

CODIFIED ORDINANCES OF CAREY

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

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**TITLE ONE - Utilities**

- Chap. 917. Sewer Trunk Extensions.
- Chap. 921. Sewer Regulations and Charges.
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#### CHAPTER 917 Sewer Trunk Extensions

917.01 Definitions.	917.04 Construction; Engineer's duties.
917.02 Size of lines; submission of plans.	917.05 Financing.
917.03 Materials.	917.06 Ownership and operation.

#### CROSS REFERENCES

Power to regulate water closets and privies - see Ohio R.C. 715.40  
Power to construct sewerage system - see Ohio R.C. 715.40, 717.01  
Compulsory sewer connections - see Ohio R.C. 729.06

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#### 917.01 DEFINITIONS.

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

- (a) "Municipality" means the Municipality of Carey, Ohio.
- (b) "Person" means any individual, firm, company, association, society, corporation or group.
- (c) "Village Administrator" means the duly appointed officer as authorized under Ohio R.C. 735.271 or his representative.
- (d) "Engineer" means the Consulting Engineer retained by the Municipality.
- (e) "Shall" is mandatory; "may" is permissive.
- (f) "Council" means the duly elected and installed Council as the governing authority of the Municipality.

- (g) "Contiguous area" means any area contiguous to the corporate boundaries of the Municipality and extending outward therefrom for one mile.  
(Ord. 685. Passed 11-1-71.)

#### 917.02 SIZE OF LINES; SUBMISSION OF PLANS.

(a) All trunk sewer and collecting line extensions within the Municipality and/or contiguous areas shall be eight inches in diameter unless specifically otherwise recommended by the Engineer.

(b) Any person proposing to construct sewer trunk and collecting lines shall submit plans showing location and grades, also population to be served; amount and nature of commercial and industrial waste.

(c) The size shall be adequate to serve the immediate requirements of the area and also provide a capacity that may be required by anticipated development in adjacent and/or contiguous areas. The Engineer shall review same and make recommendations to the Council. (Ord. 685. Passed 11-1-71.)

#### 917.03 MATERIALS.

All pipe, joining material, valves, lift stations and appurtenances necessary for the proper development of a trunk sewer and collecting lines distribution system shall conform to the requirements of the Ohio Department of Health.

(Ord. 685. Passed 11-1-71.)

#### 917.04 CONSTRUCTION; ENGINEER'S DUTIES.

(a) Before the construction of any trunk sewers and collecting line extension is started detailed plans and specifications for the proposed extension shall be submitted to the Engineer for review and recommendations. The recommendations of the Engineer shall then be submitted to the Village Administrator for direct action or submitted to Council.

(b) Upon approval of plans and specifications by the Ohio Department of Health the construction of the extension and/or trunk sewer and collecting lines can proceed, subject to the inspection by the Municipality in accordance with the approved plans and specifications.

(c) The Municipality reserves the right to construct the extension with the forces of the Sewer Department, through public contract procedure or authorize any person interested in having the extension constructed to do so, provided such person is experienced in that type of construction and has the required equipment.

(Ord. 685. Passed 11-1-71.)

#### 917.05 FINANCING.

(a) Trunk sewer and collecting line extensions in the contiguous area may be constructed in conjunction with any person in accordance with the terms set forth in this chapter.

(b) The financing of an agreement and/or contract that may be authorized under subsection (a) herein shall be in accordance with the terms enunciated therein that have been approved by Council.

(c) All other trunk sewer and collecting line extensions shall be paid in their entirety by the person or persons requesting such extensions, except as set forth herein.

(d) Where a trunk sewer and collecting line extension is required by the Municipality to be larger than eight inches, the Municipality shall pay one hundred ten percent of the differential between cost of the eight inch trunk sewer and collecting lines and the larger size required by the Municipality. This differential shall include the cost of the trunk sewer and collecting lines, valves and all appurtenances.

(e) The person requesting a trunk sewer and collecting line extension to be installed by the Municipality shall deposit with the Municipality an amount equal to the estimated cost of such extension as determined by the Sewer Department. If the actual cost is higher, the person involved shall be required to pay the difference; if lower, the amount of the differential shall be refunded.

(f) The Mayor or Village Administrator shall determine from Sewer Department records, Engineer estimates and/or other sources regarding any costs involved under subsection (e) herein and such determination shall be final.

