this shall not apply to over-curb deliveries of construction materials and equipment, in front of property served, when the owner or general contractor has obtained a permit and posted a liability bond in the amount of one thousand dollars (\$1, 000) with the City guaranteeing that restoration of all damage shall be made prior to the completion of the construction program or other operations.

(b) Application for a permit to make over-curb deliveries of construction materials and equipment or driving over the curb for any other purpose shall be made on forms furnished by the Department of Public Service and such forms shall set forth the name and address of the owner, the name and address of the general contractor, street address and legal description of the property where such material and/or equipment is to be used and such other pertinent information as may be required. Each such permit shall be valid for a period not to exceed six months and is not transferable.

(c) Each applicant shall deposit with the City a liability bond as set forth herein and shall be bound by his liability bond until such time that applicant notifies the Department of Public Service that the covered construction program is completed and inspection has been made of the sidewalk and curb to determine the condition thereof or until such time that an approved driveway and/or curb has been constructed in accordance with established City regulations.

(d) A bond in the amount of one thousand dollars (\$1, 000) shall be deposited with the City for each permit; provided, however, that where the contractor is or will be engaged in building more than one structure during a calendar year, such contractor may deposit with the City bond in the full amount of ten thousand dollars (\$10,000) which shall cover any permit or permits issued during a calendar year. The bond so deposited shall contain a provision or endorsement acknowledging the liability as to any permit issued in reliance on such bond.

(e) Issuance of a permit and posting of liability bond must be done before a building permit can be obtained and work commenced.

(f) Fees to be collected for the issuance of permits in conformity with the provisions of this section shall be:

Residential	\$ 10.00
Commercial	15.00
Industrial	15.00

Such fees shall be payable at the office of the Department of Public Service.
(Ord. 35-69. Passed 8-4-69.)

909.33 COMMERCIAL DRIVEWAYS.

No commercial drive or driveway shall be constructed which is nearer than sixty-five feet from an intersecting street on the stop side along any main thoroughfare, or which opens into a safety zone or street loading or unloading space.
(1964 Code §43.91)

909.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 911
Naming of Public Rights of Way
and Public Facilities

- | | |
|---|-----------------------------------|
| 911.01 General policy. | 911.03 Standards for designation. |
| 911.02 Nomination for honorary designation; application and approval. | |

CROSS REFERENCES
Change of street names - see PRELIM. Table G

911.01 GENERAL POLICY.

As a general policy, a public facility or public right of way should be named after its principal function, its location or its historic reference. However, it may be named after an important community event, organization or a well-known person whose contribution to the community or the nation is directly related to the public facility or the public right of way. A public facility is a building, structure, park, site or any portion thereof. A public right of way is a dedicated street, highway, alley, bridge, or other access route used as an official address by adjacent property. (Ord. 39-2005. Passed 6-6-05.)

911.02 NOMINATION FOR HONORARY DESIGNATION; APPLICATION AND APPROVAL.

A public facility or a public right of way may be considered for an honorary designation upon the filing of an application and approval by Sylvania City Council.

- (a) The application for nomination shall be filed with the Clerk of Council and shall include:
 - (1) An endorsement by a member of Sylvania City Council or the Mayor;
 - (2) A statement explaining the reason an honorary designation is being requested, the specific street location and the desired time frame;
- (b) Honorary designations shall meet the following criteria:
 - (1) There shall be only one honorary designation per street;
 - (2) Persons eligible for consideration for an honorary designation may include:
 - A. A person or entity who has made a sustained contribution over a long period of time or over-and-above the call of duty and/or demonstrated leadership related to government, human relations or community development;

- B. A person who has made specific and sustained contributions to an organization located within the City;
 - C. A person or entity that has made contributions that changed the nature and characteristics of the community;
 - D. A person born or raised in Sylvania who has achieved national or international acclaim in a specific field of endeavor that has reflected positively on Sylvania.
- (c) The designation should be honorary in nature and not replace the official name of the street. Signage for the honorary designation should not compete with the official name of the street.
 - (d) The length of time of the designation shall be temporary and will be in effect for no more than two years.
(Ord. 39-2005. Passed 6-6-05.)

911.03 STANDARDS FOR DESIGNATION.

The official designation of a public right of way or public facility shall be subject to the following:

- (a) A public facility or public right of way may be considered for an official designation upon nomination by a member of Sylvania City Council or the Mayor.
- (b) The nomination shall be filed with the clerk of council and shall state the reason for the designation. The City shall forward the nomination to Sylvania City Council for consideration.
- (c) The proposed honorary designation shall be referred to the Municipal Planning Commission for its review and recommendation.
(Ord. 39-2005. Passed 6-6-05.)

- TITLE THREE - Utilities
 Chap. 921. Water Regulations.
 Chap. 923. Water Service Charges.
 Chap. 925. Sewage Service Charges.
 Chap. 929. Sewer Regulations.
 Chap. 930. Illicit Discharge and Illegal Connection Control.
 Chap. 933. Subsurface Wiring.
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CHAPTER 921
 Water Regulations

- | | | | |
|--------|--|--------|--|
| 921.01 | Contract with consumer. | 921.14 | Supplying water to others; permit required. |
| 921.02 | Right to discontinue service. | 921.15 | Opening fire hydrant. |
| 921.03 | Orders for stoppage of plumbing work. | 921.16 | Damage to water works system. |
| 921.04 | Inspection of pipes and fixtures; tests. | 921.17 | Tampering with water works system after discontinuance of service. |
| 921.05 | Notice to consumers. | 921.18 | Tampering with water lines or meter. |
| 921.06 | Application for tapping permit. | 921.19 | Minimum size of water lines. |
| 921.07 | Improvement of street; failure to apply for tap. | 921.20 | Enforcement of water rules and regulations. |
| 921.08 | Licensing of tappers. | 921.21 | Service to newly annexed territory. |
| 921.09 | Quality of service pipe; maintenance. | 921.22 | Assessment equivalent outside connection charge. |
| 921.10 | Gate valve. | 921.23 | Cross-connection control. |
| 921.11 | Compliance with plumbing regulations. | 921.99 | Penalty. |
| 921.12 | Water meters; installation and control. | | |
| 921.13 | Protection and repair of pipes. | | |

CROSS REFERENCES

- Service Director to supervise improvements to water system - see Chtr. Art. VII, §4. 0
 Tampering with water hydrants, pipes or meters; unauthorized connections - see Ohio R.C. 4933.22
 Excavations - see S.U. & P.S. Ch. 905
 Water service charges - see S.U. & P.S. Ch. 923
 Improvements - see S.U. & P.S. 933.05

921.01 CONTRACT WITH CONSUMER.

(a) The regulations set forth in this chapter and Chapter 923 shall be considered a part of the contract with every person, company or corporation that is supplied with water through the water works system of the City, or served by the sewer system in the City, and every such person, company or corporation using and accepting water through such water works system or as served by such sewer system, shall be considered to express his, its or their consent to be governed thereby.

(b) The City reserves the right to change, alter or amend the provisions of this chapter or Chapter 923 at any time; but any alterations or additions shall not affect any contract with consumers for the current quarter.

(c) No water service shall be extended to any users outside the corporate limits of the City except under the conditions set forth in subsections (d) and (e) hereof. Provided, further, that any person presently receiving water service from the City shall, upon notice from the City, immediately comply with the provisions of subsection (d). Failure to comply with such policy shall result in the water service being terminated 60 days from the date of notice.

(d) The City may extend water service to land which is outside of the corporate limits of the City but within the City's water service area provided that before such water service is extended or continued, the owner of such land must comply with the following:

- (1) Compliance with the zoning regulations of the governmental entity in which the property is located.
- (2) Compliance with the Planning Code of the City of Sylvania.
- (3) Execute an agreement to annex the property to the City or a petition for annexation to the City, as determined by the City. Such owner shall exert all efforts to obtain annexation of his or her property, including, if requested by the City, signing an annexation petition. In the case of an agreement to annex to the City, the owner of such land must also agree to require a similar agreement from anyone to whom he or she sells all or any part of his or her land.
- (4) The water service area is as described in the contract between the City of Sylvania and the City of Toledo dated September 15, 2008, or as hereafter amended.
- (5) All water main extensions that have been extended pursuant to and subject to this Rule shall be dedicated to the City of Sylvania.

(e) The Director of Public Service shall review and either approve or deny requests for the extension of water service. The request for extension of water service shall be denied unless the criteria set forth in subsection (d) above are met.
(Ord. 11-2009. Passed 2-18-09.)

921.02 RIGHT TO DISCONTINUE SERVICE.

The City reserves the right, power and authority to shut off the supply of water at any time without incurring any liability or cause of action for damages, any permit granted or any regulation to the contrary notwithstanding, and in no case shall the City be liable for damages for failure to supply water in consequence of accident or any other unavoidable cause.
(Ord. 34-64. Passed 4-20-64.)

921.03 ORDERS FOR STOPPAGE OF PLUMBING WORK.

The City reserves the right to stop any and all work on connections or plumbing on any premises where water is to be used at any time for good and sufficient reasons, and the City may refuse the use of water to any consumer until all connections are made to conform to the plumbing regulations of the City as contained in this chapter or in the Building Code. (Ord. 34-64. Passed 4-20-64,)

921.04 INSPECTION OF PIPES AND FIXTURES; TESTS.

The Director or other authorized persons shall have free access at all proper and reasonable hours to all parts of any building or place where water is delivered to consumers to examine the pipe and fixtures and to ascertain their condition. The City reserves the right to test the quantity of water used. (Ord. 34-64. Passed 4-20-64.)

921.05 NOTICE TO CONSUMERS.

Whenever in this chapter or Chapter 923 it is stated that notice shall be given to the consumer, it signifies that notice left on or sent to the premises where water is consumed shall be sufficient notification. (Ord. 34-64. Passed 4-20-64.)

921.06 APPLICATION FOR TAPPING PERMIT.

(a) The Director of Public Service is hereby authorized and directed to receive applications for and issue water tapping permits under the provisions of this chapter.

(b) The fee required with the application includes a water meter, all necessary materials and labor to deliver water inside of the curb line at a point most convenient for setting the curb box, such curb box to be located where it will be best protected from damage in streets, and to the lot line in alleys, of property abutting on alleys where mains are located. (Ord. 47-87. Passed 5-4-87.)

(c) The tapping fee shall accompany the application. The fee shall be determined as follows: The fee for a standard one inch tap shall be nine hundred dollars (\$900.00). The fee for larger installations shall be net cost plus twenty-five percent overhead. Net cost shall include cost of materials, equipment and payroll. Payroll is defined as the cost of salaries, including sick leave, vacation time, holiday pay, hospitalization, employer's contribution to P.E.R.S., Worker's Compensation and all other basic and fringe benefits granted to City employees. (Ord. 132-2001. Passed 12-17-01.)

(d) No permit to tap, either directly or indirectly, into a water line of the City shall be issued by any official of the City to any person, persons, firm or corporation, unless the lot or lots or lands so to be connected with such water line are wholly inside of the Sylvania Water District as defined in the Sylvania-Toledo Water Agreement as amended from time to time, or inside of the territorial limits of the City, and in either case the Director may issue such permit. (Ord. 74-79. Passed 8-20-79.)

921.07 IMPROVEMENT OF STREET; FAILURE TO APPLY FOR TAP.

Any applicant for water service, having been duly notified of the improvement of a street or alley from which the water service tap must be made to his premises, shall, if such tap is not applied for before the completion of such street or alley, be compelled to pay all additional expense on making such a tap at a future time. (Ord. 34-64. Passed 4-20-64.)

921.08 LICENSING OF TAPPERS.

All tapping and inserting of ferrules in the street mains or distributing pipes of the water works shall be done only by persons licensed by the Director of Public Service. (Ord. 34-64. Passed 4-20-64.)

921.09 QUALITY OF SERVICE PIPE; MAINTENANCE.

(a) From the curb box to the meter, each service pipe or pipes must be copper (type K soft roll type) and must be laid under the direction of the Service Director. The applicant shall first have the Director establish the location of the curb box. When this has been done, the service line may be installed beginning at a point six feet outside the property line and laid at a depth of four feet. The City shall make the connection to the curb box. Under Section 921.12, where a meter pit is required the applicant shall extend the service line inside the pit, ready for connection by the Director, to the meter.

(b) All service pipes, plumbing and fixtures must be of sufficient strength, with a sufficient margin of safety, to withstand changing from domestic pressure, which will range from sixty to 120 pounds per square inch.

(c) All consumers shall keep their own service pipes and apparatus in good repair and protected from frost at their own risk and expense. By the acceptance of water service each consumer agrees that no claims shall be made against the City by reason of the breaking of any service pipe or service cock, or from damage arising from shutting off water to repair mains, or for other purposes. (Ord. 34-64. Passed 4-20-64.)

921.10 GATE VALVE.

The applicant shall provide a gate valve on each side of the water meter with no other valves or connections between the meter and the curb box. (Ord. 34-64. Passed 4-20-64.)

921.11 COMPLIANCE WITH PLUMBING REGULATIONS.

The applicant must comply with all provisions of this chapter and the Building Code. (Ord. 34-64. Passed 4-20-64.)

921.12 WATER METERS; INSTALLATION AND CONTROL.

(a) All water shall be metered unless the use of water for temporary purposes is permitted by the Director as provided in Section 923.04. All meters shall be installed by the Director, or other person commissioned by the Director, only when meter space is provided.

(b) Meters shall remain the property of the City, and the City reserves the right to examine and repair or change any meter at any time. Only meters approved by the City shall be installed.

(c) Any building or dwelling 125 feet or more from the curb line shall have a meter pit at such curb line, constructed to specifications set up by the Director and on file with the Clerk-Auditor.

(d) Owners of existing apartment houses, flats, office buildings, halls, store rooms or dwellings occupying the same lot may supply two or more tenants through one meter under the provisions of Section 923.02.

(e) The City reserves the right to install two or more meters in any building or any other place where the City water is used when, in the judgment of the Director, the amount of water consumed is more than should be delivered through the meter in use.

(f) Upon request from an owner or consumer and agreement to pay the test charge, the Director shall remove any meter to the meter shop for test upon payment of a fee, not to exceed five dollars (\$5.00), for a five-eighths inch meter and a fee equalling the cost of removing and testing the meter for all other sizes. If, upon examination and test, it is found that the meter registers outside the tolerance limits of the following percentages of water through it: two percent over or under on disc meters, sizes one-half inch to two inches, on flows from one to twenty gallons per minute; five percent over or under on all other types and sizes of meters on flows from low to high ratings; then the meter shall be considered inaccurate and the water charges shall be adjusted upon the basis of that test, for the preceding period only. (Ord. 34-64. Passed 4-20-64.)

921.13 PROTECTION AND REPAIR OF PIPES.

(a) The consumer shall not allow service pipes or fixtures connected therewith to remain out of order or unprotected from frost.

(b) In case of neglect or refusal to promptly repair any imperfection in service pipes, service stops or other fixtures, the City may cause the same to be done at the expense of the owner of such service, which expense shall be paid before the water is turned on.

