

CODIFIED ORDINANCES OF PATASKALA

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE ONE - Street and Sidewalk Areas

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TITLE ONE - Street and Sidewalk Areas

Chap. 905. Excavations.

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CHAPTER 905

Excavations

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CROSS REFERENCES

Power to establish and care for streets - see Ohio R.C. 715.19, 717.01, 723.01
 Openings by the Municipality - see Ohio R.C. 723.02
 Surface treatment - see Ohio R.C. 723.23, 723.31
 Excavation liability - see Ohio R.C. 723.49 et seq.
 Compulsory service connections - see Ohio R.C. 729.06, 743.37
 Changing established grade - see Ohio R.C. 727.07
 Digging, excavating and piling earth on streets - see Ohio R.C. 5589.10
 Barricades and warning devices - see GEN. OFF. 521.03

905.01 CONDITIONS PRECEDENT TO IMPROVING STREETS.

No department of the City shall accept, lay out, open, improve, grade, pave, curb or light any street or other way, unless such street or way:

- (a) Shall have been accepted or opened or otherwise shall have received the legal status of a public street or way prior to the effective date of these Codified Ordinances; or

- (b) Unless such street or way corresponds in location and extent with a street or way shown on a recorded plat which shall have been legally accepted by the City. (1956 Code Sec. 28.2)

905.02 WORKING IN THE RIGHT OF WAY; PERMIT REQUIRED.

It shall be unlawful for any person, other than the Director of Utility Services, Director of Public Services, City Engineer, or the authorized employees or agents of either, to work in the right of way or make any opening in any street, alley, sidewalk, or public right of way of the City unless a permit to make such opening shall have been obtained prior to commencement of the work, as herein provided. (Ord. 98-3213. Passed 4-20-98.)

905.03 APPLICATION AND CASH DEPOSIT.

Each permit for making such opening shall be confined to a single project and shall be issued by the Director of Public Services at a cost of fifteen dollars (\$15.00). Application shall be made on a form prescribed by the Administrator, giving the exact location of the proposed work or opening, the kind of paving, the area and depth to be excavated and such other facts as may be provided for. The Director of Public Services may require a cash deposit, letter of credit, or performance bond, sufficient to cover the cost of restoration. (Ord. 98-3213. Passed 4-20-98.)

905.04 RESTORATION OF PAVEMENT.

The opening and restoration of a pavement or other surface shall be performed under the direction and to the satisfaction of the Director of Public Services, and in accordance with rules, regulations and specifications approved by the Administrator or his designated representative.

Upon failure or refusal of the permittee satisfactorily to fill the excavation, 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 City may proceed without notice to make such fill and restoration and the deposit referred to in the preceding section shall be deemed forfeited. Thereupon such deposit shall be paid into the Street Repair Fund of the City, except such part demanded and paid to the permittee as the difference between the deposit and the charges of the City for restoration services performed by it. If the amount of such services performed by the City should exceed the amount of such deposit, the Finance Director shall proceed to collect the remainder due from such permittee. (Ord. 98-3213. Passed 4-20-98.)

905.05 BARRIERS AROUND EXCAVATIONS.

Any person engaged in or employing others in excavating, or opening any street, sidewalk, alley or other public way, shall have such excavation or opening fully barricaded at all times to prevent injury to persons or animals. (1956 Code Sec. 28.12)

905.99 PENALTY.

Any person making or causing an opening to be made without having obtained a permit as required under the foregoing sections, is guilty of a misdemeanor of the third degree for each offense, and each opening made in violation of the provisions hereof shall constitute a separate offense.

CHAPTER 909
Trees

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| 909.01 | Definitions. | 909.07 | Interference with the Director of Public Services. |
| 909.02 | Public tree care. | 909.08 | Abuse of public trees. |
| 909.03 | Tree topping. | 909.99 | Penalty. |
| 909.04 | Pruning; corner clearance. | | |
| 909.05 | Dead or diseased tree removal on private property. | | |
| 909.06 | Removal of stumps. | | |

CROSS REFERENCES

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

909.01 DEFINITIONS.

As used in this chapter:

- (a) "Street trees" are herein defined as 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" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.
(Ord. 87-1023. Passed 6-15-87.)

909.02 PUBLIC TREE CARE.

(a) 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.

(b) The Director of Public Services may remove or 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.

(c) Any new or replacement street trees shall be planted on the property and shall be of a species listed as appropriate for the location in Section 1283.05, Table 1283.05-01 of the Codified Ordinances. Any tree planted in violation of this section may be removed by the City.
(Ord. 2009-3933. Passed 9-21-09.)

909.03 TREE TOPPING.

It shall be unlawful as a normal practice for any person, firm or City department to top any street tree, park tree or other tree on public property. "Topping" is defined as 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 or other causes, or certain trees under utility wires or other structures where other pruning practices are impractical may be exempted from this section at the determination of the Director of Public Services. (Ord. 87-1023. Passed 6-15-87.)

909.04 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 street 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 street or sidewalk. Said 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 or interferes with visibility of any traffic control device or sign. (Ord. 87-1023. Passed 6-15-87.)

909.05 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.

The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the City. The Director of Public Services will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice. (Ord. 87-1023. Passed 6-15-87.)

909.06 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. 87-1023. Passed 6-15-87.)

909.07 INTERFERENCE WITH THE DIRECTOR OF PUBLIC SERVICES.

It shall be unlawful for any person to prevent, delay or interfere with the Director of Public Services, or any of his agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, or trees on private grounds, as authorized in this chapter. (Ord. 87-1023. Passed 6-15-87.)

909.08 ABUSE OF PUBLIC TREES.

Unless specifically authorized by the Director of Public Services, no person shall intentionally damage, cut, carve, transplant, or remove any tree; attach any rope, wire, nails, advertising posters or other contrivance to any tree; allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.
(Ord. 87-1023. Passed 6-15-87.)

909.99 PENALTY.

Any person violating any provision of this chapter shall be fined not to exceed one thousand dollars (\$1,000).
(Ord. 87-1023. Passed 6-15-87.)

TITLE THREE - Utilities

Chap. 921. Sewer Regulations.
 Chap. 925. Water Regulations.
 Chap. 929. Rates and Charges.