(g) Trunk sewer and collecting line extensions may be installed by the Municipality and the cost assessed against the abutting property owners in accordance with the Ohio R.C. 727.01. When the extension to be assessed is larger than an eight inch trunk sewer or collecting line the amount of the assessment shall be the entire cost of the extension less one hundred ten percent as set forth in subsection (d) herein.

(h) Where trunk sewer and collecting lines are installed by a person and abutting on parcels not owned by such person nor included in the agreement, the person shall be entitled to reimbursement, when such parcels are connected to the trunk sewer and collecting lines during the ensuing ten years after completion of the trunk sewer and collecting lines from funds collected by the Municipality for such connections. The charge for the connections shall be an amount per foot of frontage equal to that which would have been assessed at the time of the installation.

The amount of the reimbursement shall be determined by dividing the cost of the trunk sewer and collecting lines paid by the Municipality or person by the frontage abutting the trunk sewer and collecting lines, providing the total amount of reimbursement shall not exceed fifty percent.

(i) A person, to be eligible for reimbursement, must file with the Municipality within ninety days after the completion of the trunk sewer and collecting lines or such further time as may be authorized in writing by the Mayor or Village Administrator in accordance with the specifications and plans, receipts for all labor and material used in connection with the construction of the trunk sewer and collecting lines, together with final, as-built plans, properly referenced for future location of the work.

(Ord. 685. Passed 11-1-71.)

**917.06 OWNERSHIP AND OPERATION.**

(a) Ownership of trunk and collecting lines built within the Municipality and/or a contiguous area shall be vested in the Municipality along with any right-of-way easement for the necessary construction, maintenance and operation of such trunk sewer and collecting lines.

(b) The Municipality shall assume full responsibility for the maintenance and operation of all trunk sewer and collecting lines vested in the Municipality in accordance with subsection (a) herein.

(c) It is not the intent of this section to prohibit the Municipality from entering into a contract with a person for extending a trunk sewer and collecting lines at his own expense through his property. If such an extension is made, it shall take the status of a service line with a meter installed at the point of junction with the Municipally owned main and the owner assuming full responsibility for maintenance and operation of the extension.

(Ord. 685. Passed 11-1-71.)

## CHAPTER 921

### Sewer Regulations and Charges

921.001	Regulations generally.	921.11	Charges a lien.
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921.02	Use of public sewers required.	921.13	Village Administrator to enforce.
921.03	Private sewage disposal.	921.14	Connections to storm sewers; fee and application.
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921.05	Construction of sanitary sewers.	921.16	Council to regulate storm sewers.
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921.08	Powers of Village Administrator.		
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921.10	Service charges.		

#### CROSS REFERENCES

Power to license sewer tappers and vault cleaners - see Ohio R.C. 715.27

Sewerage rates - see Ohio R.C. 729.49

Untreated sewage - see Ohio R.C. 3701.59

Interference with sewage flow - see Ohio R.C. 4933.24

Assessments - see Ohio R.C. Ch. 729

Barricades and warning lights - see GEN. OFF. 521.03

Sewer trunk extensions - see S.U. & P.S. Ch. 917

#### 921.001 REGULATIONS GENERALLY.

(a) These rules and regulations shall apply to the sanitary sewage collection system constructed within the jurisdiction of the publicly owned treatment works (POTW), Village of Carey. Such rules and regulations shall apply from a location at a clean-out directly inside the inner face of the building wall of each home, building, or structure and shall include house sewer laterals, trunk and interceptor sewers.

(b) The objectives of this chapter are:

(1) To establish a uniform written policy for the control, financing and management of the Village sanitary sewerage system, for the guidance of all users of same.

- (2) To prevent the introduction of pollutants into the Village wastewater system which will interfere with the normal operation of the POTW, or contaminate the resulting municipal sludge.
- (3) To prevent the introduction of pollutants into the Village wastewater system which do not receive adequate treatment in the POTW, and which for these reasons pass through the system into the receiving waters.
- (4) To improve the opportunity to recycle and reclaim water and sludge from the Village system.  
(Ord. 95-7. Passed 6-19-95.)

## 921.01 DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the following meaning ascribed to them respectively, unless otherwise excepted.