(c) There shall be a minimum charge of three dollars (\$3.00) for the first hour or less and two dollars (\$2.00) an hour thereafter, for thawing service lines or plumbing. (Ord. 34-64. Passed 4-20-64.)

921.14 SUPPLYING WATER TO OTHERS; PERMIT REQUIRED.

No consumer shall supply others except by special permit from the Service Director. (Ord. 34-64. Passed 4-20-64.)

921.15 OPENING FIRE HYDRANT.

No persons except those authorized by the Service Director shall be permitted to turn water into a fire hydrant or remove the caps therefrom, except in case of fire. (Ord. 34-64. Passed 4-20-74.)

921.16 DAMAGE TO WATER WORKS SYSTEM.

No person shall open any private stop cock or street washer, or place or deposit any dirt or any other material in any stop cock box, or turn any private stop cock or public valve, or commit any act tending to obstruct the use thereof, or enter or mar any building or injure in any manner any fixture, valve box, machinery, pipe or apparatus of the water works system. (Ord. 34-64. Passed 4-20-64.)

921.17 TAMPERING WITH WATER WORKS SYSTEM AFTER DISCONTINUANCE OF SERVICE.

No person shall operate, open or otherwise tamper with any valve, stop cock, curb cock or other device, after the same have been closed for violation of any regulation of the City or provision of this chapter, or lawfully secure a supply of water through such valve, stop cock, curb cock or other device after the same have been closed for the violation of any regulation of the City or provision of this chapter or in any way take water for private use unlawfully or without first having secured the necessary permit from the Director of Public Service. (Ord. 34-64. Passed 4-20-64.)

921.18 TAMPERING WITH WATER LINES OR METER.

No person shall connect to any public water line, tamper with or remove any meter or metal seal or insert a meter bypass without the permission of the Director under penalty of having the water turned off, or being fined as provided in Section 921.99.
(Ord. 34-64. Passed 4-20-64.)

921.19 MINIMUM SIZE OF WATER LINES.

All public water lines installed or relocated in the City in streets, rights of way or easements, except service pipes, shall be of eight inch minimum diameter.
(Ord. 11-77. Passed 2-7-77.)

921.20 ENFORCEMENT OF WATER 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 and for the safe, economical and efficient management and protection of the water system.
(Ord. 11-77. Passed 2-7-77.)

921.21 SERVICE TO NEWLY ANNEXED TERRITORY.

Whenever any person or corporation, who is the owner of any lots and lands hereafter annexed to the City, desires to tap into any water main or line in the City, and which newly annexed lots and lands have not been especially assessed for the construction of any such water mains or lines whether such tap is directly into such water mains or lines or by way of newly constructed water mains or lines, such owner of any such lots or lands shall, for the right and privilege of tapping and using such water mains or lines, pay in addition to the regular tapping fee a sum equal to the special assessments charged against comparable lots and lands bounding and abutting any such water mains and lines or charged against lots and lands benefitted by such water mains and lines.
(Ord. 83-64. Passed 11-2-64.)

921.22 ASSESSMENT EQUIVALENT OUTSIDE CONNECTION CHARGE.

No water tapping permit shall be issued for premises outside the territorial limits of the City unless there is first paid to the City the sum of two thousand five hundred dollars (\$2,500), which currently is the approximate assessment equivalent for the installation of a proper waterline to serve any lot inside the City; provided, however, that such assessment equivalent charge shall be waived for any lot intended to be served by such tapping permit as to which there has been extended, by one or ones other than the City, along the entire frontage of the lot intended to be so served, an eight inch or larger waterline pursuant to the City Master Plan, and provided further, however, that such assessment equivalent charge shall not apply if the City has created a specific waterline service area which includes the premises sought to be connected to the City water system and for which service area the City has established a connection fee.
(Ord. 72-92. Passed 8-3-92.)

921.23 CROSS-CONNECTION CONTROL.

(a) If, in the judgment of the Director of Public Service, an approved backflow prevention device is necessary for the safety of the public water system, the Director shall give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expense, install such an approved device at a location and in a manner approved by the Director and shall have inspections and tests made of such approved devices as required by the Director.

(b) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply, other than the regular public water supply of this City, may enter the supply or distributing system of this City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply is approved by the Director and by the State Environmental Protection Agency.

(c) The Director shall cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Director deems necessary.

(d) The Director or his or its duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the City for the purpose of inspecting the piping system or systems thereof. On demand the owner, lessees or occupants of any property so served shall furnish to the Director any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Director, be deemed evidence of the presence of improper connections as provided in this section.

(e) The Director is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this section. (Ord. 48-88. Passed 5-16-88.)

921.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than five hundred dollars (\$500.00) and a separate offense shall be deemed committed upon each day during or on which a violation has occurred or continues.

CHAPTER 923
Water Service Charges

<p>923.01 Director defined; powers. 923.02 Water rate schedule. 923.03 City reserves right to change water rates. 923.04 Water used for temporary construction purposes. 923.05 Taking water for private uses from public sources. 923.06 Fire service charge. 923.07 Swimming pool filling on application. 923.08 Due date for payment of water and repair charges. 923.09 Delinquent accounts. 923.10 Responsibility of property owners for water charges.</p>	<p>923.11 Consumer moving to new premises; payment of former bills. 923.12 No allowance for loss of water through leakage. 923.13 No charge for turning water on and off unless for violation or vacation. 923.14 Misuse or waste of water. 923.15 Discontinuance of service for tampering with meter. 923.16 Discontinuance of service for violation or nonpayment of charges. 923.99 Penalty.</p>
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CROSS REFERENCES

Service Director to manage and have control over water supply - see Chtr. Art. VII, §4.0

Water works mortgage revenue bonds - see Ohio R.C. 715.09 et seq.

Weekly deposit of water works money collected - see Ohio R.C. 743.06

Water regulations - see S.U. & P.S. Ch. 921

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

923.01 DIRECTOR DEFINED; POWERS.

(a) As used in this chapter and Chapter 921, "Director" means the Director of Public Service, or, if no person has been appointed to such office, the Director of Finance or other City official who has been assigned the responsibilities provided in this chapter.

(b) The Director of Public Service shall make such rules and regulations as he may deem necessary and proper for the enforcement of the provisions of this chapter and the safe, economical and efficient management and protection of the water system.
(Ord. 3-65. Passed 1-4-65.)

923.02 WATER RATE SCHEDULE.

The following rate is hereby established for consumers of water of the City and such rate applies to water consumed during each three month period unless otherwise provided in these regulations.

Water Rate Schedule

<u>Commencing</u>	<u>City User (per 1,000 gallons)</u>	<u>Non-City User (per 1,000 gallons)</u>
March 24, 2011	\$4.97	\$6.21
January 1, 2012	\$5.23	\$6.54
January 1, 2013	\$5.51	\$6.89
January 1, 2014	\$5.82	\$7.27

(Ord. 11-2011. Passed 2-22-11.)

923.03 CITY RESERVES RIGHT TO CHANGE WATER RATES.

The City reserves the right to change the rates for the use of water from time to time as experience may show to be necessary and to impose such restrictions on the uses of water as may be deemed reasonable and proper.

(Ord. 34-64. Passed 4-20-64.)

923.04 WATER USED FOR TEMPORARY CONSTRUCTION PURPOSES.

All applications for use of water for temporary construction purposes, without a meter, shall be referred to the Service Director for specific determination as to rates and conditions in each case. (Ord. 34-64. Passed 4-20-64.)

923.05 TAKING WATER FOR PRIVATE USES FROM PUBLIC SOURCES.

No person shall take for private use water from any public fountain, hydrant, street sprinkler, draw-cock or hose pipe, except for fire purposes, or in any way take any water for private use which is supplied by the water works system without paying therefor as a temporary user as provided in Section 923.04.

(Ord. 34-64. Passed 4-20-64.)

923.06 FIRE SERVICE CHARGE.

The owners of private fire hydrants attached to the City water distribution system shall pay the City through the Division of Utilities, a fire hydrant maintenance charge of two dollars (\$2.00) per quarter per hydrant. Fire hydrants and fire lines shall meet City standards. Where fire mains are connected to the City water system, a charge of one dollar (\$1.00) quarterly per inch diameter of such mains shall be made. Such charges shall cover routine operation and maintenance of the fire main system. Repairs of lines and hydrants and replacement of parts, when necessary, shall be billed in addition to the above charges at cost of labor, materials and equipment plus twenty percent overhead costs. These charges shall be billed and paid quarterly in the same manner as the water bills and subject to the penalties prescribed in Section 923.09. (Ord. 29-69. Passed 7-7-69.)

923.07 SWIMMING POOL FILLING ON APPLICATION.

A consumer, on prior application therefor filed with the Service Director, shall by the Director, be permitted to have a seasonal fill or refill of a swimming pool with water at the rate established in Section 923.02(a)(1) per 1,000 gallons of water exclusive of the water used by such consumer for all other purposes. (Ord. 41-83. Passed 5-23-83.)

923.08 DUE DATE FOR PAYMENT OF WATER AND REPAIR CHARGES.

(a) All water rents for those accounts of consumers with a water service meter installed prior to January 1, 2002 shall be due and payable quarterly on January 1, April 1, July 1 and October 1, or on such other day in each of the four quarters of each year as the Director establishes by rule at the office of the Division of Utilities, Department of Public Service; provided that water rent accounts of consumers determined by the Director to have a consumption history averaging 100,000 gallons or more per month shall be due and payable monthly on the first day of each month or on such other day of each month as the Director shall establish by rule.

(b) All water rents for those accounts of consumers with a water service meter installed or upgraded after January 1, 2002 shall be due and payable monthly on January 1, February 1, March 1, April 1, May 1, June 1, July 1, August 1, September 1, October 1, November 1 and December 1, or on such other day in each of the twelve months of each year as the Director establishes by rule at the office of the Division of Utilities, Department of Public Service.

(c) The cost of all repairs shall be due and payable upon completion of the work. Any moneys received on a combined labor and water rent bill shall be applied to the labor bill first and the balance, if any, shall be applied to the water rent bill. (Ord. 21-2002. Passed 2-18-02.)

923.09 DELINQUENT ACCOUNTS.

(a) Each and every bill rendered for water used shall be paid within twenty days after the same becomes due. No discount shall be allowed for payment within that period. Ten percent (10%) additional shall be charged on each and every bill rendered for water used if not paid within twenty days after the same becomes due, and such delinquent water accounts are subject to shut-off at the discretion of the Service Director.

(b) When water rents are not paid within twenty days after becoming due, the Director of Public Service may do either or both of the following:

- (1) Certify them, together with the penalties provided hereinabove and interest allowed by law, to the County Auditor who shall place them on the real property tax list and duplicate against the property served by the connection. The Director of Public Service shall, at the time of such certification, also certify that the unpaid rents have arisen pursuant to a service contract made directly with the owner who occupies the property served. The amount placed on the tax list and duplicate shall be a lien on the property served from the date placed on the tax list and duplicate and shall be collected in the same manner as other Municipal taxes.
- (2) Collect them, together with the penalties provided hereinabove and interest allowed by law, by action at law, in the name of the City, from the owner, tenant and/or other person who is liable to pay the rents.
(Ord. 44-88. Passed 5-16-88.)

923.10 RESPONSIBILITY OF PROPERTY OWNERS FOR WATER CHARGES.

(a) All applications for water service shall be made by contract between the record title owner of the property to be served and the City provided, however, that an agent who represents himself to be authorized by the owner may make the application and contract on behalf of the owner upon agreeing to be personally liable for water and sewer charges and providing such security as the Director of Public Service may require. Within fourteen days of the signing of any contract for water service with the City, proper proof of ownership of the premises to be served shall be presented to the City. Should proper proof of ownership not be presented within fourteen days, the City shall have the right to cancel the contract and to terminate the water service provided to the premises.

(b) As used in this section, "proper proof of ownership" means either the original or a photocopy of the owner's deed, land contract, or similar document setting forth the ownership of the property to be served.

(c) As used in this section, "record title owner" includes the grantee or grantees named in a deed which grantee or grantees are also listed as the current owner or owners on the records of the Auditor of Lucas County, Ohio, Real Estate Division, and shall also include the land contract vendee or vendees of such a grantee or grantees.

(d) In the event that the record title owner of the property to be served is a corporation, partnership, association or other entity, the application for water service shall be signed by a duly authorized officer of such entity.
(Ord. 85-83. Passed 11-7-83.)

923.11 CONSUMER MOVING TO NEW PREMISES; PAYMENT OF FORMER BILLS.

Any person or persons, firm, corporation or association owing water rent and removing to other premises where there are water connections, or where connections shall be made, before being permitted to use the water, shall pay all former delinquencies. Should it come to the attention of the Director that any person or persons, firm, corporation or association, currently using City water, owes the City for any water charges incurred at a former premises in the City Water District, those charges owed plus penalty and interest shall be added to the account for water currently being used and the same shall be billed to the consumer; provided, however, the late charge shall not be compounded. All unpaid accounts for water shall be a lien against the property served and all unpaid accounts for water charges of any person or persons, firm, corporation or association incurred previously at premises served by a City water connection shall be a lien against the premises currently being served.
(Ord. 45-88. Passed 5-16-88.)

923.12 NO ALLOWANCE FOR LOSS OF WATER THROUGH LEAKAGE.

No allowance shall be made for water use, lost or wasted through leaks, carelessness, neglect or otherwise, after the same has passed through the meter.
(Ord. 34-64. Passed 4-20-64.)

923.13 NO CHARGE FOR TURNING WATER ON AND OFF UNLESS FOR VIOLATION OR VACATION.

(a) New water customers shall not be required to pay a water turn-on charge regardless of when it is turned on.

(b) Customers applying for a vacation turn-off and turn-on shall pay a charge of twenty-five dollars (\$25.00) on applying for the turn-off.

(c) Except as provided in subsections (a) and (b) hereof, there shall be no charge for turning water off and/or on for any owner unless shut-off and/or turn-on is caused by a violation of this chapter or Chapter 921, or any part thereof; provided, however, that a special charge of twenty-five dollars (\$25.00) for a shut-off and turn-on, a shut-off only or a turn-on only for the same owner, shall be made to the owner of premises served if any of the work necessary to effect such shut-off and turn-on, shut-off only or turn-on only is completed by any City employee at a time other than between the hours of 8:00 a.m. and 4:30 p.m. on any Monday through Friday which is not designated a holiday for City employees.
(Ord. 47-88. Passed 5-16-88.)

923.14 MISUSE OR WASTE OF WATER.

In all cases of misuse or waste of water, the water shall be immediately turned off and a shut-off and turn-on charge made against the owner of sufficient size to compensate the City for water waste and damage done, if any.
(Ord. 34-64. Passed 4-20-64.)