CHAPTER 921
Sewer Regulations

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| 921.01 | Definitions. | 921.06 | Tampering prohibited. |
| 921.02 | Use of public sewers required. | 921.07 | Powers and authority of inspectors. |
| 921.03 | Private sewage disposal. | 921.99 | Penalty. |
| 921.04 | Building sewers and connections. | | |
| 921.05 | Prohibited discharges; industrial wastes. | | |

CROSS REFERENCES

Power to construct sewerage system - see Ohio R.C. 715.40, 717.01
 Compulsory sewer connections - see Ohio R.C. 729.06
 Management and control of sewerage system - see Ohio R.C. 729.50
 Regulations to control house sewers and connections - see Ohio R.C. 729.51
 Weekly deposit of sewer rentals collected - see Ohio R.C. 729.52
 Untreated sewage - see Ohio R.C. 3701.59
 Interference with sewage flow - see Ohio R.C. 4933.24
 Sewerage districts - see Ohio R.C. 727.44 et seq.
 Assessments - see Ohio R.C. Ch. 729
 Household sewage disposal systems - see OAC Ch. 3701-29

921.01 DEFINITIONS.

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

- (a) "Municipal waste works" means all facilities for collecting, pumping, treating and disposing of municipal wastes.
- (b) Being a City, the control of the sewer system shall be under the control of the Director of Utility Services which shall include the Director's duly authorized agents and employees.

- (c) “Municipal wastes” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments together with such ground, surface, and storm waters as may be present.
- (d) “Sanitary sewage” means domestic wastes contributed by reason of human occupancy.
- (e) “Industrial wastes” means the liquid wastes from industrial processes as distinct from sanitary sewage.
- (f) “Sewer” means a pipe or conduit for carrying municipal wastes.
- (g) “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority, whether the same shall have been installed by the Municipality or by private firms, persons or corporations under contracts and agreements of the Municipality.
- (h) “Combined sewer” means a sewer receiving both surface runoff and municipal wastes.
- (i) “Sanitary sewer” means a sewer which carries municipal wastes and to which storm, surface, and ground waters are not intentionally admitted.
- (j) “Storm sewer” or “storm drain” means a sewer which carries storm and surface waters and drainage, but excludes municipal wastes.
- (k) “Municipal wastes treatment plant” means any arrangement of devices and structures used for treating municipal wastes.
- (l) “Garbage” means solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- (m) “Properly shredded garbage” means the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (n) “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 at three feet outside the building wall.
- (o) “Building sewer” means the extension from the building drain to the public sewer or other place of disposal.
- (p) “B.O.D.” (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Centigrade, expressed in parts per million by weight.
- (q) “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (r) “Suspended solids” means solids that either float on the surface of, or are in suspension in water, municipal wastes, or other liquids; and which are removable by laboratory filtering.
- (s) “Natural outlet” means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (t) “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.
- (u) “Person” means any individual, firm, company, association, society, corporation or group.
- (v) “Shall” is mandatory; “may” is permissive.
(Ord. 66-508. Passed 11-7-66.)

921.02 USE OF PUBLIC SEWERS REQUIRED.

(a) It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable wastes.

(b) It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. (Ord. 66-508. Passed 11-7-66.)

(d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated in the City and abutting on any street, alley or right of way, or easement in which there is now located or may in the future be located a public sanitary or combined sewer of the City is hereby required at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 360 days from the date of the official notice to do so, provided that said public sewer is within two hundred, (200), feet of an occupied structure on the property. (Ord. 2010-3965. Passed 4-5-10.)

921.03 PRIVATE SEWAGE DISPOSAL.

(a) Where a public sanitary or combined sewer is not available under the provisions of Section 921.02(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Director of Utility Services. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as is deemed necessary by the Director of Utility Services. A permit and inspection fee of ten dollars (\$10.00) shall be paid to the Finance Director of the City at the time the application is filed.

(c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Director of Utility Services. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight hours of the receipt of notice by the Director.

(d) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Local Health District. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge into any public sewer or natural outlet.

(e) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 921.02(d), a direct connection shall be made to the public sewer in compliance with this chapter and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

(g) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
(Ord. 66-508. Passed 11-7-66.)

921.04 BUILDING SEWERS AND CONNECTIONS.

(a) No unauthorized person shall uncover, make any connection with, put into use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director of Utility Services or his agent.

(b) There shall be two classes of building sewer permits:

(1) For residential and commercial service, and

(2) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the City. Their permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director. A permit and inspection fee of ten dollars (\$10.00) for a residential or commercial building sewer permit and twenty dollars (\$20.00) for an industrial building permit shall be paid to the Finance Director of the City at the time the application is filed.

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

(d) 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 building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

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

(f) The building sewer shall be cast iron soil pipe, ASTM specification (A74) or equal, vitrified clay sewer pipe ASTM specification (C13) or equal or other suitable materials, including asbestos cement pipe, as approved by the Director. All vitrified clay pipe or asbestos cement pipe shall be of the "O-Ring Type Construction" and no other type of joint shall be permissible except in cast iron pipe. Joints shall be watertight and waterproof. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Director or his agent.

(g) The size and slope of the building sewer shall be subject to the approval of the Director or his agent, but in no event shall the diameter be less than six inches. The slope of such six-inch pipe shall be not less than one-eighth inch per foot.

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

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

(j) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Director of Utility Services. Pipe laying and backfill shall be performed in accordance with ASTM specification (C12-19) except that no backfill shall be placed until the work has been inspected.

(k) All joints and connections shall be made gastight and watertight.

All joints in vitrified clay pipe or between such pipe and metals shall be made with approved hot-poured jointing material or other acceptable jointing material approved by the Director or his agent.

Material for hot-poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of 160 degrees Fahrenheit nor be soluble in any of the wastes carried by the drainage system. The joint shall first be caulked tight with jute, hemp or similar approved material.

(l) The connection of the building sewer into the public sewer shall be made at the "Y" Branch, if such branch is available at a suitable location. If the public sewer is twelve inches in diameter or less, and no properly located "Y" Branch is available, the owner shall at his expense install a "Y" Branch in the public sewer at the location specified by the Director of Utility Services. Where the public sewer is greater than twelve inches in diameter, and no properly located "Y" Branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty-five degrees. A forty-five degree ell may be used to make such connection, with the spigot and cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the Director.

(m) The applicant for the building sewer permit shall notify the Director or his agent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director or his representative.

(n) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner of satisfactory to the City. (Ord. 66-508. Passed 11-7-66.)

921.05 PROHIBITED DISCHARGES; INDUSTRIAL WASTES.

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

(b) Storm water and all other unpolluted drainage shall be discharged to such sewers or to a natural outlet approved by the Director of Utility Services or his agent. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Director to a storm sewer or a natural outlet.