- (1) "Act" means the Clean Water Act (33 U.S.C. 1251 et. seq.) as amended. Public Law 92-500, and any amendments thereto, as well as, any guidelines, limitations and standard promulgated by the U.S. Environmental Protection Agency pursuant to the Act.
- (2) "Biochemical Oxygen Demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, as outlined in the Environmental Protection Agency Guidelines, establishing test procedures for the analysis of pollutants, as specified in 40 CFR, Part 136, in 5 days at 20 degrees Centigrade, expressed in Parts Per Million (PPM) by weight or milligrams (mg/l).
- (3) "Building drain" means that part of the horizontal piping of sanitary drainage system which extends from a point 3 feet outside of the building wall and which receives the discharge from sanitary conveniences, wastes, and other drainage pipes inside the walls of the buildings and conveys it to the public sanitary sewer, private sewer, individual sewage disposal system, or other point of disposal.
- (4) "Categorical Pretreatment Standards" means the national pretreatment standards specifying the quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into the sewage disposal system by specific industrial users.
- (5) "Chemical Oxygen Demand (COD)" means the quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedures expressed in milligrams per liter (mg/l). (Ref. 40 CFR, Part 136).
- (6) "Combined sewer" shall mean a sewer intended to receive both sewage and storm or surface water.
- (7) "Compatible pollutant" shall include Biochemical Oxygen Demand (BOD), Suspended Solids, pH, Fecal Coliform Bacteria, plus additional pollutants, as identified in the POTW National Pollution Discharge Elimination System (NPDES) Permit, providing the Village Wastewater Treatment Plant is designed to treat such pollutants and in fact, does remove such pollutants to comply with all discharge requirements of the NPDES Permit.

- (8) "Cooling water" or "industrial cooling water" means the unpolluted water discharged from any system of condensation, air conditioning cooling, refrigeration or other similar non contact use which meets the criteria established by the OEPA for effluent discharged into water courses within the jurisdiction of the Village of Carey.
- (9) "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.
- (10) "Garbage" means solid wastes from the preparation, cooking or the dispensing of food, and from the handling, storage and sale of produce.
- (11) "Properly shredded garbage" means the waste from preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewers, with no particulate greater than one half inch ( $\frac{1}{2}$  ") in any dimension.
- (12) "Incompatible pollutant" means any pollutant which is not a compatible pollutant as defined in Item 7 of this section.
- (13) "Indirect discharge" means the discharge or the introduction of non domestic pollutants from a source regulated under the "Act" into the POTW.
- (14) "Industrial waste" means solids, liquids or other wastes resulting from commercial manufacturing or industrial operations, trade or business processes or from the development, recovery or processing of natural resources, as distinct from sanitary sewage.
- (15) "Interceptor" means a device designed and installed so as to separate and/or retain deleterious, hazardous or undesirable matter from entering the normal wastes, and permits normal wastewater to discharge to the disposal terminal by gravity.
- (16) "Interference" means the inhibition or disruption of the POTW system, treatment processes, or operations which contributes to a violation of any portion of the Village's NPDES Permit to discharge.
- (17) "Natural outlet" means any outlet into a water course, pond, ditch, lake or other body of surface or ground water.
- (18) "Normal strength sewage or wastes" as defined for the purpose of determining surcharge shall mean, sewage or wastes, having a average daily suspended solids concentration of not more than 200 mg/l, an average daily BOD concentration of not more than 200 mg/l and not containing any of the characteristics in excess of the limitations as prohibited and established by this ordinance.
- (19) "NPDES Permit" means National Pollution Discharge Elimination System Permit issued to the Village of Carey by the OEPA.
- (20) "OEPA" shall mean the Ohio Environmental Protection Agency.
- (21) "Person" means any individual, firm, company, association, society, corporation or group.
- (22) "pH" means the logarithm of the reciprocal of the weight of the Hydrogen ions in grams per liter of solution.