923.15 DISCONTINUANCE OF SERVICE FOR TAMPERING WITH METER.

If the Director finds that a meter seal has been broken or any bypass inserted and there is evidence that the meter has been tampered with, the water shall be shut off and shall not be turned on again until the owner of the premises pays for the estimated quantity of water which has been used and not registered, and in addition thereto, the special charge provided in Section 923.16 for turning on such water. The payments made as hereinabove required shall not in any way relieve any person from criminal prosecution and penalties provided by the laws of the State or by ordinance.

(Ord. 79-74. Passed 12-9-74.)

923.16 DISCONTINUANCE OF SERVICE FOR VIOLATIONS OR
NONPAYMENT OF CHARGES.

For a violation of any of the provisions of this chapter or Chapter 921, or for nonpayment of water rent or sewer rental charges within twenty days after the due date thereof, the City reserves the right to shut off the supply of water without any preliminary notice and such water shall not be turned on again until all back water bills and back sewer rental charges together with all delinquency penalties thereon and the charges required by any provision violated plus the special charge as determined herein have been paid. A special charge referred to herein shall be made for a shut-off only without a turn-on for the same owner or for a shut-off and turn-on for the same owner, and in either event, such charge shall be as follows:

- (a) Fifty dollars (\$50.00), if the work necessary to effect such shut-off or shut-off and turn-on is completed by the City employee or employees between the hours of 8:00 a.m. and 4:30 p.m. on any Monday through Friday, except when such time is a designated holiday for City employees.
- (b) One hundred dollars (\$100.00), if any part of such work is completed at a time other than the time specified in subsection (a) hereof for the fifty-dollar (\$50.00) special charge.
(Ord. 46-88. Passed 5-16-88.)

923.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate violation shall be deemed committed upon each day during or on which the violation occurs or continues.

CHAPTER 925
Sewage Service Charges

<p>925.01 Definitions.</p> <p>925.02 Enforcement of sewerage rules and regulations.</p> <p>925.03 Charges authorized for sewerage system.</p> <p>925.04 Sewer Revenue Fund.</p> <p>925.05 Sewer charges levied.</p> <p>925.06 Industrial cost recovery.</p> <p>925.07 Method of determining sewer charges.</p>	<p>925.08 Billing procedure.</p> <p>925.09 Unpaid charges to be lien; discontinuance of service; simultaneous certification of sewer and water charges.</p> <p>925.10 City exempt from charges; fire hydrants.</p> <p>925.99 Penalty.</p>
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CROSS REFERENCES

Service Director to manage and have control over sewerage system -
see Chtr. Art. VII, §4.0

Sewerage 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 (1.5 meters) 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) "Combined sewer" means a sewer intended to receive both wastewater and storm or surface water.
- (f) "Compatible pollutant" means pollutants that the treatment plant was designed to treat which are BOD, SS, phosphorus and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works were designed to treat such pollutants and in fact do remove such pollutants to a substantial degree.
- (g) "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. Cost shall include the house connection, lateral cost and inspection fee.
- (h) "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.
- (i) "Easement" means an acquired legal right for the specific use of land owned by others.
- (j) "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 fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- (k) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
- (l) "Incompatible pollutant" means any pollutant that is not compatible (see subsection (f) hereof).
- (m) "Industrial cost recovery charge" means that amount assessed each industrial user to repay that portion of all Federal grant amounts allocable to the treatment of wastes from the industrial users of the wastewater facilities and capacity committed to their use.
- (n) "Industrial user" means any nongovernmental user of the treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under the following divisions:
- | | |
|------------|------------|
| Division A | Division E |
| Division B | Division I |
| Division D | |
- A user in the Divisions listed above may be excluded if it is determined that it will introduce primary segregated domestic wastes or wastes from sanitary conveniences.
- (o) "Industrial wastes" means the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.
- (p) "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 municipal system receiving the waste;
 - (3) Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of P.L. 92-500; or
 - (4) Is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.
- (q) "May" is permissive (see "shall" subsection (jj) hereof).
- (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 (n) 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, March 11, 1974.
- (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 (1.27 centimeters) in any dimension.
- (aa) "Public sewer" means a common sewer controlled by a governmental agency or public utility.
- (bb) "Recovered amounts" means that revenue generated as a result of the industrial cost recovery system.
- (cc) "Recovery period" means thirty years or the useful life of the treatment works, whichever is less.
- (dd) "Retained amounts" means fifty percent of the recovered amounts (see subsection (bb) hereof).

- (ee) "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.
- (ff) "Segregated domestic wastes" means wastes which are characterized by a per capita discharge of 100 gallons per day at a loading of 180 mg/1 BOD, 200 mg/1 SS and 19 mg/1 phosphorus (normal domestic sewage).
- (gg) "Sewage" means the spent water of a community (see subsection (qq) hereof).
- (hh) "Sewage charges" includes all charges made under this chapter and Chapter 929 for the use of the City sewers and wastewater treatment works.
- (ii) "Sewer" means a pipe or conduit that carries wastewater or drainage water.
- (jj) "Shall" is mandatory (see "May", subsection (q) hereof).
- (kk) "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.
- (ll) "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.
- (mm) "Storm drain" (sometimes termed "storm sewer") means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.
- (nn) "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.
- (oo) "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.
- (pp) "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.
- (qq) "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.
- (rr) "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. (Specifically defined in 40 CFR 35.905-23).
- (ss) "Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently.
(Ord. 106-77. Passed 12-7-77.)

925.02 ENFORCEMENT OF SEWERAGE RULES AND REGULATIONS.

The Service 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.)

925.03 CHARGES AUTHORIZED FOR SEWERAGE SYSTEM.

It is hereby determined and declared to be necessary to 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 sewerage system of the City.
(Ord. 106-77. Passed 12-7-77.)

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, but shall not be used for the extension of the system to serve unsewered areas or for any other purpose whatsoever.
(Ord. 106-77. Passed 12-7-77.)

925.05 SEWER CHARGES LEVIED.

(a) Commencing on or after the effective date hereof, 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 or rental 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.

(b) The users of the system shall be divided into classes. Classes shall be groups of users for which the costs are approximately equal and services provided are essentially the same. Initially, there shall be established two classes of users, as follows:

- (1) Industrial users. Industrial users mean those premises contributing industrial waste that require metering, monitoring or other surveillance in order to assure that pretreatment standards are being met, or to determine the charges for excessive strength of wastewaters.
- (2) Nonindustrial users. Nonindustrial users means all premises not described in subsection (b)(1) hereof.

- (c) User charges comply with Federal EPA regulations, which now require:
- (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 class 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.

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

(e) Industrial Users. User and capital charges for wastewater treatment service shall be paid by each industrial user connected to the system and shall be computed in accordance with the quantity of water discharged to the system as measured by the City water meter installed thereon or by a sewage meter installed on the discharge pipe therefrom. Charges shall be paid monthly and/or quarterly as follows:

	<u>Capital Charge</u>	<u>User Charge</u>	<u>Total</u>
City User	\$0.90/1000 gallons	\$1.80/1000 gallons	\$2.70/1000 gallons
Non-City User	\$1.00/1000 gallons	\$2.20/1000 gallons	\$3.20/1000 gallons
Out-of-State User	\$3.00/1000 gallons	\$1.50/1000 gallons	\$4.50/1000 gallons

(f) Nonindustrial Users. User and capital charges for wastewater treatment services shall be paid by each nonindustrial user connected to the system and shall be computed in accordance with the quantity of water used on such premises as measured by the City water meter installed thereon, or if there is no such water meter, then as estimated by the City. Charges shall be paid monthly and/or quarterly as follows:

	<u>Capital Charge</u>	<u>User Charge</u>	<u>Total</u>
City User	\$0.90/1000 gallons	\$1.80/1000 gallons	\$2.70/1000 gallons
Non-City User	\$1.00/1000 gallons	\$2.20/1000 gallons	\$3.20/1000 gallons
Out-of-State User	\$3.00/1000 gallons	\$1.50/1000 gallons	\$4.50/1000 gallons

(Ord. 11-2006. Passed 3-6-06.)

(g) When a considerable amount of water delivered to any premises is not returned to the City's sewage disposal system, the Service 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 Service 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 Service Director may order the installation of sanitary sewage meters at the expense of the user.

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

(h) 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 \$0.0654 per day 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.)

(i) High Strength Surcharge. In addition to the minimum charge and commodity charge given herein any user discharging wastewater containing BOD in excess of 180 mg/l or suspended solids in excess of 200 mg/l or phosphorus in excess of 19 mg/l shall pay the following additional charges:

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 19 mg/l	\$40.14/100 lbs.

(j) 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.

(k) The rates provided herein shall constitute the net minimum charges for sewage service if paid within a period of twenty days next following the date of billing. If paid after such twenty day period has elapsed, the applicable charges shall be at the gross rate, which gross rate shall be ten percent (10%) greater than the net minimum charge provided herein.

(l) The Director in and for the City, by and 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, by and 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.)

925.06 INDUSTRIAL COST RECOVERY.

(a) Commencing when the facilities being constructed with Federal grant assistance under Public Law 92-500 are placed in operation (estimated to be January 1, 1978), there is levied and assessed upon each industrial user an industrial cost recovery charge or rental. The industrial cost recovery charge shall be equal to each user's share of the Federal grant for the above project(s) allocable to the industrial class. The Federal grant allocable to the user class shall be divided by the useful life of the facilities or thirty years, whichever is less.

(b) An industrial user's share shall be based on all factors which significantly influence the cost of the treatment works, including strength, volume and delivery rate characteristics. Whenever there is a substantial change in the strength, volume or delivery flow rate characteristics of any industrial user, such user's share shall be adjusted accordingly.

(c) The allocable costs of the present Federal grant have been computed to be six million four thousand four hundred three dollars (\$6,004,403). Industrial users shall pay industrial cost recovery as follows:

\$ 0.015 per 1000 gallons of flow to the County sewers
0.021 per 1000 gallons of flow to the City sewers

(d) The determination of yearly BOD and SS loadings shall be made by monitoring the wastewater from industrial users to obtain an average BOD and SS concentration, then multiplying these values by the total yearly flow. The method for monitoring the wastewater is described in a subsequent section. Yearly wastewater flows shall be obtained from the Utility Department records. A deduction shall be made from these loadings for the contribution attributable to domestic uses within the industry. This deduction shall be based on figures supplied by EPA of twenty gallons per employee per day at concentrations of 200 mg/l BOD and 250 mg/l SS. This results in deductions of eight pounds of BOD per employee, and ten pounds of SS. The employment figures to be used in this step shall be obtained from either the current edition of Directory of Ohio Manufacturers, or the Chamber of Commerce.

(e) The Director shall establish and maintain a monitoring program to obtain the information required to assess the industrial cost recovery charges. The data from this program shall include volume of wastes discharged, BOD, suspended solids and delivery rate characteristics from each industrial user. These values shall then be multiplied by the unit charges defined in subsection (c) hereof to obtain the industrial cost recovery charge to be assessed each industrial user.

(f) All significant users of the wastewater treatment works shall furnish to the Director a signed letter of intent to pay that portion of all Federal grant amounts allocable to the treatment of its wastes. Each such user shall include a statement of the industrial user's intended period of use of the treatment works.

(g) The Director shall review all projects involving Federal allocations to determine if the wastes from the industrial user class significantly influence the capital costs of the project. Factors such as strength, volume, delivery flow rate and nature of discharge shall be considered. If these wastes influence the capital costs, the Director shall assess an industrial cost recovery charge, in addition to that provided in subsection (c) hereof, to insure a proportioned distribution of the required revenue from each industrial user.

(h) The City shall retain fifty percent of the collected industrial cost recovery. The remainder, together with any interest earned thereon, shall be returned to the U.S. Treasury on an annual basis, beginning one year after the facilities are placed in service.

(i) A minimum of eighty percent of the City's retained amounts, together with interest earned thereon, shall be used solely for eligible costs of expansion and reconstruction of the treatment works. The Director shall obtain written approval of the Regional Administrator of the EPA prior to commitment of these funds. The money so collected shall be kept in a separate account and shall be invested in:

- (1) Obligations of the U.S. Government; or
- (2) Obligations guaranteed as to principal and interest by the U.S. Government; or
- (3) Shall deposit such amounts in accounts fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof.

(j) The remaining amount of the retained industrial cost recovery shall be deposited in the Sewer Fund of the City.

(k) The Director shall be responsible for collecting and maintaining the needed records for implementation of this section.
(Ord. 106-77. Passed 12-7-77.)

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 water exclusively supplied by the City and having a water meter acceptable to the Director, the quantity of water used, as measured by such meter, shall determine the sewer charge thereon, as provided herein.
- (b) On premises either using water exclusively supplied by the City or exclusively supplied from other sources, where the quantity of water used thereon is not measured by a water meter or is measured by a water meter not acceptable to the Director, the owner or other interested party 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) On premises using water supplied both by the City and from other sources, which in either case is not measured by a water meter or is measured by a water meter not acceptable to the Director, the owner or other interested party shall at his expense install and maintain a water meter satisfactory to the Director to measure all such supplies of water, and the quantity of water used to determine the sewer charge thereon shall be the sum of the quantities of water measured by such several meters as provided herein.
- (d) 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.)

925.08 BILLING PROCEDURE.

The sewer charges herein provided shall be payable quarterly at the office of the Division of Utilities, Department of Public Service; provided that upon determination by the Director, for water rents, for any premises served by or having any connection with the sewerage system of the City, to be due and payable monthly pursuant to 923.08, such sewer charges may be billed and shall be paid monthly, anything to the contrary in the Codified Ordinances notwithstanding. Charges established with respect to premises served by the City waterworks system shall be included in and be payable with the water bill to such premises; and with respect to premises not so served, shall be billed and payable at the same times, respectively, as water bills are rendered by the City. Any building or premises making connection with the system and using the same shall be charged a per diem prorata amount based upon quarterly minimum charges, from the time such sewer connection is made or such discharge into the system, either directly or indirectly, is begun, until the commencement of the next following period applicable to such premises, except that should the measured service exceed the minimum charge, the measured rate or rates shall be charged.

(Ord. 122-87. Passed 12-7-87.)

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 as aforesaid, to discontinue service to such premises of water supplied by the City waterworks system and of sewerage 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.)

925.10 CITY EXEMPT FROM CHARGES; FIRE HYDRANTS.

Water supplied by the municipal waterworks 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.)

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.)

CHAPTER 929
Sewer Regulations

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929.11	Commencement of work: notice required.	929.26	Use of public sewers; prohibited discharges.
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		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

ADMINISTRATION

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 1181.06, subject to approval by the Director of Public Service. (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.)

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 Service 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.)

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 Service 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 limits for personal injury of one hundred thousand dollars (\$100,000) each person three hundred thousand dollars (\$300,000) each occurrence and for property damage of one hundred thousand dollars (\$100,000) each occurrence, or with a combined minimum single limit for personal injury and property damage of three hundred thousand dollars (\$300,000) each occurrence. The sum of one hundred dollars (\$100.00) must be deposited with the application as payment for the annual charge for license as a sewer builder in the City; provided, however, if the application is for the renewal of a license expiring December 31 of the year preceding the year for which a license is sought, the annual charge shall be twenty-five dollars (\$25.00). No license shall be granted for more than one year, and all licenses shall be granted to expire December 31.