(c) No person shall discharge or cause to be discharged any of the following waste materials to any public sewer:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (2) Any garbage that has not been properly shredded.
- (3) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the municipal waste works.
- (4) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(d) The admission of any industrial wastes containing critical characteristics such as: excessive temperatures, oils, fats, or grease, pH lower than 5.5 or higher than 9.5; or having other corrosive properties; toxic or poisonous ingredients; excessive suspended solids; cyanide, free acid or caustic alkaline solution; or any other constituent critical to municipal waste collection and treatment shall be subject to the review and approval of the Director of Utility Services or his agent. When in the opinion of the Director, preliminary treatment or control of wastes is necessary, suitable facilities shall be constructed according to plans approved by the Director. (Ord. 66-508. Passed 11-7-66.)

(e) 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 grease in excessive amounts, or any flammable wastes, sand, and 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 of Utility Services and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil separators shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

(f) "REGULATIONS ON FATS, OILS, AND GREASE (FOG) AND BEST MANAGEMENT PLAN (BMP) FOR FOOD SERVICE ESTABLISHMENTS" as currently written or as maybe hereafter be amended is adopted as a policy to serve in conjunction with the provisions of this section. The "REGULATIONS ON FATS, OILS, AND GREASE (FOG)AND BEST MANAGEMENT PLAN (BMP) FOR FOOD SERVICE ESTABLISHMENTS" are to be available on file located in the Office of the Director of Utility Services and in the Administrative Offices of the City and provided to any member of the public upon appropriate request.

(Ord. 2011-4052. Passed 2-6-12.)

(g) The admission into the public sewers of any waters or wastes having a five-day biochemical oxygen demand in excess of normal sewage shall be subject to the review and approval of the Director of Utility Services. When necessary in the opinion of the Director, such preliminary treatment as may be needed to control the quantities and rates of discharges or reduce objectionable characteristics or constituents shall be constructed according to plans approved by the Director.

(h) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(i) When required by the Director of Utility Services, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Director. The manhole 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.

(j) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in subsections (c) and (g) hereof shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage", and shall be determined at the control manhole provided for in subsection (i) hereof, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(k) 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 subject to payment therefor by the industrial concern.
(Ord. 66-508. Passed 11-7-66.)

921.06 TAMPERING PROHIBITED.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the municipal waste works. Any person so doing shall be subject to immediate arrest, punished as provided by Section 921.99.
(Ord. 66-508. Passed 11-7-66.)

921.07 POWERS AND AUTHORITY OF INSPECTORS.

(a) The Director of Utility Services or his agent shall make and enforce rules and regulations subject to approval of Council, establishing the types and characteristics of sanitary sewage and industrial wastes and other matter, not specifically covered in this chapter, which shall not be discharged into the Pataskala sewerage system and the types and characteristics of sanitary sewage and industrial wastes admissible to the Pataskala sewerage system only after pretreatment. Such rules and regulations shall be subject to appeal to Council which shall appoint three reputable and qualified persons to investigate the appeal and agree to affirm or reject the ruling of the Director of Utility Services or his agent.

(b) The Director or his agent, and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. (Ord. 66-508. Passed 11-7-66.)

921.99 PENALTY.

(a) Any person found to be violating any provision of this chapter except Section 921.06 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time not to exceed thirty days for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) hereof, shall be fined in the amount not exceeding two hundred dollars (\$200.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss, or damage occasioned by the City by reason of such violation. (Ord. 66-508. Passed 11-7-66.)

(d) Whoever violates Section 921.06 shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) for each offense, and/or imprisoned for not more than six months. In no case shall the fine be less than those costs incurred by the City for reasonable damages or special expenses including but not limited to, equipment rental, chemicals, and/or labor necessary for the proper operation and maintenance of all waste water facilities involved in this violation and the cost of prosecution of the offense. Each day on which a violation shall occur shall be deemed a separate offense. In addition to the penalties provided above, the City shall be entitled to recover reasonable attorney's fees, court costs, court reporter's fees and any other expense of litigation and prosecution and the Mayor/Judge may require, the payment of such damages as a condition to the suspension of any fine and/or imprisonment provided above. (Ord. 84-969. Passed 4-16-89.)

**CHAPTER 925
Water Regulations**

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| 925.01 | Rules and regulations. | 925.03 | Lawn watering. |
| 925.02 | Backflow prevention devices; private water supply; inspections. | 925.99 | Penalty. |

CROSS REFERENCES

Water power contract - see Ohio R.C. 735.08
 Easements for water supply - see Ohio R.C. 715.34
 Contract for water supply - see Ohio R.C. 743.24, 4933.04
 Power to regulate water rates - see Ohio R.C. 743.26, 743.28,
 4909.34 et seq.

925.01 RULES AND REGULATIONS.

RULE 1. Meters shall only be set or removed by authorized employees of the Department of Utility Services.

Water shall only be turned on or off by authorized employees of the Department, provided however, that plumbers may turn water on to test their work, but must shut it off immediately after such test.

No connection shall be made ahead of any meter.

Meters shall not be tampered with, repaired or seals broken except by authorized employees of the Water Works.

No changes, alterations or extensions of any fire system shall be made without first securing a permit from the Director of Utility Services. Application for the same shall be made in the same manner and under the same conditions as for a new connection.

RULE 2. Water service connections will not be made to any premises until the owner or his duly authorized agent has made application therefor, upon a form prepared for the purpose and signed a contract agreeing to be responsible for the water rent on said premises.

RULE 3. No person other than the properly authorized agents of the Department of Utility Services will be permitted to tap or make any connection with the main or distributing pipes of the waterworks.

RULE 4. A single service pipe, intended to supply two or more distinct premises or tenements must be provided with separate and distinct curb cocks for each tenement, to be placed on the outside of each premises on the sidewalk, or the public alley, opposite the same, as the Department of Utility Services may direct.

RULE 5. Persons taking water must keep their service pipes, meters, and fixtures connected therewith in good repair and protected from frost and hot water at their own expense, and must prevent any unnecessary waste of water.

RULE 6. No addition to or alteration of any taps, pipe, water-cock or other fixtures, shall be made, or caused to be made by persons taking water, except through a duly licensed plumber, and by permit obtained from the Department of Utility Services.

RULE 7. Failure to receive notice by mail will be no excuse for not paying water bills.

RULE 8. All water rates are charged against the property and not against the occupant thereof. If the owner of the premises elects to have his tenant or lessee pay the water rent, the owner is responsible and the Department will refuse to furnish any more water to the premises until the delinquent water rent is paid. In case of a delinquent water rent against a property where more than one tenant or caretaker is supplied from the same service pipe, the water will be turned off at street until said delinquent water is paid, regardless of the fact that one or more of the consumers may not be delinquent. An advance payment will be required of each consumer in an amount equal to the minimum rate for the current quarter.