- (23) "Pollutant" means dredged spoil, solid waste, incinerator residue, wastewater, garbage, wastewater sludge, munitions, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
- (24) "POTW" means Publicly Owned Treatment Works and shall be defined as any sewage treatment works and the sewers and conveyance appurtenances discharging thereto, owned and operated by the Village of Carey.
- (25) "PPM" means Parts Per Million by weight and/or Milligrams Per Liter (mg/l).
- (26) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into the POTW.
- (27) "Public sewer" means a sewer in which an owners of abutting properties having equal rights, and is controlled by the Village.
- (28) "Sanitary sewage" means waste from water closets, urinals, laboratories, sinks, bathtubs, showers, household laundries, cellar floor drains, garage floor drains, bars, soda fountains, refrigerator drips, drinking fountains, store rooms and stable floor drains.
- (29) "Sanitary sewer" means a sewer which carries sewage and wastes and to which storm, surface and ground waters are not intentionally admitted.
- (30) "Sewage" means and is synonymous with "wastewater" which means spent water of a community. It may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, institutions, together with any ground water, surface water and storm water that may be present.
- (31) "Sewer" means any pipe or conduit which carries wastewater or sewage.
- (32) "Sewer tapping" means the construction of a building sewer or building drain connected to a sanitary sewer or storm drain forming part of the public sewer system.
- (33) "Shall" is mandatory; "may" is permissive.
- (34) "SIC Manual" means the Standard Industrial Classification Manual 1972, Office of Management and Budget as amended and supplemented.
- (35) "Slug" means any discharge of water or waste which is concentrated of any given constituent or in quantity of flow, for any period of duration of longer than fifteen (15) minutes, exceeds more than five (5) times the average twenty-four (24) hour concentrations or flows during normal operations and/or that adversely affects the collection system and/or performance of the POTW.
- (36) "Storm drain" synonymous with "storm sewer" means a drain or sewer for carrying water, ground water, subsurface water, or unpolluted water from any source, but excludes sewage.
- (37) "Storm water runoff" means that portion of the rainfall that is drained into the storm sewers.

- (38) "Surcharge" means a fee in addition to the service charge which is levied on those persons whose wastes are greater in strength than the concentration values established as representative of normal sewage.
- (39) "Suspended solids" means total suspended matter that either floats on the surface of/or is suspended in water, wastewater, or other liquids, and is removable by laboratory filtering as described in Standard Methods For The Examination Of Water And Wastes and referred to as "non-filterable residue".
- (40) "Toxic pollutant" means pollutants included and promulgated by the USEPA as toxic.
- (41) "Unpolluted water" is water of quality, equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water standards, and would not be benefited by discharge to the sanitary sewers and POTW.
- (42) "Upset" an exceptional incident in which a user unintentionally and temporarily is in the state of non-compliance with the standards set forth in this chapter due to factors beyond the reasonable control of the user, and excluding non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation thereof.
- (43) "USEPA" shall mean United States Environmental Protection Agency.
- (44) "User classification" means the division of users within the Village service area by the origin of the sewage discharged and by similarity of the function of such users. These are stated in two (2) general classes, they are:
  - (a) "Industrial users" a person who discharges to the POTW industrial wastes as defined in sub-section 14 hereof.
  - (b) "Non-industrial users" means single family or equivalent residences or other persons which discharge only segregated domestic wastes from sanitary conveniences into the POTW.
- (45) "Village Administrator" means the Village Administrator of the Municipal Wastewater Treatment Works or POTW or his authorized Deputy, Agency or Representative.
- (46) "Wastewater Treatment Plant" or "WWTP" means Village POTW and all devices and structures for treating and disposing of sewage and sludge.
- (47) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.  
(Ord. 95-7. Passed 6-19-95.)

#### 921.02 USE PUBLIC SEWERS REQUIRED.

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

(b) No person shall discharge any sanitary sewage, industrial waste or other polluted water into any natural outlet within the Municipality, or in any area under jurisdiction of the Municipality, except where suitable treatment has been provided in accordance with the provisions of this chapter.

(c) Except as where provided by Section 921.03, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Municipality and abutting any street, alley or right-of-way in which there is now located or may in the future be located, a public sanitary sewer of the Municipality, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly to the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after the date of official notice to comply, provided that such public sewer is within 100 feet of the property line.

(Ord. 95-7. Passed 6-19-95.)

#### 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 section.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Village Administrator. The application for such permit shall be made on a form furnished by the Municipality, which the applicant shall supplement by furnishing any plans, specifications and other information as are deemed necessary by the Village Administrator. A permit and inspection fee of twenty-five dollars (\$25.00) shall be paid to the Fiscal Officer at the time the application is filed.

(c) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Village Administrator. 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 Village Administrator 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 Village Administrator.

(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 sewerage 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 or other private sewage disposal facilities, shall be abandoned and filled with suitable material.