(Ord. 110-77. Passed 12-19-77.)

CONNECTION PERMITS

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 Service 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.)

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 tap the public sewers or drains, and to make connections therewith; 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 tap or connection.

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

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 Service Director.

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

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

929.08 PERMIT FEE.

There is hereby established the amount of the fee payable to the City for each permit for a sewer tap or connection, which amount shall be determined as follows:

\$95.00 for the first eight or less hours of inspection services plus

15.00 for each hour in excess of the first eight hours for such services.

(Ord. 75-79. Passed 8-20-79.)

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

No permit to tap, either directly or indirectly, into a sanitary sewer of the City shall be issued by any official of the City, to any person or persons or to any corporation, if the lot or lots or lands so to be connected with such sanitary sewer are in whole or in part outside of the sanitary sewer district service area, but the Service Director may issue such permits even though the lots or lands so 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 TAP CHARGES AND SEWAGE SERVICE CHARGES.

(a) There shall be paid to the City as 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, as follows:

- (1) For inside City connections to main buildings, existing on the effective date hereof, abutting the wastewater treatment works grant No. C-390691-01 Step 3 project and served by a public or private water supply with a five-eighths inch water meter:
- | | |
|---|------------|
| A lateral connection charge of | \$ 550.00 |
| A riser and cross over connection charge of <u>300.00</u> | |
| For a total connection charge of | \$ 850.00; |
- (2) For inside City connections to main buildings for which building permits are issued after the effective date hereof, which buildings will abut the wastewater treatment works grant No. C-390691-01 Step 3 project and be served by a public or private water supply with a five-eighths inch water meter:
- | | |
|----------------------------------|---------------|
| A lateral connection charge of | \$ 550.00 |
| A riser and crossover charge of | 300.00 |
| A capital connection charge of | <u>430.00</u> |
| For a total connection charge of | \$ 1280.00; |
- (3) For inside City connections to main buildings for which building permits are issued after the effective date hereof, which buildings will not abut the wastewater treatment works grant No. C-390691-01 Step 3 project but will be served by a public or private water supply with a five-eighths inch water meter:
- | | |
|----------------------------------|------------------|
| A capital connection charge of | <u>\$ 430.00</u> |
| For a total connection charge of | \$ 430.00; |
- (4) For outside City connections to main buildings existing on the effective date hereof or for which building permits are issued after the effective date hereof, and which buildings are abutting or will abut the wastewater treatment works grant No. C-390691-01 Step 3 project and are or will be served by a public or private water supply with a five-eighths inch water meter:
- | | |
|--|---------------|
| A lateral connection charge of | \$ 620.00 |
| A riser and cross over connection charge of 300.00 | |
| A capital connection charge of | 490.00 |
| A system value connection charge of | <u>450.00</u> |
| For a total connection charge of | \$ 1860.00; |
- (5) For outside City connections to main buildings for which building permits are issued after the effective date hereof, which buildings will not abut the wastewater treatment works grant No. C-390691-01 Step 3 project but will be served by a public or private water supply with a five-eighths inch water meter:

A capital connection charge of	\$ 490.00
A system value connection charge of	<u>450.00</u>
For a total connection charge of	\$ 940.00;

- (6) For inside City connections to main buildings served by a public or private water supply with a water meter larger than five-eighths of an inch a capital connection charge, in accordance with the equivalent size, in terms of five-eighths inch water meter capacity, as set forth for such meter size in the following table:

<u>Meter Size (inches)</u>	<u>Equivalent Size</u>	<u>Capital Connection Charge</u>
5/8	1.0	\$ 430
3/4	1.5	645
1	2.5	1, 075
1-1/2	5.0	2,150
2	8.0	3,440
3	15.0	6,450
4	25.0	10,750
6	50.0	21,500
8	80.0	34,400
10	120.0	51,600
12	215.0	92,450

and, in addition to such capital connection charge, if such buildings abut the wastewater treatment works grant No. C-390691-01 Step 3 project, charges consisting of:

A lateral connection charge of	\$ 550.00
A riser and crossover connection charge of	<u>300.00</u>
For such total additional connection charge of	\$ 850.00;

- (7) For outside City connections to main buildings served by a public or private water supply with a water meter larger than five-eighths of an inch, a capital and system value connection charge, in accordance with the equivalent size, in terms of five-eighths inch water meter capacity, as set forth for such meter size in the following table:

<u>Meter Size (inches)</u>	<u>Equivalent Size</u>	<u>Capital and System Value Connection Charge</u>
5/8	1.0	\$ 940.
3/4	1.5	1,410.
1	2.5	2,350.
1- 1/2	5.0	4,700.
2	8.0	7,520.
3	15.0	14,100.
4	25.0	23,500.
6	50.0	47,000.
8	80.0	75,200.
10	120.0	112,800.
12	215.0	202,100.

and, in addition to such capital and system value connection charge, if such buildings abut the wastewater treatment works grant No. C-390691-01 Step 3 project, charges consisting of:

A lateral connection charge of	\$620.00
A riser and crossover connection charge of	<u>300.00</u>
For such total additional connection charge of	\$920.00

(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 for a sewer tap 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 the territory sought to be annexed to the City by a petition therefor 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 charged for connections as specified above for inside City connections.

(Ord. 74-80. Passed 10-20-80.)

CONNECTION PROCEDURE

929.11 COMMENCEMENT OF WORK: NOTICE REQUIRED.

(a) After a permit has been issued, and previous to the making of such connection, notice in writing shall in all cases be left with the Service Director by the person who is about to make the connection with any sewer or drain, stating the time when such work will be ready for inspection.

(b) No drain pipe may be extended from work previously done and accepted or new connection of any kind be made with such work unless previous notice of at least twenty-four hours is given to the Director.

(c) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The owner shall hold the City harmless from any loss or damage that may in any way result from or be occasioned by such installation or connection.

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

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

In case it shall be necessary to connect a drain or sewer pipe with a public sewer, when no junction is left in the same, the new connection with the public sewer can only be made when the inspector designated by the Service Director is present to see the whole of the work done. (Ord. 106-77. Passed 12-7-77.)

929.13 SUPERVISION OF CONNECTION; EXPENSES.

All connections made with public sewers shall be under the superintendence and direction of the inspector designated by the Service Director, and expenses or pay for such services as superintendent shall be paid by the applicant. (Ord. 106-77. Passed 12-7-77.)

929.14 COMPLETION AND ACCEPTANCE OF WORK.

(a) Each tapper who makes connections with the sewers or drains shall keep in repair and good order the whole of the work executed by him, until the same is accepted by the inspector designated by the Service Director; provided, however, that such acceptance shall be given in writing and shall not be given until the expiration of twelve months after the completion of the work, and shall not be so accepted until such connection, sewer or drain has been inspected by the inspector.

(b) Sewer builders shall, within three days after the completion of the sewer or drain, file with the Clerk-Auditor a description of the work done upon a sewer builder's return, properly filled in and signed by him. (Ord. 106-77. Passed 12-7-77.)

929.15 WATER OR GAS PIPES CREATING OBSTRUCTIONS.

In the event that a water or gas pipe comes in the way of a drain or sewer, the question of passing under or over the same shall be determined by the inspector designated by the Service Director. In no case shall the pipe layer be allowed to decide the question himself. (Ord. 106-77. Passed 12-7-77.)

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.)

929.17 QUALITY OF PIPE.

The house drain from the outside of the house shall be six-inch vitrified earthenware pipe, standard strength, ASTM classification C-13, unless laid less than three feet in depth, or greater than ten feet deep where extra strength clay pipe, ASTM classification C-200 or cast iron pipe may be used. Clay pipe joints shall be ASTM C-425 or equivalent thereof. The Service Director may establish other acceptable pipe and joint specifications. The Director shall decide in all cases which of such material may be used, and no material may be used in any private drain or sewer unless previously approved by him. The tapper shall request inspection and receive an acceptance of the entire house service connection before backfilling and performing other required work. (See also Section 1-20-14 and 1-20 -17 of Building Code.) (Ord. 106-77. Passed 12-7-77.)

929.18 PROCEDURE FOR MAKING CONNECTION.

(a) The cover of the Y branch on the sewer shall be carefully removed so as to not injure the socket. The first length of pipe attached to the Y branch shall be a bend and set so as to give a good fall into the sewer. The entire line of pipe of any house branch shall be laid on a uniform grade from the house to the Y branch. Such grade shall give a fall of not less than one vertical foot in fifty horizontal feet (two percent grade) from the house to the sewer, unless special permission is received from the Service Director. A bend shall be used for every deflection from a straight line of more than three inches in two feet.

(b) All joints shall conform to the joints in the main sewer, unless otherwise directed by the Director. Joints shall consist of a premium die-cast, premolded plasticized resin or approved equal material.

(c) Before laying, the interior of the bell of the pipe shall be carefully wiped smooth and clean and the annular space shall be entirely freed from dirt, stones or water just before the joint connection is made. Bell holes shall be excavated under all joints and shall be of such size and depth as to give ample working space for making a first-class joint.

(d) Where cast iron is used, all joints shall be mechanical joint or equivalent thereof.

(e) The dead ends of cast iron pipes must have an iron or earthen cover bolted or cemented in the end.

(f) The ends of all private sewers of earthen pipe not immediately used shall be closed watertight by a stopper of vitrified, salt glazed earthenware or concrete, cemented with cement mortar.

(g) The infiltration rate through the joints of the sewer shall not exceed two hundred gallons per inch of diameter per mile of sewer for twenty-four hours, or for a six-inch house service it shall not exceed fifty-seven gallons per one hundred feet of sewer for twenty-four hours. (See also Section 1-20-18 of Building Code.) (Ord. 106-77. Passed 12-7-77.)

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.

Drains or sewers laid within the City limits in and for houses on streets where no public sewers are yet laid, shall be done according to the regulations contained in this chapter in every particular, and the owner or agent of the property shall procure a permit from the Service Director, to connect the same with the public sewer or drain as soon as the same is built past the property from which such drain is laid. Before any old private drain or any house drain built before the effective date of this section is connected with the sewer system, the owner of the private drain shall prove to the full satisfaction of the Director that it is entirely clean and that it conforms in every respect with the rules and regulations herein prescribed. Such information as the Director has with regard to the position of junctions shall be furnished to the drain layers, but at the risk of the drain layers as to the accuracy of the same. When any change of direction is made in the pipe, either in a horizontal or vertical direction, curves shall be used. No pipe shall be clipped in any case. (See also Section 1-20-21 of Building Code). (Ord. 106-77. Passed 12-7-77.)

929.21 BUILDING SEWERS.

(a) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

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

(c) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(d) No connection or lateral extending to private property from a public sewer or drain shall be constructed except in accordance with specifications issued by the Director.

(e) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. (Ord. 106-77. Passed 12-7-77.)

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 and fill such privy vault, and shall, if required by the Board of Health, Council or the Service 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.)

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.)

USE OF PUBLIC SEWERS

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 wafer to any 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 Service 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 connectors or drains from such 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 of Public Service and other regulatory agencies. Subject to testing and analysis approved by the Director of Public Service, 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 of Public Service.
(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 plans are required to be approved.

(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) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (2) Any 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) Any 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 128.133, and are available from the Service 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 150°F (65°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 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 Service 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 929.28.

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 published October 16, 1973 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.)

929.27 POWERS AND AUTHORITY OF INSPECTORS.

(a) The Service 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, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this chapter. (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.)

(d) Employees of the City, duly authorized by the Director and bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to discharge to the wastewater treatment works and storm drainage system in accordance with the provisions of this chapter. (Ord. 6-2008. Passed 2-20-08.)

929.28 REVISIONS.

Each year the Director of Public Service 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 regulations of EPA, which now require 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 to each user class in proportion to such 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.)

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).

(c) No statement contained herein shall be construed as preventing any special agreement or arrangement between the City and any user whereby wastewater of unusual strength or character may be accepted for treatment with charges proportional to the cost of the service provided.

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

CHAPTER 930
Illicit Discharge and Illegal Connection Control

930.01	Purpose and scope.	930.05	Discharge and connection prohibitions.
930.02	Applicability.	930.06	Enforcement.
930.03	Definitions.	930.07	Remedies not exclusive.
930.04	Disclaimer of liability.		

CROSS REFERENCES
Sewers - see S.U. & P.S. Ch. 929

930.01 PURPOSE AND SCOPE.

The purpose of this regulation is to provide for the health, safety and general welfare of the citizens of the City of Sylvania through the regulation of illicit discharges to the municipal separate storm sewer system (MS4). This regulation establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process as required by the Ohio Environmental Protection Agency (Ohio EPA). The objectives of this regulation are:

- (a) To prohibit illicit discharges and illegal connections to the MS4.
- (b) To establish legal authority to carry out inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with this regulation.
(Ord. 9-2011. Passed 2-7-11.)

930.02 APPLICABILITY.

This regulation shall apply to all residential, commercial, industrial or institutional facilities responsible for discharges to the MS4 and on any lands in the City of Sylvania.
(Ord. 9-2011. Passed 2-7-11.)

930.03 DEFINITIONS.

The words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

- (a) “Best Management Practices (BMPs)”: means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to storm water. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- (b) “Community”: means the City of Sylvania (City), its designated representatives, boards or commissions.

- (c) “Environmental Protection Agency” or “United States Environmental Protection Agency (USEPA)”: means the United States Environmental Protection Agency, including but not limited to the Ohio Environmental Protection Agency (Ohio EPA), or any duly authorized official of said agency.
- (d) “Floatable material”: in general this term means any foreign matter that may float or remain suspended in the water column, and includes but is not limited to, plastic, aluminum cans, wood products, bottles and paper products.
- (e) “Hazardous Material”: means any material including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (f) “Illicit Discharge”: as defined at 40 C.F.R. 122.26(b)(2) means any discharge to an MS4 that is not composed entirely of storm water, except for those discharges to an MS4 pursuant to a NPDES permit or noted in Section 930.05 of this regulation.
- (g) “Illicit Connection”: means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4.
- (h) “Municipal Separate Storm Sewer System (MS4)”: as defined at 40 C.F.R. 122.26(b)(8), municipal separate storm sewer system means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
 - (1) Owned or operated by a State, city, town, borough, county, parish, district, municipality, township, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over sewage, industrial wastes, including special districts under State law such as a sewer district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the United States;
 - (2) Designed or used for collecting or conveying storm water;
 - (3) Which is not a combined sewer; and
 - (4) Which is not part of a Public Owned Treatment Works (POTW) as defined at 40 C.F.R. 122.2.
- (i) “National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit”: means a permit issued by the EPA (or by a State under authority delegated pursuant to 33 USC Section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.
- (j) “Off-Lot Discharging Home Sewage Treatment System”: means a system designed to treat home sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.
- (k) “Owner/Operator”: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or on the owner’s behalf.
- (l) “Pollutant”: means anything that causes or contributes to pollution.
- (m) “Storm Water”: any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

- (n) “Wastewater”: the spent water of a community. From the standpoint of a source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.
(Ord. 9-2011. Passed 2-7-11.)