New ownership shall not eliminate any provisions of this rule.

RULE 9. All unpaid water rents become delinquent on the 15th of the months of issue, viz: January, April, July, October and water shall be shut off without further notice, it being deemed sufficient notice of such assessment being due when the original cards were mailed to consumer or owner.

When shut off, it shall not be turned on again unless the amount is paid in full together with an additional charge of twenty-five dollars (\$25.00) to reimburse the Department of Utility Services for losses in time, etc., sustained by such delinquency of the premises.

RULE 10. If a meter gets out of order and fails to register, the consumer will be charged at the average daily consumption as shown by the meter when in order. All water that passes through a meter shall be paid for whether used or not. The Department of Utility Services reserves the right to repair all meters whenever necessary.

RULE 11. The authorized agents of the Department of Utility Services shall have free access at all reasonable hours of the day to all parts of the premises to which water is supplied, and upon discovery at any time of any irregularities in making attachment, the water may be shut off without notice, until a remedy has been provided satisfactory to the Department, and a fee of twenty-five dollars (\$25.00) paid as an equivalent for loss and damage sustained and labor and time spent in turning on and off the water.

RULE 12. All water connections installed shall be supplied by meter only. The meter shall be furnished by the Department of Utility Services.

RULE 13. Where real estate or other property upon which there are waterworks fixtures is transferred from one party to another, the water works must be notified and all charges against the same paid in full.

RULE 14. The minimum rate on meters must be paid for the entire time whether the premises are occupied or not; unless the owner or tenant notifies the Department of Utility Services immediately upon vacancy of such fact and requests the Department to turn the water off at the curb stop. In the case of apartment houses or any services that have more than one meter on a single service connection, the minimum rate must be paid for the entire time, unless the water is turned off at the street.

The Department will not seal or disconnect any meter on the consumers' premises to relieve them from paying the minimum rate.

The Department reserves the right to order a master meter installed upon any service where there is more than one meter on a single service line, by giving thirty days' notice of refusal to continue service under the above conditions. Upon the installation of a master meter, the Department will render only one bill for the entire water supplied by the service. The property owner or owners can read the several meters and then apportion the assessment as they see fit.

RULE 15. No contractor shall use water from any service, unless the same is metered.

RULE 16. When manufacturers and others desire fire protection, the application must be made to the Director of Utility Services; said application to be accompanied by a diagram showing in detail the service requested. The line must be separate and distinct from the main to the property and no attachments for any other purposes than for fire will be permitted. The Department of Utility Services reserves the right of inspection at all times and for such inspection an annual fee of ten dollars (\$10.00) will be demanded; and also reserves the right to seal any and all connections, which seals can only be broken in case of fire; should a seal be broken from any other cause the same must be reported to the Department within twenty-four hours.

RULE 17. If any consumer or owner neglects or refuses to pay for repairs found necessary to be made to meters due to frost, hot water or other negligence of the owner or consumer, or for water furnished, or violates any of the provisions of these rules or ordinances for the management and protection of the Water Works, the water will be turned off without any preliminary notice, and will not be turned on against until all such charges and damages shall have been paid.

RULE 18. Any plumber wishing to obtain permission to make connections or attachments to the service pipes of the Water Works, shall before receiving a license permit to do so, state his willingness, and agree to be governed by all and singular, the rules and regulations of said Department of Utility Services and be subject to all rules, penalties and conditions heretofore or that may be hereafter adopted for the government of the Water Works.

RULE 19. No plumber shall, after making any connections with the service pipes, or after making repairs, or putting in any new attachments, leave the curb-stop open and the water turned on, on the premises without permission from the Department of Utility Services.

RULE 20. Any plumber leaving water turned on without the permission of the Department of Utility Services shall be held responsible for all water so used.

RULE 21. Service connection will be furnished to the property line on such services where the pipe can be driven from the street across the sidewalk; in all cases where excavations are made beyond the property line, for storage or any other purposes and a wall is built of stone, concrete or other material, the Department of Utility Services only furnishes the line to the outside of the structure work. Whenever it may be beyond the property line, all fittings, valves, etc., shall be at the expense of the consumer.

RULE 22. In furnishing the line from the street, the Department of Utility Services will determine the size of the tap to be made in the water main under any application, and in no event will one consumer be granted a larger size unless said consumer pays the difference in cost of such increase desired over the standard tap as usually made.

RULE 23. A ten percent (10%) penalty will be charged on all bills unpaid on the 15th of each month in which bills are rendered.

RULE 24. Repairs to meters will be made by the Department of Utility Services, and if caused by any of the following reasons, a charge will be made for same:

Water freezing in them;

Hot water backing into them;

Damage by reason of negligence or accident not the fault of the Department of Utility Services.

Bills for meter repairs must be paid within twenty days from date of invoice, and if not paid, water will be turned off without notice and an additional charge made for resumption of service. (A.O.)

RULE 25. REGULATION ON PRIVATE WELL SYSTEMS.

(a) The owner of all new houses or buildings used for human occupancy, employment, recreation or other purpose; situated in the City may be required to connect to the City of Pataskala's Water System if a water main is within two hundred (200) feet of structures designed for habitation, employment, recreation or other purpose.

(b) If an existing well system for a house or building used for human occupancy, employment, recreation or other purpose fails, or is unable to be repaired to meet the potable water needs of the structure the owner may be required to connect to the City of Pataskala's Water System if a water main is within two hundred (200) feet of the structure. Approval will include City Utility and County Health officials.

(c) The installation of new wells within a 1,000 feet radius of any Well Heads located at Pataskala Well Fields requires Utility Department and County Health Department approval.

(d) Private wells used for non-potable uses where Pataskala portable water is provided to the structure may be subject to an inspection by the Utility Department to determine if a Backflow Prevention Device is applicable. The Utility Department recommends such devices be utilized.

(e) The reinstatement of an abandoned well for potable water may be approved if the Pataskala Utility Department provides potable water to the structure. However the structure owner may still be responsible for basic fees associated with the water service. Approval will include City Utility and County Health Officials.
(Ord. 2013-4147. Passed 7-15-13.)

925.02 BACKFLOW PREVENTION DEVICES; PRIVATE WATER SUPPLY;
INSPECTIONS.

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

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

(c) It shall be the duty of the Superintendent of Water to cause surveys and investigations to be made of industrial and other properties served by the public 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 Superintendent of Water shall deem necessary.

(d) The Superintendent of Water of the City of Pataskala or his/her 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 of Pataskala for the purpose of inspecting the piping system or systems thereof. On demand of the owner, lessees, or occupants of any property so served shall furnish to the Superintendent of Water any information, which he/she 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 Superintendent of Water, be deemed evidence of the presence of improper connections as provided in this ordinance.