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

(g) No statement contained in this section shall be construed to interfere with any additional requirement that may be imposed by the health officer.  
(Ord. 95-7. Passed 6-19-95.)

#### 921.04 CONNECTIONS TO SANITARY SEWERS REGULATED FEES.

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

(Ord. 95-7. Passed 6-19-95.)

(b) There shall be two (2) classes of sewer tap permits. The first class covers residential and commercial service and the second class covers service to establishments producing industrial waste. In either case, the owner or his agent shall make application on a special form furnished by the Municipality. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Village Administrator. A tap and inspection fee of one hundred fifty dollars (\$150.00) plus time and materials for residential or commercial or industrial sewer tap permit shall be paid into the Fiscal Officer at the time the application is filed.  
(Ord. 2008-21. Passed 12-15-08.)

(c) The written permission to construct a sewer or to make a connection to a public sanitary sewer, shall specify the permissible use of such sewer and connections and such specifications shall be governed by the following requirements; sewage, including wastes from water closets, urinals, laboratories, sinks, bathtubs, showers, laundries, cellar floor drains, garbage floor drains, bars, soda fountains, drinking fountains, stable floor drains and other objectionable wastes shall be discharged into the sanitary sewer and in no case into a storm sewer.

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

(e) 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.

(f) Old building sewers may be used in connection with new buildings only when they are found on examination and tests by the Village Administrator, to meet all requirements of this section.

(g) Connection with a cesspool or privy shall not be made into the sanitary sewer.

(h) A trap for the interception of grease and oil shall be provided on a connection from a hotel, motel, restaurant, club or institutional kitchen and from a public garage or automobile washing station. Such traps and its installation shall be subject to the approval of the Municipality.

(i) No person shall discharge into a sewer or tap a sewer for the purpose of discharging into it any waste or drainage water prohibited by this chapter. Any existing sewer and drainage connections in violation of the provisions of this chapter shall be abandoned and removed as soon as possible.

(Ord. 95-7. Passed 6-19-95.)

#### 921.05 CONSTRUCTION OF SANITARY SEWERS.

(a) All sewers and connections to the sanitary sewer shall be constructed as follows: all sewers shall meet Ohio Health Department regulations for materials used to make such sanitary sewer pipe connections, shall be not less than six inches internal diameter and shall be laid in an open trench in order to permit ventilation of the public sewer and all sewers, no trap shall be placed in any sewers except as provided for in Section 921.04(h).

(b) After the sewer is laid and is covered and used, it shall be inspected and approved by the Municipality or its authorized representative.

(c) Council is authorized and directed to adopt and enforce specifications and regulations in accordance with the provisions of this chapter for the purpose of providing control of the installation of sanitary sewer connections and the inspection thereof. The Municipality shall maintain an accurate and complete record of all permits issued for connections and inspections made of the construction of all sewers and connections with the sanitary sewer mains. They shall require the abandonment and removal of connections with the public sanitary sewers which violate this chapter.

(d) The building sewer shall be cast iron soil pipe, ASTM Specifications (A7475) or equal; vitrified clay sewer pipe, ASTM Specifications (C700-74) or equal; or other suitable material approved by the Village Administrator. Joints shall be tight and waterproof. Any part of the building sewer that is located within ten feet of a water service pipe, shall be constructed of cast iron soil pipe with leaded joints. Cast iron pipe with leaded joints may be required by the Village Administrator where the building sewer is exposed to damage by tree roots. 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 Village Administrator.

(e) The size and slope of the building sewer shall be subject to the approval of the Village Administrator, but in no event shall the diameter be less than four inches. The slope of such four inch pipe shall not be less than one-eighth inch per foot.

(f) 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 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 in so far as possible. Changes in direction shall be made only with the properly curved pipe and fittings.

(g) 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 into the building sewer.

(h) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Village Administrator. Pipe laying and backfill shall be performed in accordance with the latest ASTM Specifications except that no backfill shall be placed until the work has been inspected.

(i) All joints connections shall be made gas tight and water tight. All joints in vitrified clay pipe or between such pipe and metal shall be made with approved hot-poured jointing material or other acceptable jointing material approved by the Village Administrator. Material for hot-poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subject to a temperature of one hundred sixty degrees Fahrenheit, nor be soluble in any of the waste carried by the drainage system. The joint shall first be caulked tight with jute, hemp, or similar approved material.