930.04 DISCLAIMER OF LIABILITY.

Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provision of this regulations are promulgated to promote the health, safety and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.
(Ord. 9-2011. Passed 2-7-11.)

930.05 DISCHARGE AND CONNECTION PROHIBITIONS.

(a) Prohibition of Illicit Discharges. No person shall discharge, or cause to be discharged, an illicit discharge into the MS4, the commencement, conduct, or continuance of any illicit discharge to the MS4 is prohibited except as described below:

- (1) Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration; uncontaminated ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; and discharges or flows from fire fighting activities. These discharges are exempt until such time as they are determined by the City to be significant contributors of pollutants to the MS4.
- (2) Discharges specified in writing by the City as being necessary to protect public health and safety.

(b) Sewage effluent from household sewage treatment systems may be permitted to discharge to a storm sewer or other drainageway from residential 1, 2 or 3 family dwellings by the Lucas County Board of Health in accordance with Ohio Administrative Code 3701-29, all sewage systems that discharge effluent off-lot to surface waters are subject to NPDES permits issued by Ohio EPA, and must comply with quality standards.

(c) Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility’s owner/operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the facility owner/operator.

(d) Unreasonable delays in allowing the City access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.

(e) If the City is refused access to any part of the facility from which storm water is discharged, and the City demonstrates probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety and welfare, the City may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court of appropriate jurisdiction.

(f) Any costs associated with these inspections shall be assessed to the facility owner/operator. (Ord. 9-2011. Passed 2-7-11.)

930.06 ENFORCEMENT.

(a) Notice of Violation. When the City finds that a person has violated a prohibition or failed to meet a requirement of this regulation, the City may order compliance by written Notice of Violation. Such notice must specify the violation and shall be hand delivered, and/or sent by registered mail, to the owner/operator of the facility.

(b) If abatement of a violation and/or restoration of affected property is required, the Notice of Violation shall set forth a deadline within which such remediation or restoration must be completed. Said Notice shall further advise that, should the facility owner/operator fail to remediate or restore within the established deadline, a legal action for enforcement may be initiated.

(c) Any person receiving a Notice of Violation must meet compliance standards within the time established in the Notice of Violation.

(d) Injunctive Relief. It shall be unlawful for any owner/operator to violate any provision or fail to comply with any of the requirements of this regulation pursuant to Ohio R.C. 3709.211. If an owner/operator has violated or continues to violate the provisions of this regulation, the City may petition for a preliminary or permanent injunction restraining the owner/operator from activities that would create further violations or compelling the owner/operator to perform abatement or remediation of the violation. (Ord. 9-2011. Passed 2-7-11.)

930.07 REMEDIES NOT EXCLUSIVE.

The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state or local law and it is in the discretion of the City to seek cumulative remedies. (Ord. 9-2011. Passed 2-7-11.)

CHAPTER 933
Subsurface Wiring

933.01	Conduits required.	933.06	Nonliability of City.
933.02	Permit required; application.	933.07	Owner to pay cost for other than street lighting installation.
933.03	Changing plans after approval.	933.08	Owner not to be charged by utility for street lighting installation.
933.04	Excavations.	933.99	Penalty.
933.05	Improvements to be at owner's expense.		

CROSS REFERENCES

Service Director to have control over lighting of streets and public places - see Chtr. Art. VII, §4.0
 Power to furnish light, power and heat - see Ohio R.C. 715.06, 717.01
 Setting utility poles - see S.U. & P.S. 901.01
 Excavations - see S.U. & P.S. Ch. 905

933.01 CONDUITS REQUIRED.

In any street, alley or public easement or place within the City, all subsurface lines for the conducting of electrical energy shall be constructed and maintained in conduits, in accordance with the restrictions and regulations contained in this Chapter.
 (Ord. 39-76. Passed 7-7-76.)

933.02 PERMIT REQUIRED; APPLICATION.

Before any person shall locate any conduit under the surface of any street, alley or public easement or places or part thereof, in the City, such person shall make an application to the Director of Public Service for a permit for doing such work, and shall present to the Director a map, together with a written statement specifying the streets, alleys and public easements and places and parts thereof, in which it is desired to construct the conduits, giving the approximate size of each conduit, together with the purpose for which the same are to be used, the distance from the surface of the ground to the top of the conduits, together with the location of the necessary manholes or laterals desired to be

placed therein, and the material of which they are to be constructed. If, after examining the same, the Director of Public Service deems the location, the material of which the same is to be constructed, its size and the distance from the surface of the ground, proper, he shall grant a permit in accordance therewith; but if the Director does not deem such location, the material of which the same is to be constructed, its size and the distance from the surface of the ground, proper, he shall specify in writing what change or changes he deems proper, and such person shall, before a permit is issued, file an amended map showing such change or changes. When the same is filed and approved by the Director, he shall issue a permit for the work in accordance therewith. Provided, however, that if any person is dissatisfied with the changes required by the Director in their plans and specifications, they may submit the same to the Utility Committee of Council and the decision of a majority of that Committee shall be final. (Ord. 39-76. Passed 7-7-76.)

933.03 CHANGING PLANS AFTER APPROVAL.

After the Director of Public Service or the Utility Committee of Council has approved a map and plans of any conduit, no change shall be made in the size or location of the conduit or the material of which the same is to be constructed, and no change shall be made in the size or location of the laterals or manholes until the person desiring a change first presents to the Director an amendment to such map and specifications and the same has been approved by the Director. After the conduits, manholes and laterals have been constructed, the person shall file in the office of the Director a full and complete detail drawing showing the location, size and depth of each and every part of the conduits, manholes and laterals as they have actually been built. (Ord. 39-76. Passed 7-7-76.)

933.04 EXCAVATIONS.

(a) All excavations made in constructing or maintaining subsurface lines in conduits shall at all times be kept and maintained with sufficient and proper guards and lights to render the same secure and free from danger. No excavations shall be permitted to be and remain in any avenue, street, lane, alley, public landing or other public place of the City for a longer period of time than is absolutely necessary to properly and expeditiously construct or repair such lateral, manhole or conduit, and all excavations shall be filled to the satisfaction and approval of the Director of Public Service.

(b) All excavations made in the streets, lanes, alleys, public easements, public ways or public grounds under the provisions of this chapter shall also be governed by the provisions of the general ordinances applicable thereto. (Ord. 39-76. Passed 7-7-76.)

933.05 IMPROVEMENTS TO BE AT OWNER'S EXPENSE.

When any person now or hereafter owning or operating any conduits in the streets, alleys or public grounds of the City receives notice from the Director of Public Service that a local improvement is to be made by the City, or a sewer, gas or water main is to be repaired or conduit is to be laid, and that it shall be necessary that such conduit be moved or altered, specifying what change shall be necessary to accommodate the contemplated improvement or repair, then such person shall move or alter such conduit at his own expense, so as to permit the constructing or repairing of the improvement ordered, or the sewer, gas or water main to be laid or repaired, and should any such person fail

within five days of the notice to comply with the same, the Director of Public Service shall cause such conduit to be moved or altered, as the necessity may require, at the cost of the person owning or operating the conduit, the same to be recovered by the Director of Law in a court of competent jurisdiction.

(Ord. 39-76. Passed 7-7-76.)

933.06 NONLIABILITY OF CITY.

Any person now or hereafter doing business in the City and having obtained or that may hereafter obtain a grant or permission to construct and maintain or operate in or over any street, alley or public place of the City any lines for the conducting of electrical energy, shall forever indemnify and save harmless the City against and from any and all damages, judgments and decrees, and the cost and expenses which it may suffer or become liable for resulting from the exercise of such rights and privileges, and in no case shall such person be entitled to any damages from and against the City which may result to its laterals, manholes or conduits by reason of or growing out of any work being done or improvements being made by the City, its officers or agents.

(Ord. 39-76. Passed 7-7-76.)

933.07 OWNER TO PAY COST FOR OTHER THAN STREET LIGHTING INSTALLATION.

An owner of real estate which is not served by a line or lines for the conducting of electrical energy for other than street lighting purposes, installed below the surface shall bear the cost of installing such a service in conformity with this chapter, whether the same is a new installation or a conversion from overhead electrical energy lines.

(Ord. 39-76. Passed 7-7-76.)

933.08 OWNER NOT TO BE CHARGED BY UTILITY FOR STREET LIGHTING INSTALLATION.

An owner of real estate which is served by a line or lines for the conducting of electrical energy for street lighting purposes, installed below the surface, shall not be assessed or charged therefor by the Toledo Edison Company or any other utility; provided, however, that the City may assess such an owner for street lighting at the rate provided in the City's annual street lighting resolution and ordinance for underground street lighting installations. (Ord. 39-76. Passed 7-7-76.)

933.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00) and each day's violation shall be considered a separate and distinct offense.

TITLE FIVE - Other Public Services
 Chap. 941. Waste Collection.
 Chap. 943. Residential Recycling Program.
 Chap. 945. Parks.
 Chap. 951. Streets, Park and Other Trees.
 Chap. 961. Cemetery Interments.

CHAPTER 941
 Waste Collection

<p>941.01 Definitions.</p> <p>941.02 City to provide collection and disposal for residential buildings at City expense.</p> <p>941.021 Fees for collection and disposal for residential buildings.</p> <p>941.03 Refuse collection and disposal service.</p> <p>941.04 Refuse preparation.</p> <p>941.05 Container requirements.</p> <p>941.06 Location of containers.</p> <p>941.07 Collection and disposal contract provisions.</p>	<p>941.08 Materials not considered refuse.</p> <p>941.09 Refuse collection and disposal by non-City contractors.</p> <p>941.10 Dumping of refuse in public place; burning prohibited.</p> <p>941.11 Burning or burying refuse prohibited.</p> <p>941.12 Wet refuse containers.</p> <p>941.13 Christmas tree removal.</p> <p>941.14 Bulk item and white goods.</p> <p>941.15 Leaf collection.</p> <p>941.16 Public waste receptacles.</p> <p>941.99 Penalty.</p>
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CROSS REFERENCES

Power of Council to collect and dispose of garbage and refuse - see CHTR. Art. III, Sec. 10.0
 Disposal and transportation upon public ways - see Ohio R.C. 3767.20 et seq.
 Vehicle loads dropping, sifting, leaking - see TRAF. 339.08, 339.09
 Littering - see GEN. OFF. Ch. 503

941.01 DEFINITIONS.

As used in this chapter:

- (a) "Refuse," as used herein, means all putrescible (perishable) substances, including vegetable and fruit waste; animal offal or manure (securely wrapped or bagged); household wastes, including ashes, plastics, tin, glass, paper, rags, cardboard boxes (folded and tied); yard wastes; grass clippings; tree limbs (bundled and tied in lengths of no more than four feet with a diameter of not more than two feet and not more than forty pounds in weight); empty paint cans; appliances (white goods); water tanks; furniture; mattresses; carpeting (rolled in four-foot lengths and tied); dismantled swing sets (concrete bases removed); and newspapers (folded, bundled and tied and not more than forty pounds in weight).

- (b) “Resident”, “owner” or “householder” includes any owner, occupant, lessee, tenant or any person in charge of any dwelling, hotel or motel, restaurant, apartment house, office building, public building, store building, churches, schools or other building within the City.
- (c) “Commercial establishments” includes each location occupied by a retail and/or wholesale firm, a firm furnishing sales and/or services, each location occupied by a quasi public institution and each multiple family building consisting of six or more multiple family dwelling units not specifically submitted to the provisions of the Ohio Condominium Law contained in Ohio R.C. Chapter 5311.
- (d) “Residence” includes each single family dwelling unit, each unit of a multiple family structure containing up to a maximum of five dwelling units and each unit of a multiple family structure specifically submitted to the provisions of the Ohio Condominium Law contained in Ohio R.C. Chapter 5311, which structure contains six or more units.
- (e) “Collection contractor” means the person, partnership or corporation awarded the contract to collect refuse as herein defined from all residences within the limits of the City; and to transport such refuse to the disposal facility which shall be designated by the City.
- (f) “Disposal contractor” means the person, partnership or corporation having available a disposal facility sufficient to accept and dispose of the refuse from all residences within the limits of the City.
(Ord. 33-90. Passed 3-19-90.)

941.02 CITY TO PROVIDE COLLECTION AND DISPOSAL FOR RESIDENTIAL BUILDINGS AT CITY EXPENSE.

(a) From December 1, 1990, and through December 31, 1992, the City shall provide, at the sole expense of the City, for the removal and disposition of refuse from all residents, owners, householders and buildings within the City, excepting those in or defined as commercial establishments, up to a maximum of two approved containers per week or, as an alternate, up to such maximum number of approved containers per week as stipulated within the collection contract bid specifications referenced within the advertisement for bids. The City shall arrange for the distribution of special disposal containers whereby the resident, owner or householder may dispose of refuse in excess of the maximum container per week limit, with the cost of such excess removal and disposition being borne by the resident, owner or householder. (Ord. 111-92. Passed 11-16-92.)

(b) From and after December 1, 1990, the City shall provide, at the expense of the City, for the removal and disposition of refuse from all residents, owners, householders and buildings within the City, excepting those in or defined as commercial establishments, up to a maximum of two approved containers per week or, as an alternate, up to such maximum number of approved containers per week as stipulated within the collection contract bid specifications referenced within the advertisement for bids. The City shall arrange for the distribution of special disposable containers whereby the resident, owner or householder may dispose of refuse in excess of the maximum container per week limit, with the cost of such excess removal and disposition being borne by the resident, owner or householder.
(Ord. 33-90. Passed 3-19-90.)

941.021 FEES FOR COLLECTION AND DISPOSAL FOR RESIDENTIAL BUILDINGS.

(a) Commencing January 1, 1995, and thereafter, the City shall provide and pay for the removal and disposition of refuse from all residents, owners, householders and buildings within the City, excepting those in or defined as commercial establishments, up to a maximum of three approved containers per week, or as an alternate, up to a maximum number of approved containers per week as stipulated within the collection contract bid specifications referenced within the advertisement for bids and there is hereby imposed on the owner (collectively including all owners or tenants) of each residence an annual fee of ninety-six dollars (\$96.00), for each calendar year, payable quarterly, which quarterly payment shall be included on such owner's quarterly water and sewer bill, water bill or sewer bill as provided for in Chapters 923 and 925. The amount of the annual fee shall be reviewed by the Director of Public Service whenever the annual cost to the City of collection or disposal of refuse changes and the amount of such annual fee shall be adjusted upwards or downwards by the Director of Public Service, by rule, so that the annual fee, when paid as so imposed, will equal the City's estimated annual cost of removal and disposal of refuse. Any change in the annual fee shall be made prospectively and shall be made effective only on and after January 1, of any particular year. The City shall arrange for the distribution of special disposable containers whereby the resident, owner or householder may dispose of refuse in excess of the maximum container per week limit then in force, with the cost of such excess removal and disposition being borne by the resident, owner or householder. If the quarterly annual fee payment is not paid to the City within twenty days of its billing date, ten percent (10%) of the quarterly annual fee amount shall be added to the quarterly annual fee amount and collected by the City. The water service agreement, upon the owner of any residential premises receiving City refuse service after the date hereof, shall be deemed to be also a service agreement for refuse service and the provisions of 923.09(b) shall apply with the force and effect to refuse service as though that term has been included in such section. (Ord. 99-2002. Passed 10-7-02.)