(e) The Superintendent of Water of the City of Pataskala 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/she 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 shall have been eliminated or corrected in compliance with the provisions of this section.

(f) "Regulations on Cross-Connection Control" as currently written or as maybe hereafter be amended is adopted as a policy to serve in conjunction with the provisions of this section. The "Regulations on Cross-Connection Control" are to be available on file located in the Office of the Director of Utility Services and in the Administrative Offices of the City and provided to any member of the public upon appropriate request.
(Ord. 2011-4049. Passed 10-17-11.)

925.03 LAWN WATERING.

(a) No domestic or commercial user or any other person shall use water supplied by the City to sprinkle, saturate, water, or wet their lawn or grass except in accordance with the conditions established in subsection (b) hereof. For the purposes of this section, "lawn" or "grass" is intended to include grass, ivy or any other form of ground cover, but shall not be construed to include gardens, shrubs, trees, and flowers.

(b) Lawn sprinkling shall be permitted in compliance with the following odd/even systems. Residents with a street address number as assigned by the assigning authority ending in an odd number shall water their lawn or grass only on days of the year ending with an odd number. Residents with a street address number assigned by the assigning authority ending in an even number shall water their lawn or grass only on days of the year ending in an even number.

(c) Whoever violates the prohibition described in this section is guilty of an unclassified misdemeanor and may be fined up to five hundred dollars (\$500.00) if convicted of a violation of the lawn watering restriction. Repeated violators of this section may result in reduction or termination of water service.

(Ord. 99-3286. Passed 6-7-99.)

925.99 PENALTY.

Whoever violates any provision of this chapter where no other penalty is provided is guilty of a misdemeanor of the third degree.

CHAPTER 929
Rates and Charges

| | | | |
|---------------|---|---------------|---|
| 929.01 | System capacity charges for water and sanitary sewage. | 929.05 | Prepayment of system capacity charges. |
| 929.02 | Prohibition. | 929.06 | Disposition of fees. |
| 929.03 | Schedule for water and sanitary sewage capacity charges. | 929.07 | Sanitary sewer service rates. |
| 929.04 | Charges and rates outside the City. | 929.08 | Water service rates. |
| | | 929.09 | General fee schedule. |

CROSS REFERENCES

Sewerage rates - see Ohio R.C. 729.49
Water rates - see Ohio R.C. 743.26 et seq.

929.01 SYSTEM CAPACITY CHARGES FOR WATER AND SANITARY SEWAGE.

A system capacity charge for water and sanitary sewage shall be made for each new service connection to any property which shall be paid at the time of application for and in accordance with the capacity fee schedule in existence at the time that the connection permit is issued for such service. This charge shall be in addition to any other fees or charges made for sewer connections. Each service, water or sanitary sewage, applied for shall be charged at a separate system capacity charge. (Ord. 98-3203. Passed 2-17-98.)

929.02 PROHIBITION.

No person, firm or corporation shall make a service connection or any part thereof to the sanitary sewer system or water system of the City, unless he or they have paid for and been issued a permit therefor by the City. (Ord. 98-3203. Passed 2-17-98.)

929.03 SCHEDULE FOR WATER AND SANITARY SEWAGE CAPACITY CHARGES.

City Administrator is hereby authorized and directed to amend the system capacity charges to be paid whenever an application is made for a connection permit to an existing sanitary sewer or water service to a structure whenever such property is or may be proximate to any sanitary sewer or water service built by or under the supervision and direction of the City. If such proximity is established as a consequence of improvements or extensions to the City system which included property assessments, the Administrator shall include an equivalent assessment as a component of connection in addition to any capacity charges. If assessments are so levied, the parcel owner wishing to connect would pay an assessment based upon the benefit to the parcel, in the same manner and equivalent apportionment as those originally assessed properties paid in addition to any capacity charges. Proximity is established as set forth in Section 921.02(d).

(Ord. 2010-3968. Passed 4-5-10.)

The charges to be made shall be determined as follows:

- (a) Sanitary sewage capacity charges and water capacity charges for each single family dwelling for which a permit is granted shall each be as outlined in the following tables.
- (b) Each unit in any two-family or multi-family dwelling unit shall be served with a minimum of a three-fourths inch water service. These units may be served with multiple three-fourths inch water taps or services off one larger water tap. In either case, the rates in subsection (g) hereof will apply separately for sanitary sewage and water service.
- (c) For any structure intended wholly or partially as a commercial structure, for which a sewer permit or water permit is needed, the charge shall be for each unit or part thereof in accordance with subsection (g) hereof.

Dwelling units within commercial structure shall be charged in the same manner as a multi-dwelling unit.

A commercial unit is defined as a building or structure part thereof wherein the principal activity is to provide merchandise or a service to the public. A commercial unit is further defined as consisting of 15,000 square feet of floor area or less. Any commercial building or structure in excess of 15,000 square feet of floor area shall be considered to have multiple commercial units for each 15,000 square feet of floor area or part thereof.

- (d) For any structure intended partially or wholly for industrial use for which sanitary sewer or water service is needed, the charge shall be negotiated directly with the City Administrator for each such industrial unit connection proposed for such structure. Commercial units in an industrial structure will be charged for sanitary sewage and water in accordance with the charge for size of water lines but in no event less than two thousand dollars (\$2,000) per unit.

An industrial use is defined as any activity where materials are received, are altered by one or more internal operations and then shipped in the altered form.

An industrial unit shall consist of a building or part thereof having 40,000 square feet or less in floor space. Any industrial structure in excess of 40,000 square feet of floor area shall be considered to have multiple industrial units for each 40,000 square feet of floor area or part thereof.

- (e) All buildings and structures of municipal, county and state activities shall be classed as commercial and shall be charged in the same manner as a commercial structure.
- (f) All buildings and structures of churches, schools and other organizations of service to the public shall be classed as commercial unit(s) as previously defined and shall be charged as provided for commercial unit(s). (Ord. 2001-3400. Passed 9-4-01.)