(j) The connection of the building sewer into the public sewer shall be made at a suitable location. If the public sewer is twelve inches in diameter or less and no properly located trap is available, the owner shall at his own expense, install a tap in the public sewer at the locations specified by the Village Administrator. Where the public sewer is greater than twelve inches in diameter and no properly located tap is available, a neat hole may be cut into the pipe sewer to receive the building sewer. When making such connection, the end cut shall not extend past the inner surface of the inner 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 water tight by encasement in concrete. Special fittings shall be used for the connection, only when approved by the Village Administrator.

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

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

(Ord. 95-7. Passed 6-19-95.)

#### 921.06 USE OF THE PUBLIC SEWERS REGULATED.

(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 into any sanitary sewer.

(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village Administrator. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Village Administrator, into a storm sewer or natural outlet.

(c) No person shall discharge any waters or waste or any substances which contain compatible or incompatible pollutants other than sanitary sewage and which may have a deleterious affect on the sewage disposal system, its appurtenances, process equipment, or receiving waters including violations of applicable water quality standards, or which would otherwise cause a hazard to life or constitute a public nuisance. The Village Administrator shall have the authority to reject the discharge of such wastes or require pretreatment of quantities and rates of discharge to an acceptable condition for discharge to the public sewers as required by this chapter, and may require payment of a surcharge or additional cost of handling, treating and disposing of the compatible wastes which exceed normal strength limitations.

(d) Except as in hereinafter provided, no person, firm, corporation or other legal entity shall discharge or cause to be discharged any of the following described substances or waters into any public sewer;

- (1) Any liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction to cause fire or explosion or be injurious in any other way to persons or the operation of the POTS.
- (2) Any liquid or vapor having an average temperature over a 24 hour period, higher than one hundred fifty degrees Fahrenheit at the point at which the liquid or vapor enters the sanitary sewer.

- (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 otherwise cause interferences with the proper operation of the POTW.
- (4) Any waters or wastes having a pH lower than 6.5 and higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the POTW.
- (5) Any wastes or waters containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, or that would constitute a hazard to humans or animals or create any hazard in the receiving waters of the POTW or the sludges produced.
- (6) Any water or wastes which contain substances which exceed the limitations set forth in the categorical pretreatment standards.
- (7) Any noxious or malodorous, gases or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or would prevent entry to the sewers for maintenance and repair.
- (8) Any water or wastes which may contain more than thirty five parts per million (35 PPM) by weight of fat, oil, or grease.
- (9) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the POTW.
- (10) Any waters or wastes having a Chlorine demand greater than 30 mg/l.
- (11) Any substance which causes or may cause the POTW effluent or treatment residue, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (12) Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.
- (13) Any substance with objectionable color not removed in the treatment process, such as but not limited to, dye wastes and tanning solutions.
- (14) Any slug load which shall mean any pollutant, including Oxygen Demanding Pollutants (BOD etc.), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the POTW.
- (15) The discharge or admission into the public sewers of any waters or wastes having a 5-day Biochemical Oxygen Demand (BOD), greater than 200 mg/l, or containing more than 200 mg/l by weight of Suspended Solids, or containing any quantity of substances having the characteristics described herein, or having a daily average flow greater than twenty-two percent of the average daily sewage flow of the Village, shall be subject to review and approval of the Village Administrator. If so ordered, the owner shall provide at his expense, such preliminary treatment as may be necessary to reduce the BOD and Suspended Solids to 200 mg/l, or reduce objectionable characteristics or constituents to within maximum limits provided for in this section, or control the quantities and rates of discharge of such waters and wastes.