(b) To the extent, in the aggregate, that an owner (collectively including all owners) of a residence and any person residing at such residence who is not a tenant, have paid, or are credited to have paid their City income tax liability less any credit given under Section 171.15, to the City for the year for which such annual fee is imposed, such owner, or person, so paying or being credited with having paid such income tax liability less such credit shall receive a refund of the annual fee or part thereof paid by such owner or person upon the person entitled to such refund completing and filing an application upon forms provided by the City and upon proof of payment of the annual fee and verification by the Tax Commissioner of income tax so paid or credited.

(c) To the extent tenant(s) of an owner of a residence in the City have paid or are credited to have paid their City income tax liability less any credit given under Section 171.15, to the City for the year for which such annual fee is imposed, such tenant(s) shall be entitled to receive a refund of such fee, upon application to the City on forms provided by the City and upon proof of such applicant's payment of the annual fee and verification by the Tax Commissioner of income tax so paid or credited.
(Ord. 98-96. Passed 9-4-96.)

(d) If all persons residing at a residence in the City have a combined gross income of less than twenty-four thousand one hundred dollars (\$24,100.00) from all sources, for any year in which a refuse fee is imposed and paid, such persons shall be entitled to a refund of such refuse fee upon application to the City on forms provided by the City and upon proof of such applicant's payment of the annual fee and verification by the Tax Commissioner that such combined gross income, from all sources, from all persons residing in such residence is less than twenty-four thousand one hundred dollars (\$24,100.00).

(e) If the combined gross income received for the second year prior to the year for which the annual fee is imposed, from all sources by all persons (which must include the owner of such premises) residing in a residence in the City, is less than twenty-four thousand one hundred dollars (\$24,100.00), as determined by the Commissioner of Taxation, the owner (collectively including all owners) of such residence shall be exempt from the payment of the annual fee, upon the owner completing and filing with the Tax Commissioner an application for exemption form provided by the Tax Commissioner and upon verification by the Tax Commissioner of such income received.
(Ord. 99-2002. Passed 10-7-02.)

(f) If the combined City income tax liability less any credit given under Section 171.15, which has been paid or credited to have been paid for the second year prior to the year for which the annual fee is imposed, of all persons residing in a particular residence in the City during such second year prior as determined by the Commissioner of Taxation, is equal to or exceeds the annual fee imposed, the owner (collectively including all owners) of such residence shall be exempt from the payment of the annual fee, upon such owner completing and filing with the Tax Commissioner an application for exemption form provided by the Tax Commissioner and upon verification by the Tax Commissioner of such income tax paid or credited to have been paid.

(g) If the combined City income tax liability less any credit given under Section 171.15, which has been paid or credited to have been paid for the second year prior to the year for which the annual fee is imposed, of all persons residing in a particular residence in the City during such second year prior, as determined by the Commissioner of Taxation, is less than the annual fee imposed, the owner (collectively including all owners) of such residence shall be exempt from the annual refuse fee so imposed upon such owner (any of them) paying to the utility office an amount equal to the difference between the annual refuse fee imposed and the income tax so paid or credited to have been paid to the City, and upon such owner completing and filing with the Tax Commissioner an application for exemption form provided by the Tax Commissioner and upon payment of such income tax being verified by the Tax Commissioner. (Ord. 98-96. Passed 9-4-96.)

(h) In those cases where all persons residing at a residence in the City are estimated to have a combined gross income of less than twenty-four thousand one hundred dollars (\$24,100.00), from all sources, for any year in which a refuse fee is imposed and any of such persons had not resided in the City during all of the second year prior to the year in which the refuse fee is imposed, then the residents of such residence shall be exempt from the payment of the annual refuse fee for the year such combined gross income is less than twenty-four thousand one hundred dollars (\$24,100.00), upon all of such residents, except minors having no gross income, completing and filing with the Tax Commissioner, an application for exemption form provided by the Tax Commissioner, which form and the accompanying copies of tax returns and affidavits shall establish that the estimated combined gross income of all residents of the particular residence where the refuse fee would be imposed is less than twenty-four thousand one hundred dollars (\$24,100.00). (Ord. 99-2002. Passed 10-7-02.)

(i) All owners or other persons whose gross income or income taxes paid to the City are required to be considered hereby in determining whether such owner, other person or any of them qualify for an exemption or refund provided for under subsections (b), (c), (d), (e), (f), (g) or (h) hereof shall complete and file waiver and consent forms provided by the Tax Commissioner or forms authorizing the Division of Taxation to disclose certain information to the utility billing office and the Finance Department and other forms required by the Tax Commissioner or the Director of Public Service.

(j) The Director of Public Service and the Tax Commissioner (as provided in Chapter 171) may promulgate rules to implement the provisions of this and other sections of the Codified Ordinances which directly or incidentally relate to the annual refuse fee.

(k) "Gross income," as used in this section, means all income from whatever source derived and includes those items listed in the Internal Revenue Code, Sections 61(a) and 85(a), as follows:

- (1) Compensation for services, including fees, commissions and the like;
- (2) Gross income derived from business;
- (3) Gains derived from dealings in property;
- (4) Interest;
- (5) Rents;
- (6) Royalties;
- (7) Dividends;
- (8) Alimony and separate maintenance payments;
- (9) Annuities;
- (10) Income from life insurance and endowment contracts;
- (11) Pensions;
- (12) Income from discharge of indebtedness;
- (13) Distributive share of partnership gross income;
- (14) Income in respect of a decedent;
- (15) Income from an interest in an estate or trust; and
- (16) Unemployment compensation.

(l) All of the owners of a residence, as distinguished from tenants or other occupiers of real estate, shall be deemed to have paid the refuse fee that has been paid to the City in the absence of proof to the contrary.

(m) All applications for refunds of a refuse fee shall be filed with the City on or before December 31 of the year following the year for which the refuse fee is imposed and if not filed within that time such application shall not be accepted by the City and no refund shall be made.

(n) All refuse fee payments received by the City shall be credited to the General Fund, and identified by a new particular account which the Director of Finance shall designate. (Ord. 98-96. Passed 9-4-96; Ord. 99-2002. Passed 10-7-02.)

941.03 REFUSE COLLECTION AND DISPOSAL SERVICE.

(a) Refuse collection services are to be provided to all residences and public refuse receptacles once each week. Collections, except in an emergency, shall be between the hours of 7:00 a.m. and the following sunset. No collections shall be made during other parts of the day, on Sundays or on holidays except in emergencies. In all instances wherein collection is proposed to occur during Sunday or a holiday, the collection contractor shall provide prior notification of such activities and the nature of their occurrence to the Director of Public Service and gain appropriate authorization from the City, meaning such Director's approval.

(b) The collection contractor shall conduct refuse collection activities in five collection zones, which shall be as designated by the Director of Public Service. Collection shall be made once each week for each of the five areas on the day established by the Director of Public Service.

(c) In the event that the normally scheduled collection day for an area falls on a holiday, collection for that area shall take place on the next working day. During the remainder of the week in which such a holiday has occurred, the scheduled collection day for each area will be delayed one day, with areas typically serviced Friday, being serviced on Saturday. The weekly collection schedule may not be changed, except in a case of emergency with prior approval of the Director of Public Service.

(d) The refuse to be disposed of by the disposal contractor shall be collected and transported under a separate contract by the collection contractor at no expense to the disposal contractor. The disposal contractor shall be required to accept refuse from the collection contractor designated by the City, regardless of their identity.

(e) The contracted disposal facility made available by the disposal contractor shall be capable of accepting and weighing the City's refuse, and maintaining the appropriate manifestation of all City collection vehicles.

(f) The disposal contractor shall provide access to the disposal facility to the collection contractor Monday through Friday (except holidays) of each week, and on the Saturday following each Monday through Friday week in which a holiday has occurred. Holidays shall be designated prior to bidding so it is available for the disposal contractor. (Ord. 33-90. Passed 3-19-90.)

941.04 REFUSE PREPARATION.

(a) All refuse coming under a classification of putrescible, including vegetable and fruit waste, shall be drained of surplus water and wrapped in heavy paper or several sheets of newspaper before being deposited in containers.

(b) All refuse under the classification of animal offal shall be limited to offal from dogs and cats, and shall be collected and disposed of only if the same is securely and thickly wrapped or bagged and securely tied.

(c) Tree limbs and other wood shall be collected and disposed of only if the same is bundled up in lengths not to exceed four feet with a diameter not to exceed two feet, and securely tied and if the weight thereof, does not exceed forty pounds. Such bundles shall be placed at the edge of the street off the pavement.
(Ord. 33-90. Passed 3-19-90.)

941.05 CONTAINER REQUIREMENTS.

(a) All nondisposable containers utilized for the purpose of refuse collection shall have a capacity no greater than thirty-three gallons with a weight, when loaded, not to exceed sixty pounds. The containers shall be of sufficient plastic or metal construction with a tight-fitting lid to provide for the efficient and intact transfer of its contents to collection vehicles without incidence of water infiltration or wind dispersion. Such containers shall be provided by the residents, owners or householders and the same equipped with usable handles for carrying purposes.

No containers shall be utilized which possess ragged or sharp edges or such defect that may injure or hamper the person collecting the refuse. Containers which pose a threat to the safety of the collection contractor shall be marked by the collection contractor with a tag identifying them as in need of replacement. Continued use of such prior tagged containers shall result in their collection by the collection contractor for disposal.

(b) Disposable containers may be utilized which conform to the performance and construction standards as described herein. The disposable container shall not exceed forty pounds when loaded. The disposable container shall be constructed of nonreusable plastic or paper of a minimum of 1.5 mil thickness and shall be securely fastened, closed or tied. All disposable containers of paper construction shall have a sufficient wet strength to allow for collection during inclement weather presenting no difficulty to the person collecting such containers.

(c) After December 1, 1990, containers intended for use by the resident to contain refuse over and above the maximum container limit shall be provided by the collection contractor and marked with a symbol or colored so as to be easily distinguishable from the resident's disposable and nondisposable containers as described herein.

(d) Grass clippings and other yard waste to be collected may be placed in disposable containers, as described herein, each of which including the contents thereof shall not exceed forty pounds in weight and each of which shall be placed at the edge of the street off the pavement for pick-up.

(e) Cardboard boxes, paper and similar items shall be broken down and securely tied in bundles not exceeding forty pounds in weight and not more than four feet in length. The material used to tie bundles shall be of sufficient strength so that the bundle can be picked up by such material. No refuse shall be placed in paper or cardboard containers. Such bundled cardboard boxes, paper and similar items shall be placed at the edge of the street off the pavement.

(f) Newspapers shall be folded and securely tied in bundles not exceeding forty pounds in weight and four feet in length. The material used to tie the bundles shall be of sufficient strength so that the bundle can be picked up by such material. Such bundles of newspaper shall be placed at the edge of the street off the pavement. (Ord. 33-90. Passed 3-19-90.)

941.06 LOCATION OF CONTAINERS.

(a) All containers, white goods and bulk items, except the wet refuse containers defined in Section 941.12 and the public waste receptacles mentioned in Section 941.16, shall be placed in the street right of way at the edge of the street off the pavement. Refuse containers, bundles or other permissible items shall not be placed in the street right of way at the edge of the street off the pavement before the time of sunset on the night preceding the collection day or after 7:00 a.m. on the collection day. Containers so lawfully placed at the edge of the street shall not be permitted to remain there after the time of sunset on the collection day.

(b) The collection contractor shall not be required nor permitted to enter garages, dwellings or porches for pick up. Nor shall collection be required if access to refuse containers is inhibited by a locked gateway or the presence of threatening/intimidating animals.

(c) The collection contractor shall place nondisposable refuse containers, after emptying, at the edge of the street, off the pavement and with all tops placed back on the containers. (Ord. 33-90. Passed 3-19-90.)

(d) At all times while not placed in the street right-of-way as set forth in subsection (a), all containers or bundles shall be kept in such a manner so as not to be visible from the street. (Ord. 37-2008. Passed 5-5-08.)

941.07 COLLECTION AND DISPOSAL CONTRACT PROVISIONS.

(a) Until otherwise provided by ordinance, the City shall enter into a contract with a collection contractor for the furnishing of such tight-covered trucks, employees and proper facilities as are necessary and required for the lawful collection of refuse and the furnishing of all services necessary and required for the proper collection and delivery to the designated disposal facility of the refuse from all residents, owners and householders within the City excepting those included within the definition of commercial establishments.

(1) Such contract shall be for three years or such other length of time as shall be stated in the legal notice advertising for bids and alternative lengths of time may be specified. Such contract shall be entered into with the lowest and best bidder after advertising for bids not less than two nor more than four consecutive weeks in a newspaper of general circulation within the City; such contract price shall be paid in monthly payments beginning thirty days after the effective date of such contract; prior to eighty days of, and within ninety days of the expiration of an existing contract, the Clerk of Council shall so advertise for bids for a new contract with such alternates as may be specified by the Mayor.

- (2) The collection contract shall be solely for the purpose of collection and transportation of refuse by the collection contractor for delivery to the separately contracted disposal contractor. If a single person, firm or corporation owns/operates both the collection and the disposal services for the City, contracts for both services shall be contracted for and paid for separately.
- (3) Each bid shall be accompanied by a certified, cashier's or official bank check, or a bid bond in an amount of five thousand dollars (\$5,000) payable to the City as a guarantee that if the bid is accepted, a contract shall be entered into between the successful bidder and the City.
- (4) A performance bond with corporate surety, approved by the City Director of Law, shall be provided to the City guaranteeing that all provisions of the contract shall be met by the collection contractor. The bond shall be in the amount of one hundred thousand dollars (\$100,000). It shall be furnished within ten days following the award of the contract. Thereafter, ninety days prior to the anniversary date of the bond, the performance bond shall be renewed by the collection contractor for each year of the contract and shall continue to indemnify the City against loss resulting from any failure of performance by the collection contractor.
- (5) The collection contractor shall furnish evidence of liability, personal injury and property damage insurance, with liability personal injury limits of five hundred thousand dollars (\$500,000) each person and one million five hundred thousand dollars (\$1,500,000) each occurrence, and liability property damage limits of one million dollars (\$1,000,000) on all motor vehicles used in furnishing such service and complying with the terms and conditions of the contract.