- (g) The rates listed in subsections (a) through (d) hereof presuppose the availability of water service to the premises by way of a three-fourths inch water service per defined unit. Where either larger water lines or multiple three-fourths inch water lines are provided, a greater use of the sanitary sewer system can be anticipated. Where more than one three-fourths inch water line serves a unit, multiple fees shall be paid.
- Where the size of the water line is greater than three-fourths inch, the following charges shall be levied in addition to the original unit charge separately for sanitary sewer service and water service:

Sanitary Sewer System Capacity Charges:

| <u>Tap Size</u> | <u>In-Town</u> | <u>Out-of-Town</u> | <u>Beechwood Trails</u> |
|-----------------|----------------|--------------------|-------------------------|
| 3/4" | \$4,095 | \$6,143 | \$5,324 |
| 1" | \$6,955 | \$10,433 | \$9,042 |
| 1-1/2" | \$14,300 | \$21,450 | \$18,590 |
| 2" | \$26,975 | \$40,463 | \$35,068 |
| 3" | \$58,825 | \$88,238 | \$76,473 |
| 4" | \$115,050 | N/A | N/A |
| 6" | \$247,000 | N/A | N/A |

Water System Capacity Charges:

| <u>Tap Size</u> | <u>In-Town</u> | <u>Out-of-Town</u> | <u>Beechwood Trails</u> |
|-----------------|----------------|--------------------|-------------------------|
| 3/4" | \$4,725 | \$7,088 | \$6,143 |
| 1" | \$8,025 | \$12,038 | \$10,433 |
| 1-1/2" | \$16,500 | \$24,750 | \$21,450 |
| 2" | \$31,125 | \$46,688 | \$40,463 |
| 3" | \$67,875 | \$101,813 | \$88,238 |
| 4" | \$132,750 | N/A | N/A |
| 6" | \$285,000 | N/A | N/A |

(Ord. 2012-4087. Passed 8-6-12.)

- (h) Where water services or a determined portion of a water service is installed for fire protection, no normal use of sanitary sewers would be anticipated and, therefore, no sewer capacity fee would be levied on those lines or parts used solely for this purpose.
- (i) The preceding rates shall apply except in the situation where a water service connection is made solely for fire protection. Where a water service connection is made solely for fire protection, the water system capacity charge will be fifty percent (50%) of the above rate. (Ord. 98-3203. Passed 2-17-98.)

929.04 CHARGES AND RATES OUTSIDE THE CITY.

Those utility customers of the City who do not reside within the City corporate limits shall be charged a rate equal to one hundred fifty percent (150%) of the rate charged to utility service customers who reside within the City corporate limits unless there exists specific legislation or other contractual commitment that establishes an alternate rate for those customers. (Ord. 2011-4016. Passed 2-22-11.)

929.05 PREPAYMENT OF SYSTEM CAPACITY CHARGES.

The developer, owner or subdivider of any lands in the City or to which a sanitary sewer or water connection will be made may, if he so elects, prepay the connection fees at any time. However, if changes provided for by this chapter have been increased between the time of prepayment and the time the service connection is made, the owner, developer or subdivider shall pay the difference between the rate in effect at the time of connection and the prepaid fees and such additional fee, if any, shall be paid at the time the connection is actually made. (Ord. 98-3203. Passed 2-17-98.)

929.06 DISPOSITION OF FEES.

The fees received by the City from proceeds of system capacity charges provided for herein shall be paid into the Water and Sewer Revenue Fund and shall be encumbered along with any interest earned therefrom for the purposes of expanding the water and sewer system. All expenditures of these funds must be directed by an ordinance of Council for purposes of capital improvement of the water and sewer system. (Ord. 98-3203. Passed 2-17-98.)

929.07 SANITARY SEWER SERVICE RATES.

The monthly rates to be charged per thousand gallons for sanitary sewer service for residential and commercial customers within the City's Utility Service Area shall be as follows:

| | In-Town | Out-Of-Town |
|-------------|--------------|--------------|
| <u>Year</u> | <u>Sewer</u> | <u>Sewer</u> |
| 2012 | \$5.50 | \$8.25 |
| 2013 | \$6.16 | \$9.24 |
| 2014 | \$6.62 | \$9.93 |
| 2015 | \$7.12 | \$10.68 |
| 2016 | \$7.65 | \$11.48 |

A minimum bill based on 3,000 gallons will be charged for monthly usage between 0 to 3,000 gallons.

In addition, a monthly Capital Improvements rate of \$3.00 per 1,000 gallons of usage will be charged for sanitary sewer service for residential and commercial customers within the City's Utility Service Area.

(Ord. 2012-4087. Passed 8-6-12.)

929.08 WATER SERVICE RATES.

The monthly rates to be charged per thousand gallons for water service for residential and commercial customers within the City's Utility Service Area shall be as follows:

| | In-Town | Out-Of-Town |
|-------------|--------------|--------------|
| <u>Year</u> | <u>Water</u> | <u>Water</u> |
| 2012 | \$4.06 | \$6.09 |
| 2013 | \$4.22 | \$6.33 |
| 2014 | \$4.31 | \$6.47 |
| 2015 | \$4.39 | \$6.59 |
| 2016 | \$4.48 | \$6.72 |

A minimum bill based on 3,000 gallons will be charged for monthly usage between 0 to 3,000 gallons. (Ord. 2012-4087. Passed 8-6-12.)

A monthly Capital Improvements rate of \$3.00 per 1,000 gallons of usage will be charged for water service for residential and commercial customers within the City's Utility Service Area. (Ord. 2015-4224. Passed 5-4-15.)

929.09 GENERAL FEE SCHEDULE.

Each of the items in subsections (a) through (e) require payment of a thirty-five dollar (\$35.00) General Fee.

(a) Water Turn On/Off required for the following:

- Inspections
- Non-Pay of water and/or sewer bill
- Seasonal Turn on/off
- Rental property Turn on/off

(b) Water and Sewer Inspections:

Property owner unavailable or property not ready for scheduled inspection requiring additional scheduling

(c) Emergency Repairs:

- When a serviceman is needed in a plumbing type emergency.

(d) Meter Testing:

- When a meter is being tested for accuracy due to a billing dispute. The fee will only be charged to the customer if the meter was found to be functioning in accurate working order.

(e) Insufficient Funds:

- Or any other type of returned check situations.
(Ord. 2010-3989. Passed 9-20-10.)

TITLE FIVE - Other Public Services
 Chap. 953. Garbage and Refuse Disposal.
 Chap. 955. Public Parks.

CHAPTER 953
Garbage and Refuse Disposal

| | |
|---|---|
| 953.01 Garbage hauling; authorized contract required. 953.02 Containers. 953.03 Unauthorized accumulation. 953.035 Definitions. 953.04 Scattering of refuse. 953.05 Points of collection. 953.06 Exclusive franchise for residential garbage collection. | 953.07 Rules established; division of City into collection districts; rates and fees. 953.08 Service classifications and rates authorized. 953.09 Payment procedures. 953.99 Violations and Penalty. |
|---|---|

CROSS REFERENCES

Contracts with county garbage and rubbish disposal districts - see Ohio R.C. 343.08
 Collection and disposal of garbage - see Ohio R.C. 715.43, 717.01
 Disposal and transportation upon public ways - see Ohio R.C. 3767.20 et seq.
 Vehicle loads dropping, sifting, leaking - see TRAF. 339.08
 Littering - see GEN. OFF. 521.08

953.01 GARBAGE HAULING; AUTHORIZED CONTRACT REQUIRED.

No person shall engage in the business of hauling rubbish, refuse, or garbage within the corporate limits of the City unless authorized by contract with the City.
 (Ord. 94-3035. Passed 3-7-94.)

953.02 CONTAINERS.

(a) Property Owner or Occupant to Provide. Unless otherwise provided for by the hauler, refuse containers shall be provided by the owner, tenant, lessee, or occupant of the premises. Refuse containers shall be maintained in good condition. Any container that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice. The hauler shall have the authority to refuse collection services for failure to comply herewith.

(b) Capacity. Garbage containers shall have a capacity as determined by the contracted waste hauler and in all cases shall be sufficient to prevent loose debris from strewing about and such that the waste hauler can completely remove the debris.

- (1) Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
- (2) Rubbish storage facilities. In addition to the provisions of subsection (a) above, the owner or other person in custody or control of any occupied property shall supply approved containers for rubbish, and the owner or other person in custody or control of any occupied property of the premises shall be responsible for the removal of rubbish. Rubbish containers shall be of a kind suitable for collection purposes.
- (3) Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage by one of the following: an approved mechanical food-waste grinder, outside garbage container or approved garbage disposal facility.
- (4) Garbage facilities. The owner or other person in custody or control of any occupied property shall supply approved garbage containers or an operating mechanical grinder as described in subsection (b)(3) above.

(c) Sanitation. Garbage containers shall be of a type approved by the contracted waste hauler, and shall be kept in a clean, neat and sanitary condition at all times.

(d) Storage of Refuse. No person shall place any refuse in any street, alley, or other public place, or upon any private property whether owned by such person or not, within the City, except in proper containers for collection. Nor shall any person throw or deposit any refuse in any stream or other body of water.

(Ord. 2011-4030. Passed 9-6-11.)

953.03 UNAUTHORIZED ACCUMULATION.

Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within thirty days after the effective date of this section shall be deemed a violation of this section.

(Ord. 94-3035. Passed 3-7-94.)

953.035 DEFINITIONS.

(a) Refuse, Junk or Trash. Combustible and noncombustible waste materials, except garbage; the term includes accumulations of combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials, the residue from the burning of wood, coal, coke. Excluded from this sub-section are any materials normally understood to be maintained for combustion in a residential fireplace or other "heating stove, barbeque or outdoor grill" so long as such materials are stacked, stored and/or maintained in appropriate piles or containers intended for such purposes, and materials commonly understood to be a component of landscaping or gardening.

(b) Garbage or Rubbish. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(c) Accumulation of Rubbish or Garbage. All exterior property and premises shall be free from any accumulation of rubbish or garbage.
(Ord. 2011-4030. Passed 9-6-11.)

953.04 SCATTERING OF REFUSE.

No person shall cast, place, sweep or deposit anywhere within the City any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place, or into any occupied premises within the City.
(Ord. 94-3035. Passed 3-7-94.)

953.05 POINTS OF COLLECTION.

Refuse containers shall be placed for collection at ground level on the property, not within the right of way of a street or alley, and accessible to and not more than five feet from the side of the street or alley from which collection is made, provided that containers may be placed for collection at other than ground level and at a distance of more than five feet when approved by the City Administrator. (Ord. 94-3035. Passed 3-7-94.)

953.06 EXCLUSIVE FRANCHISE FOR RESIDENTIAL GARBAGE COLLECTION.

Council, after advertising for bids, has or will award a contract for an exclusive franchise to collect, transport and dispose of garbage, refuse, recyclables and yard waste for residential householders. (Ord. 94-3035. Passed 3-7-94.)

953.07 RULES ESTABLISHED; DIVISION OF CITY INTO COLLECTION DISTRICTS; RATES AND FEES.

The City Administrator, for the purpose of collecting and disposing of garbage and rubbish, is hereby authorized and directed to make such rules and regulations and prescribe such standards and fix such rates and fees as are necessary or convenient, including the division of the City into collection districts.
(Ord. 94-3035. Passed 3-7-94.)

953.08 SERVICE CLASSIFICATIONS AND RATES AUTHORIZED.

In cases where there are no established rates, the City Administrator is authorized to establish classifications of service and fix rates governing such classifications which shall be nondiscriminatory as to all others. When, as, and if such classifications are made and rates established, they shall have the same force and effect as though there were a part of this chapter.
(Ord. 94-3035. Passed 3-7-94.)

953.09 PAYMENT PROCEDURES.

Each householder or commercial establishment shall pay in the manner provided by the City Administrator. (Ord. 94-3035. Passed 3-7-94.)

953.99 VIOLATIONS AND PENALTY.

(a) Whenever the Code Enforcement Official determines that there has been a violation of Chapter 953, or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed to the person responsible for the violation as specified:

(b) Notice shall be in accordance with all of the following:

- (1) Be in written form.
- (2) Include the address or a description of the real estate sufficient for identification.
- (3) Include a statement of the violation or violations and why the notice is being issued.
- (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of Chapter 953.
- (5) Inform the property owner of the right to appeal.
- (6) Notice shall be posted on the property immediately.
- (7) Notice shall be mailed by First Class Mail to the occupant and the owner of record (if a different address) and to any mortgage company holding a mortgage lien on the property. Certified mail, return receipt mail, UPS or other method of documenting delivery shall also be sent to the owner of record.

(c) Any person violating any of the provisions of this chapter shall be fined in an amount not exceeding five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense.
(Ord. 2008-3853. Passed 6-2-08.)

**CHAPTER 955
Public Parks**

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955.01 DEFINITIONS.

As used in this chapter:

- (a) "Park and Recreation Board" means the Board created under Section 7.04(A) of the Charter.
- (b) "Park Director" means the Director appointed by the Park and Recreation Board.
- (c) "Fish or fishing" means taking or attempting to take fish by any method, and all other acts such as placing, setting, drawing or using any device commonly used to fish whether resulting in such taking or not.
- (d) "Motor vehicle" means any vehicle propelled or drawn by power other than muscular power, including but not limited to, automobiles, all-purpose vehicles, non-highway motorcycles, snowmobiles and motorized scooters or skateboards.
- (e) "Officer" means a City police officer, the Park Director or any agent or employee of either.
- (f) "City park" means any land or water owned, leased or otherwise operated and controlled by the City for recreational open space or similar and related purpose.
- (g) "Park waters" means any lake, pond, reservoir, stream, pool, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial, located in or adjoining a park. (Ord. 2007-3817. Passed 10-15-07.)