Such insurance shall protect the collection contractor and the City from any liability, loss or damage or any claims of such liability, loss or damage resulting or claimed to have resulted as a result of the operations of the collection contractor pursuant to the agreement. Such insurance shall be secured from a responsible company acceptable to the City and certificates of insurance shall be furnished to the City by the collection contractor prior to entering into the performance of this contract. In addition, the collection contractor agrees to and shall hold the City harmless as to any liability or claims of liability arising under or pursuant to such agreement.

- (6) The collection contractor shall be required, at its own cost and expense, to furnish all necessary tools and equipment for the collection of refuse, and to maintain such equipment in a safe and proper operating condition. The City shall reserve the right to inspect vehicles and equipment of the collection contractor.

- (7) The collection contractor shall provide telephone access to the City by means of a local telephone number. At the time the contract is awarded, the collection contractor shall provide to the City the name(s) of a person or persons to be contacted in the event of complaints and/or emergencies.
- (8) The collection contractor shall provide proper supervision of all collection activities and shall maintain two-way radio contact between all contracted vehicles and the collection contractor's base of operations.
- (9) The collection contractor shall transport all residential refuse collected from the City to the disposal facility designated by the City. The disposal facility or alternate disposal facilities shall be designated within the collection contract bid specifications referenced within the advertisement for bids.
- (10) During the duration of the contract, refuse collected from the City shall remain segregated from refuse collected by the collection contractor from any other source. Refuse from the City shall not be mixed in collection trucks with refuse from any other source, nor shall any extraneous refuse be disposed of at the designated disposal facility under the City's refuse disposal contract.

(b) Until otherwise provided by ordinance, the City shall enter into a contract with a disposal contractor for the purpose of the disposal of refuse as delivered to the disposal contractor in a manner complying with all applicable, federal, state and local rules and regulations; and in an environmentally safe manner such as not to pose a threat to public health, safety and the environment. A separately contracted collection contractor shall be responsible for the collection of refuse and its delivery to the disposal contractor's facility.

- (1) Such disposal contract shall be for three years or such other length of time as shall be stated in the legal notice advertising for bids and alternate lengths of time may be specified. Such a disposal contract shall be entered into with the lowest and best bidder after advertising for bids not less than two nor more than four consecutive weeks in a newspaper of general circulation within the City; such contract price shall be paid in monthly payments beginning thirty days after the effective date of such contract; prior to eighty days of, and within ninety days of the expiration of an existing contract, the Clerk of Council shall so advertise for bids for a new contract with such alternates as may be specified by the Mayor.
- (2) The bid shall be accompanied by a certified, cashier's or official check or a bid bond in the amount of ten thousand dollars (\$10,000) payable to the City as a guarantee that if the bid is accepted, a contract shall be entered into between the successful bidder and the City.

- (3) A performance bond with corporate surety, approved by the City Director of Law, shall be provided to the City guaranteeing that all provisions of this contract shall be met by the contractor. The bond shall be in the amount of one hundred thousand dollars (\$100,000). It shall be furnished within ten days following the award of the contract. Thereafter, ninety days prior to the anniversary date of the bond, the performance bond shall be renewed by the contractor for each year of the contract and shall continue to indemnify the City against loss resulting from any failure of performance by the contractor.
- (4) The disposal contractor shall furnish evidence of liability, personal injury and property damage insurance, with liability personal injury limits of five hundred thousand dollars (\$500,000) each person and one million five hundred thousand dollars (\$1,500,000) each occurrence, and liability property damage limits of one million dollars (\$1,000,000) on all motor vehicles used in furnishing such service and complying with the terms and conditions of such contract.

Such insurance shall protect the disposal contractor and the City from any liability, loss or damage or any claims of such liability, loss or damage resulting or claimed to have resulted as a result of the operations of the disposal contractor pursuant to the agreement. Such insurance shall be secured from a responsible company acceptable to the City and certificates of insurance shall be furnished to the City by the disposal contractor prior to entering into the performance of this contract. In addition, the disposal contractor agrees to and shall hold the City harmless as to any liability or claims of liability arising under or pursuant to such agreement.
- (5) Should the City's access to the disposal facility be impaired due to any and all noncompliance of the disposal facility, the disposal contractor shall provide alternative disposal of the City's refuse. Should the alternative disposal facility be located at a greater haul distance than the originally contracted disposal facility, the City retains the right to fair compensation from the disposal contractor for the additional haul distance. (Ord. 33-90. Passed 3-19-90.)

941.08 MATERIALS NOT CONSIDERED REFUSE.

"Refuse" shall not mean and shall not include: lumber, building and remodeling materials; tires; stones; rocks; dirt; steel; iron; motor oil; pesticide containers; paint, paint thinner; automobile parts; tree stumps; or dead animals.

In addition, the collection contractor shall not be required under the contract to collect and dispose of any abandoned, condemned or rejected product, by-product, manufactured waste material or stock of any wholesale dealer, as, for example, eggs, fish, meat, pickles, fruit or vegetables, and which shall be regarded as trade waste, but all of the same and similar items shall be removed and disposed of by the owner thereof, and at such owner's expense. (Ord. 33-90. Passed 3-19-90.)

941.09 REFUSE COLLECTION AND DISPOSAL BY NON-CITY CONTRACTORS.

(a) No person, firm or corporation excepting the collection contractor mentioned in Section 941.01 shall remove, transport or carry over or through the streets, alleys or other public ways of the City, for compensation, any refuse or rubbish as herein defined, unless the same is collected from such a resident, owner, householder or building within the City as is included within the definition of "commercial establishments".

(b) Nothing herein contained shall prevent the removal of dead animals from the City by any person, provided that such dead animals are covered and removed forthwith and disposed of according to law.

(c) Nothing herein contained shall prevent a resident, owner or householder from employing any person to remove those items listed in Section 941.08, nor shall anything herein contained prevent any such person from accepting such employment.

(d) Every person, firm or corporation, other than the collection contractor having a contract with the City pursuant to Section 941.07, transporting or carrying over or through the streets, alleys or other public ways of the City, any refuse or rubbish as herein defined, for compensation, shall apply for and obtain a refuse hauling permit, good for one year from the date of issue unless revoked as hereinafter provided. The permittee shall pay twenty-five dollars (\$25.00) for each permit at the time of application therefor on forms provided by the Director of Public Service.

The applicant shall include on this application for such permit, in addition to other matters required by rule of the Director of Public Service, a description of vehicles to be used for such transporting or carrying during the permit period and designate the location of the site expected to be used for the disposition of such refuse or rubbish and/or describe such other ultimate disposition thereof. No person, firm or corporation required hereby to have a permit shall fail to obtain such permit before so transporting or hauling any refuse. Any permit issued hereunder may be revoked if the permit holder, his employees or agents violate any provision of this chapter or Section 503.08 of the General Offenses Code.
(Ord. 33-90. Passed 3-19-90.)

941.10 DUMPING OF REFUSE IN PUBLIC PLACE; BURNING PROHIBITED.

No person shall throw, dump or leave upon any street, alley, public park, vacant lot or any pond, stream or body of water or the banks thereof, or upon any lot, other than his own within the limits of the City, any table or kitchen wastes, dead animals, offal or other refuse, and burning such materials in outside incinerators or other outside burying devices within the City is prohibited.

(Ord. 33-90. Passed 3-19-90.)

941.11 BURNING OR BURYING REFUSE PROHIBITED.

No person shall burn or bury refuse within the corporate limits of the City.
(Ord. 33-90. Passed 3-19-90.)

941.12 WET REFUSE CONTAINERS.

(a) The owner of any family dwelling, building or structure which contains six or more family dwelling units, and the owner of any commercial establishment shall not be required to comply with Section 941.05 or 941.06, but shall provide for the disposition of such refuse and rubbish in such manner as not to violate any provision of this chapter, other ordinance or regulation of the City including the anti-litter regulation of Section 503.08 of the General Offenses Code. The owner of any family dwelling, building or structure which contains five or fewer family dwelling units shall be required to comply with Sections 941.05 and 941.06 and all other sections contained herein which apply to residential refuse disposal.

(b) The owner of any family dwelling, building or structure which contains six or more family dwelling units, and the owner of any commercial establishment shall provide at least one refuse container, provided however, that if one container is not sufficient to hold the refuse accumulating therein between collection times, then such owner shall provide as many additional containers as may be required to adequately serve such dwelling units or commercial establishment. The owner may purchase or lease such containers. The owner shall enter into a private agreement with a contractor for the collection and disposal of its refuse.

(c) Wet refuse containers shall be of a capacity of not less than one cubic yard and manufactured of a metal not less than sixteen gauge thickness. Such wet refuse containers shall be equipped with a truck dumping attachment and with wheels or castors, all of which shall be of a type approved by the Director of Public Service and specified by him in writing. Such containers shall be equipped with tightfitting lids and the lids shall be kept tightly on the container except when it is being emptied or filled. All containers shall be placed in an area and in such manner as to be accessible for collection.

(d) Nothing in this section shall apply to any dwelling or structure equipped with an incinerator or disposal facilities which meet the requirements of the City Building Code.

(e) Owners of any commercial establishment normally generating a volume of refuse of less than one-half cubic yard per week shall not be required to collect refuse in wet refuse containers. Such owners may collect and place refuse within containers complying with Section 941.05 and 941.06.

(f) Groups of tenants or owners or both, or one or more commercial buildings generating volumes of refuse of less than one-half cubic yard per week, may jointly utilize the same wet refuse container, provided, that a single owner or tenant of such a group shall be responsible for entering into a private agreement with a contractor, the payments associated with the agreement, the maintenance of the container, the upkeep of the grounds it occupies and any other managerial or housekeeping responsibilities.

(g) A tenant or owner of a commercial building or a group of such owners or tenants may jointly enter into private agreements with the contractor for the use of modernized devices or other mechanical equipment such as compactors, collection chutes, conveyer belts or the like which are designed to handle the refuse with improved convenience, economy or efficiency. Where applicable, such arrangements shall be subject to the review and approval by the Municipal Zoning Administrator and/or the Director of Public Service.
(Ord. 33-90. Passed 3-19-90.)

941.13 CHRISTMAS TREE REMOVAL.

City crews shall remove Christmas trees during the week commencing with the first Monday following the New Year's Day.
(Ord. 33-90. Passed 3-19-90.)

941.14 BULK ITEM AND WHITE GOODS.

The collection contractor shall make known to the public a local telephone number the City's residents may use to request bulk item service. Bulk items shall be collected after a resident telephone request is made to the collection contractor. Bulk items shall be picked up no later than two weeks after the collection contractor receives the request for pickup. The resident shall be responsible for placement of these items according to Section 941.06. Pickup of all bulk items and white goods is to be provided by the collection contractor at no additional cost to the City or its residents.

Bulk items are defined as follows: household furniture and appliances; water heaters/boilers; sinks/bathroom fixtures; and other items inappropriate for normal pickup except for those items listed in 941.08.
(Ord. 33-90. Passed 3-19-90.)

941.15 LEAF COLLECTION.

Leaves shall be raked loose to the edge of the street and not into the gutter or onto the pavement and they shall be picked up by City crews during the fall as announced by the Director of Public Service. Residents wishing to dispose of their leaves prior to the announced City collection may bag the leaves in disposable containers according to Section 941.05 and place them out for collection on the regular collection day.
(Ord. 33-90. Passed 3-19-90.)

941.16 PUBLIC WASTE RECEPTACLES.

The collection contractor shall empty public waste receptacles once each week at locations designated by the City through the Director of Public Service prior to bidding. The public waste receptacles shall be emptied and the waste collected therefrom by the collection contractor which has a contract with the City under Section 941.07.
(Ord. 33-90. Passed 3-19-90.)

941.99 PENALTY.

Whoever violates any term or condition of this chapter shall be fined not more than one hundred dollars (\$100.00) for the first offense, and not more than two hundred fifty dollars (\$250.00) for each subsequent offense.
(Ord. 33-90. Passed 3-19-90.)

CHAPTER 943
Residential Recycling Program

943.01	Definitions.	943.05	Title to recyclable materials.
943.02	Recycling program established.	943.06	Theft of recyclable materials.
943.03	Separation and preparation of recyclable materials.	943.07	Donation or sale of recyclable materials.
943.04	Placement of recyclable materials.	943.99	Penalty.

943.01 DEFINITIONS.

As used in this chapter:

- (a) "Recyclable materials" means materials that would otherwise become solid waste and that may be collected, separated or processed and returned to the economic mainstream as a raw material or product and shall include the following materials:
- (1) Aluminum, steel and bi-metal cans;
 - (2) Glass containers;
 - (3) Plastic milk, water, juice and detergent containers;
 - (4) Corrugated paper (cardboard and paper boxes);
 - (5) Newspaper;
 - (6) Computer print-out paper;
 - (7) Computer tab cards;
 - (8) Other materials as set forth by rules promulgated by the Director of Public Service and published for a minimum of fifteen days.
- (b) "Recycling program" means a resource recovery method that involves the collection and treatment of waste products for use as raw materials in manufacturing the same or a similar product.
- (c) "Refuse" shall have the same meaning as set forth in Section 941.01(a), to-wit: all putrescible (perishable) substances, including vegetable and fruit waste; animal offal or manure (securely wrapped or bagged); household wastes, including ashes, plastics, tin, glass, paper, rags, cardboard boxes (folded and tied); yard wastes; grass clippings; tree limbs (bundled and tied in lengths of no more than four feet

with a diameter of not more than two feet and not more than forty pounds in weight); empty paint cans; appliances (white goods); water tanks; furniture; mattresses; carpeting (rolled in four-foot lengths and tied); dismantled swing sets (concrete bases removed); and newspapers (folded, bundled and tied and not more than forty pounds in weight).

- (d) "Residence" shall have the same meaning as set forth in Section 941.01(d), to-wit: includes each single-family dwelling unit, each unit of a multiple-family structure containing up to a maximum of five dwelling units and each unit of a multiple-family structure specifically submitted to the provisions of the Ohio Condominium Law contained in Ohio R.C. Chapter 5311, which structure contains six or more units.
- (e) "Resident", "owner" or "householder" includes any owner, occupant, lessee, tenant or any person in charge of a residence.
- (f) "Solid waste" means refuse, garbage or other waste product which, unless included in a recycling program, would be disposed of pursuant to the provisions of Chapter 941.
(Ord. 66-92. Passed 9-21-92.)

943.02 RECYCLING PROGRAM ESTABLISHED.

From and after October 1, 1992, there is hereby established a mandatory recycling program for each residence located in the City.
(Ord. 66-92. Passed 9-21-92.)

943.03 SEPARATION AND PREPARATION OF RECYCLABLE MATERIALS.

Recyclable materials shall be separated from other solid waste and prepared for recycling in accordance with rules promulgated by the Director of Public Service and published for a minimum of fifteen days.
(Ord. 66-92. Passed 9-21-92.)

943.04 PLACEMENT OF RECYCLABLE MATERIALS.

Recyclable materials shall be taken to a designated municipal recycling drop-off station or placed in the street right of way at the edge of the street off the pavement. Recyclable materials which are placed in the street right of way shall not be so placed before the time of sunset of the night preceding the collection day as established for the collection contractor pursuant to Section 941.05, or after 7:00 a.m. on such collection day.
(Ord. 66-92. Passed 9-21-92.)

943.05 TITLE TO RECYCLABLE MATERIALS.

From the time of placement of recyclable materials in a designated municipal recycling drop off station or in the street right of way, such materials shall become the property of the City.
(Ord. 66-92. Passed 9-21-92.)

943.06 THEFT OF RECYCLABLE MATERIALS.

No person, other than the City or its authorized agents, shall, without privilege to do so, knowingly obtain or exert control over recyclable materials which have been separated from other solid waste and placed either in a designated municipal recycling drop-off station or in the street right of way for collection.

(Ord. 66-92. Passed 9-21-92.)

943.07 DONATION OR SALE OF RECYCLABLE MATERIALS.

Nothing herein contained shall prohibit a resident, owner or householder from donating or selling recyclable materials to any person, club, business or organization.

(Ord. 66-92. Passed 9-21-92.)

943.99 PENALTY.

(a) Whoever violates Section 943.06 is guilty of a misdemeanor of the first degree.

(b) Prior to January 1, 1993, whoever violates any term or condition of this chapter, other than Section 943.06, shall be deemed to be in noncompliance with such terms or conditions, and shall be subject to the following penalties:

- (1) For a first violation, the offender shall be issued a reminder letter by the Director of Public Service or his designated representative. The letter shall be in a form prescribed by the Director of Public Service and shall advise the offender of the nature of the violation and the need to comply with the provisions of this chapter. A copy of the rules and regulations pertaining to recycling which have been promulgated pursuant to this chapter shall be attached to this letter.
- (2) For a second violation, the offender shall be issued a warning letter by the Director of Public Service or his designated representative. The letter shall be in a form prescribed by the Director of Public Service and shall advise the offender of the nature of the violation and that subsequent violation will be punished as set forth in Sections 943.99(b)(3), (b)(4) and (b)(5).
- (3) For a third violation, the offender shall be fined ten dollars (\$10.00).
- (4) For a fourth violation, the offender shall be fined twenty-five dollars (\$25.00).
- (5) For a fifth violation, the offender shall be fined one hundred dollars (\$100.00).

(c) Commencing January 1, 1993, whoever violates any term or condition of this chapter, other than Section 943.06, shall be fined one hundred dollars (\$100.00).

(Ord. 66-92. Passed 9-21-92.)

CHAPTER 945
Parks

<p>945.01 Compliance with regulations. 945.02 Hours; rules and regulations. 945.03 Permits required for other than specified hours. 945.04 Parks closed.</p>	<p>945.05 Uses prohibited unless permitted by posted sign. 945.06 Beer and intoxicating liquor prohibited except by special permit. 945.99 Penalty.</p>
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CROSS REFERENCES

Power of Council to make improvements on public grounds - see Chtr. Art. III, §10.0
 Service Director to supervise care and repair of parks - see Chtr. Art. VII, §4.0
 Dumping refuse or rubbish - see S.U. & P.S. 941.10
 Disorderly conduct and peace disturbance - see GEN. OFF. Ch. 509
 Littering - see GEN. OFF. 521.08
 Speed regulations in public parks - see TRAF. 333.08

945.01 COMPLIANCE WITH REGULATIONS.

All parks belonging to, in the custody of or under the control of the City shall be subject to the regulations of this chapter.
 (Ord. 17-78. Passed 3-6-78.)

945.02 HOURS; RULES AND REGULATIONS.

All such parks shall be open to the public for use during the period from May 1 to the following October 1 between sunrise and sunset and during the period from October 1 to the following May 1 between sunrise and sunset under such rules and regulations, not inconsistent with this chapter, as shall be promulgated from time to time by the Director of Public Safety as to all aspects of the use of such parks, with power to enforce all ordinances, rules and regulations relating to the same and as shall be promulgated by the Director of Public Safety as to all aspects of the use of such parks, which were to enforce all ordinances, rules and regulations relating to the same and as shall be promulgated by the Director of Public Service as to all aspects of improvements such as paving, sidewalks, sewers and water lines, which rules and regulations shall, before they become effective, be approved by the Mayor in writing endorsed on such rules and regulations and also be published by posting the same as provided for the publication of municipal ordinances.
 (Ord. 10-98. Passed 2-18-98.)

945.03 PERMITS REQUIRED FOR OTHER THAN SPECIFIED HOURS.

All such parks shall be open for use for scheduled events, under such rules and regulations as may have been or may be promulgated, in addition to the hours specified in Section 945.02 by those included within a written permit issued by the Director of Public Safety or, in his absence or unavailability, by the Chief of Police.
(Ord. 17-78. Passed 3-6-78.)

945.04 PARKS CLOSED.

All such parks shall be closed to all persons at all times except as permitted under Sections 945.02 and 945.03.
(Ord. 17-78. Passed 3-6-78.)

945.05 USES PROHIBITED UNLESS PERMITTED BY POSTED SIGN.

None of such parks shall be used for recreational purposes by persons driving, mounted on or passengers in or upon a motorcycle, motorbike, moped, snowmobile, all-terrain vehicle or horse, unless such use is specifically permitted by a sign posted in such park permitting the same and then such use is only authorized for the specific area of such park designated on such sign and pursuant to any conditions imposed for such use.
(Ord. 17-78. Passed 3-6-78.)

945.06 BEER AND INTOXICATING LIQUOR PROHIBITED EXCEPT BY SPECIAL PERMIT.

No person shall sell, give away or use any beer or intoxicating liquor in any of such parks unless the same has been authorized by a written permit issued for a special event by the Director of Public Safety or, in his absence or unavailability, by the Chief of Police.
(Ord. 17-78. Passed 3-6-78.)

945.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree, the penalty for which is set forth in Section 501.99 of the General Offenses Code. (Ord. 17-78. Passed 3-6-78.)

CHAPTER 951
Street, Park and Other Trees

951.01	Definitions.	951.10	Pruning; corner clearance.
951.02	Duties and responsibilities.	951.11	Removal of stumps.
951.03	Street tree species permitted to be planted.	951.12	Interference with City Parks and Forestry Division.
951.04	Spacing.	951.13	Removal of trees in public right of way.
951.05	Distance from curb and sidewalk.	951.14	Procedure for residents to request the City to remove trees from residential private property.
951.06	Distance from street corners and fire hydrants.	951.99	Penalty.
951.07	Utilities.		
951.08	Public tree care.		
951.09	Tree topping.		

CROSS REFERENCES

Assessment for tree planting and maintenance - see Ohio R.C.
727.011
Destruction of trees - see GEN. OFF. 541.06

951.01 DEFINITIONS.

(a) "Street trees" means trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the City.

(b) "Park trees" means trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and in all areas owned by the City or to which the public has free access as a park.

(Ord. 23-82. Passed 4-5-82.)

951.02 DUTIES AND RESPONSIBILITIES.

It shall be the responsibility of the City Forester to investigate, study, develop and plan for the care, preservation, pruning, planting, replanting, removal and disposition of street trees and park trees annually, to present same to the Mayor, which the Mayor shall transmit to Council with his recommendation. The City Forester under the direction of the Mayor shall be responsible for the implementation and administration of all such plans approved or authorized by Council.

The City Forester, when requested by Council, shall research, investigate, make findings, report to and recommend upon any special matter or question coming within the scope of his work.

(Ord. 23-82. Passed 4-5-82.)

951.03 STREET TREE SPECIES PERMITTED TO BE PLANTED.

Permissible street tree species for the City of Sylvania, State of Ohio are listed as follows:

- (a) Small Trees.
 - Flowering crab -
 - Malus inglis or new varieties
 - Goldenrain Tree -
 - Koelreuteris
 - Paniculata
 - Hawthorn -
 - Crataegus varieties
 - Pear, Bradford -
 - Pyrus calleryana
 - Redbud - Cercis Canadensis
 - Serviceberry- Amelanchier Canadensis
- (b) Medium Trees.
 - Ash, green -
 - Fraxinus Pennsylvanicum
 - Honey locust -
 - Gleditsia varieties (thornless)
 - Oak, red -
 - Quercus Rubrum
 - Sweet gum -
 - Golden Desert Ash
 - Dawyck Beech
- (c) Large Trees.
 - Maple, red -
 - Acer rubrum and varieties
 - London plane tree -
 - Plantanus acerifolia
 - Little-leaf linden -
 - Tilia cordata

No species other than those included in these lists may be planted as street trees without written permission of the City Forester. The City Forester shall review the list of species, annually, and include any recommended changes therein in his plan presented to the Mayor.
(Ord. 23-82. Passed 4-5-82.)

951.04 SPACING.

Street trees shall not be planted closer together than fifty feet, except special plantings designed by a landscape architect and approved by the City Forester.
(Ord. 23-82. Passed 4-5-82.)

951.05 DISTANCE FROM CURB AND SIDEWALK.

The minimum distance trees may be planted from curbs or curblines and sidewalks shall be four feet.
(Ord. 23-82. Passed 4-5-82.)

951.06 DISTANCE FROM STREET CORNERS AND FIRE HYDRANTS.

No street tree shall be planted closer than sixty-six feet to any street corner, measured from the point of the nearest intersecting curbs, curblines or edges of the improved portion of the street surface when there are no curbs or curblines. No street tree shall be planted closer than ten feet to any fire hydrant.
(Ord. 23-82. Passed 4-5-82.)

951.07 UTILITIES.

No street trees other than those species listed as small trees in Section 951.03 may be planted under or within ten lateral feet of any overhead utility wire. Prior to planting street trees, the Water Division and the Sewer Division shall, upon request of the Forester, check to be sure that there are no turn-off valves or shallow pipes that will be interfered with or obstructed by such planting.
(Ord. 23-82. Passed 4-5-82.)

951.08 PUBLIC TREE CARE.

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Forester may remove for cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements or is affected with any injurious fungus, insect or other pest. The planting of street trees by adjacent property owners is not prohibited providing the size, species, location and planting of such trees is in accordance with this chapter.
(Ord. 23-82. Passed 4-5-82.)

951.09 TREE TOPPING.

It shall be unlawful as a normal practice for any person, firm, corporation or City department to top any street tree, park tree, or other tree on public property. "Topping" means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms and other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this topping prohibition on the determination of the City Forester after inspection thereof by him.
(Ord. 23-82. Passed 4-5-82.)

951.10 PRUNING; CORNER CLEARANCE.

Every owner of any tree overhanging any street or right of way within the City shall prune the branches so that such branches shall not obstruct the light from any lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the sidewalk and of eighteen feet above the surface of the street. Such owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, with the visibility of any traffic control device or sign or with the field of vision along a street or right of way a distance of sixty-six feet measured from the point of the nearest intersecting curbs, curblines or edges of the improved portion of the street surface when there are no curbs or curblines.

(Ord. 45-89. Passed 5-15-89.)

951.11 REMOVAL OF STUMPS.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. 23-82. Passed 4-5-82.)

951.12 INTERFERENCE WITH CITY PARKS AND FORESTRY DIVISION.

No person shall prevent, delay or interfere with the Parks and Forestry Division, or any of its agents while they are engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or other trees on private grounds, as authorized in this chapter.

(Ord. 23-82. Passed 4-5-82.)

951.13 REMOVAL OF TREES IN PUBLIC RIGHT OF WAY.

(a) No tree which is located in the public right of way shall be removed by an adjoining resident without the prior written authorization of the City Forester.

(b) A request for authorization by an adjoining resident to remove a tree which is located in the public right of way shall be made in writing to the City Forester. Upon receipt of such a request, the City Forester shall conduct an inspection of the tree to be removed and upon completion thereof shall approve or deny the request.

(c) No request for authorization to remove a tree which is located in the public right of way shall be considered for approval by the City Forester unless:

- (1) The person, firm or corporation who will perform the removal of the tree has a policy of public liability insurance in the amount of one hundred thousand dollars (\$100,000) for each person, three hundred thousand dollars (\$300,000) for each occurrence and one hundred thousand dollars (\$100,000) for property damage. The policy shall name the City as an additional insured party. A copy of such policy shall accompany the request for authorization; and
- (2) The adjoining resident making the request and the person, firm or corporation who will perform the removal of the tree executes an agreement releasing the City from all claims for property damage, personal injury, and/or death which may result from the performance of the removal of the tree from the public right of way and saving the City harmless therefrom.

(Ord. 87-84. Passed 10-1-84.)

951.14 PROCEDURE FOR RESIDENTS TO REQUEST THE CITY TO
REMOVE TREES FROM RESIDENTIAL PRIVATE PROPERTY.

The procedure for City of Sylvania residents to petition the City for tree removal from residential private property and have the costs of said removal and associated administrative and recording fees assessed on their tax bill for a five-year period is hereby approved and adopted. (Res. 6-2011. Passed 2-22-11.)

951.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. (Ord. 23-82. Passed 4-5-82.)

CHAPTER 961
Cemetery Interments

961.01 Indigent burials.

CROSS REFERENCES
Indigent burials - see Ohio R.C. 5101.521

961.01 INDIGENT BURIALS.

(a) Interment of persons meeting the requirements of Ohio R.C. 5101.521 shall be done only with prior authorization of the Commissioner of Health.

(b) The Mayor and Director of Finance are hereby authorized to pay the following sums for professional services rendered by funeral directors to prepare Ohio R.C. 5101.521 persons for burial in accordance with the rules and regulations established by the Director of Public Service.

Each adult person	\$400.00
Each child under 12 years of age	180.00
Each still birth	120.00

The Mayor and Director of Finance are also hereby authorized to pay for a stone or concrete marker on which the person's name and age, if known, and date of death shall be inscribed.

(c) Ohio R.C. 5101.521 burials shall be scheduled to arrive at a municipal cemetery before 11:00 a.m., weekdays.

(d) Before any interments or payments are made pursuant to this section, the funeral director must submit the following to the Director of Public Service:

- (1) Three copies of a statement for the amount requested to be paid by the City pursuant to subsection (b) hereof;
- (2) Two copies of the death certificate and one copy of the burial permit; and

- (3) An original certificate of indigency form completed by the next of kin, or if not available, the most knowledgeable individual concerning the affairs of the deceased, for the purpose of determining whether the deceased qualifies to be buried at the City's expense pursuant to Ohio R.C. 5101.521. This certificate shall be in a form prescribed by the Director of Public Service and shall be completed, signed and witnessed in the offices at Ravine Cemetery, or other location designated by the Director, prior to or on the day of the burial.

(e) Should it be ascertained, after any payment by the City pursuant to subsection (b) hereof, that such payment was made for a decedent whom the City did not have the responsibility to bury pursuant to Ohio R.C. 5101.521, the City shall be entitled to any benefits payable on behalf of such decedent by any person or agency who had the responsibility to pay burial benefits pursuant to Ohio R.C. 5101.521, up to an amount totaling the payment made pursuant to subsection (b) hereof plus the fees for the grave space and the opening and closing. (Ord. 133-2001. Passed 12-17-01.)