955.02 HOURS OF OPERATION.

No person shall enter or remain in the park except during the permitted hours of use that are established by City Council or the City Administrator.

Specific event times may be established by the Parks and Recreation Advisory Board or by the Park Director, acting within the guidelines established by the Board.
(Ord. 2007-3817. Passed 10-15-07.)

955.03 PERSONAL CONDUCT.

(a) Disorderly Conduct. No person shall conduct himself or herself, by act or word, in a disorderly, boisterous, riotous or other manner so as to disturb the peace and good order in a City Park.

(b) Abusive Language. No person shall use abusive, insulting, indecent or threatening language in a City Park.

(c) Gambling. No person shall solicit or procure participants for, engage in or promote any game which is played for money or any other thing of value in a City Park.

(d) Loitering. No person shall loiter in the vicinity of shelters, equipment, restrooms or other facilities in a City Park. No person shall enter facilities in a City Park designated for the opposite sex.

(e) Indecent Exposure. No person shall make an indecent exposure of his or her person in a City Park.

(f) Assault. No person shall assault or threaten another in a menacing manner or strike or wound another in a City Park.

(g) Resisting or Obstructing an Officer. No person shall resist, obstruct or abuse an officer in a City Park while such officer is engaged in the lawful execution of his or her duties.
(Ord. 2007-3817. Passed 10-15-07.)

955.04 REMOVAL OR DESTRUCTION OF PROPERTY AND NATURAL FEATURES.

(a) No person in a City Park shall remove any property, natural feature or part thereof included, but not limited to, any building, equipment, sign, rock, stone, mineral foundation, earth, wood, tree, shrub, flower, plant, nut or other seed from a City Park.

(b) No person in a City Park shall injure, destroy, break, cut, chop, write upon, mutilate, set fire to, deface, dig, paint or damage any property, natural feature or part thereof, including but not limited to, any building, equipment, sign, rock, stone, mineral foundation, earth, wood, tree, shrub, flower, plant.

(c) No person in a City Park shall impound or cause to be impounded any park water or in any other way alter or affect the natural flow of such waters.
(Ord. 2007-3817. Passed 10-15-07.)

955.05 DEPOSIT OF MATERIAL.

(a) No person shall deposit, discard, dump or leave behind any material of any kind in a City Park, except materials arising from the normal use and enjoyment of a City Park and then only in receptacles provided for this purpose.

(b) No person shall, adjacent to a City Park, deposit, discard, dump or leave behind any noxious or waste material, including but not limited to, paper, garbage, ashes or refuse which may blow, wash or be otherwise transported into a City Park.

(c) No person in or adjacent to a City Park shall place or permit to be placed in any City Park waters any noxious or deleterious substance, either solid or liquid which may render such waters harmful to the public health, animal or plant life.
(Ord. 2007-3817. Passed 10-15-07.)

955.06 ALCOHOLIC BEVERAGES AND ILLEGAL SUBSTANCES.

No person shall possess or make use of any type of alcoholic beverage or illegal substance in a City Park. (Ord. 2007-3817. Passed 10-15-07.)

955.07 FIREARMS; WEAPONS AND EXPLOSIVES.

Unless otherwise authorized by Council, whether by Council or the City Administrator pursuant to the authority delegated by Council:

- (a) No person shall carry on or about his person any firearm of any description, bows or arrows, air or gas guns, missiles, or sling shots while in a City Park.
- (b) No person shall discharge a firearm of any description, bow or arrow, air or gas gun, missile or sling shot while in a City Park.
- (c) No person shall bring into, fire, or have in his or her possession fireworks or explosives of any kind while in a City Park.
- (d) This section shall not apply to police officers engaged in the lawful execution of their duties. (Ord. 2007-3817. Passed 10-15-07.)

955.08 FIRES.

(a) No person shall start or maintain a fire in a City Park except in a fireplace, grill or other site designated for such purpose.

(b) No person having started a fire in a designated area shall leave the fire unattended or leave the vicinity of the fire without first fully extinguishing the fire.

(c) No person shall deposit or scatter hot coals or ashes in any place in a City Park, other than in a receptacle designated for such purpose.
(Ord. 2007-3817. Passed 10-15-07.)

955.09 DOMESTIC ANIMALS.

Unless authorized by Council, or the City Administrator operating pursuant to delegated authority by the City Council, no person shall be permitted to have domestic animals in the City Parks unless they are on a leash. There will be no domestic animals on groomed areas. The only exception will be service dogs that are on a leash and controlled.
(Ord. 2011-4053. Passed 12-5-11.)

955.10 WILD ANIMALS.

Unless otherwise authorized by Council, whether by Council or the City Administrator pursuant to the authority delegated by Council:

- (a) No person shall hunt, trap or in any way abuse, molest, injure, pursue, remove or destroy any natural animal found in a City Park.
- (b) No person shall move, injure, molest or destroy any animal habitation in a City Park.
- (c) No person shall abandon any animal in a City Park.
(Ord. 2007-3817. Passed 10-15-07.)

955.11 VEHICULAR TRAFFIC.

(a) Driving in Permitted Areas. No person shall operate a motor vehicle, as defined in Section 955.01, in a City Park, except on and within the roads and paths provided for such motor vehicles. The operation of a motor vehicle on grass in a City Park is explicitly prohibited. No person shall operate a motor vehicle on roads or paths in violation of signs designating the roads and paths for the use of a specific type of vehicle.

(b) Excluded Motor Vehicles. No person shall operate an all terrain vehicle or dirt bike in any City Park without written authorization.

(c) Reckless Operation. No person shall operate a motor vehicle, as defined in Section 955.01, in a City Park in such a manner as to endanger the operator, another person or property.

(d) Speed. No person shall operate a motor vehicle, as defined in Section 955.01, in excess of the posted speed limit of 15 MPH.

(e) Parking. No person shall park any motor vehicle, as defined in Section 955.01, in a City Park except in places designated for such purpose.
(Ord. 2007-3817. Passed 10-15-07.)

955.12 EJECTION FROM PARKS.

Officers, as defined in Section 955.01, are hereby authorized to order any person found violating any provision of this chapter to leave the City Park.
(Ord. 2007-3817. Passed 10-15-07.)

955.99 PENALTY.

Whoever violates or fails to comply with any provisions of this chapter shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
(Ord. 2007-3817. Passed 10-15-07.)