- Plans and specifications and other pertinent information relating to the proposed pretreatment facility shall be submitted for the approval of the Village Administrator and to the Ohio Environmental Protection Agency for said approval, and no construction of any facility shall be commenced until such approvals are obtained in writing.
- (16) Where pretreatment facilities are provided for any waters or wastes, they shall be maintained continuously and in satisfactory condition so as to operate efficiently by the owner at his expense.
- (17) When required by the Village Administrator, 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 accessible and safely located and shall be constructed in accordance with the plans approved by the Village Administrator and the State of Ohio Environmental Protection Agency. 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.
- (18) The Village Administrator will have the right of entrance into any industrial users facilities for the purpose of inspecting water and waste discharges, sampling, flow measurements, and other administrative duties directly concerned with the discharges of materials into the POTW.
- (19) All measurements, tests and analysis of the characteristics of waters and waste materials required by the Village Administrator and which is in reference to any analysis required by this ordinance herein, shall be determined in accordance with the approved methods as set forth in 40 CFR, Part 136 as amended, and shall be determined at the control manhole provided for in this section. All sampling protocols shall comply with Federal and State requirements as set forth in Section 6111.3 of the Ohio Revised Code. 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.
- (20) No statement contained in this section shall be construed as preventing any special arrangement between the Municipality and any industrial concern whereby, an industrial waste of unusual strength or character may be accepted by the Municipality for treatment subject to payment therefore, by the industrial concern of a surcharge or other charge as may be determined by the Village Administrator.

(e) Limitations on Wastewater Strength.

- (1) National Categorical Pre-Treatment Standards: National categorical pretreatment standards as promulgated by the U.S. EPA pursuant to the act shall be met by all dischargers. An application for modification of the national categorical pretreatment standards may be considered for submittal to the Regional Administrator by the Village, when the village wastewater treatment system achieves consistent removal of the pollutants as defined by 40 CFR, 403.7.
- (2) State Requirements: State requirements and limitations on discharge to the POTW shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than Federal requirements and limitations or those in this chapter or any other applicable ordinance.
- (3) Right of Revision: The Village reserves the right to amend this chapter to provide for different limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in the previous section.
- (4) Dilution: No discharge shall increase the use of potable or process water in any way for the purpose of diluting a discharge as a partial or complete substitute for the adequate treatment to achieve compliance with the standards set forth in this chapter. This shall not prohibit the use of equalization tanks utilized to regulate flows.
- (5) Supplementary Limitations: No discharger shall discharge waste containing concentrations of the following enumerated materials which exceed the following one day minimums, based upon twenty-four average values after a period of nine months has elapsed from the effective date of this chapter.

<u>Pollutant</u>	<u>Concentration (mg/l)</u>
Cadmium	.5
Copper	2.0
Cyanide	1.0
Lead	.5
Mercury	.01
Nickel	3.2
Silver	1.0
Hex.-Chromium	.2
Zinc	4.0
Phenols	0.2
Anionic Surfactants	50.
Oil and Grease	35.0 *
B.O.D.	200.0
Total Suspended Solids	200.0
Ammonia-N	20.0
COD	600.0 **

\* total 35 mg/1 for oil and grease, 10 mg/1 TPH and 25 mg/1 animal fat or vegetable oil.

\*\* COD over 600 mg/1 becomes subject to a surcharge, up to a maximum of 800 mg/1. Over 800 mg/1 becomes a violation subject to a fine and a compliance review.

(f) No person shall discharge sewage, industrial waste or any other substances into any sewer outlet within the jurisdiction of the Village POTW, without first having complied with the terms of this section.

(g) Wastewater Data Discharge Disclosure:

- (1) General Disclosure. All dischargers of industrial wastes proposing to connect to or discharge sewage, industrial wastes or other substances to the POTW shall comply with all terms of this section.
- (2) Disclosure Forms. All dischargers of industrial wastes shall complete and file with the Village, a disclosure declaration on the form prescribed by the Village. All existing dischargers of industrial wastes shall file disclosure forms within sixty days after the effective date of this chapter, and each year thereafter. Forms must be filed each year within thirty days after the effective date of this chapter. Proposed new dischargers shall file the required disclosure forms within ninety days prior to the expected connection to the POTW. Said disclosure to be made by the discharger on written forms provided by the Village and shall cover:
  - A. Disclosure of name, address, and location within the Village jurisdiction of the Discharger.
  - B. Disclosure of Standard Industrial Classification (SIC) number according to the SIC Manual, Bureau of the Budget, 1972, as amended.
  - C. Disclosure of wastewater constituents and characteristics including but not limited to those mentioned by this chapter, as determined by chemical and biological analyses. Sampling and analysis shall be performed in accordance with procedures established by the U.S. EPA and contained in 40 CFR, Part 136, as amended.
  - D. Disclosure of time and duration of discharges.
  - E. Disclosure of average daily flow and instantaneous peaks (if known), wastewater flow rates in gallons per day. All flows shall be measured unless other verifiable techniques are approved by the Village Administrator.
  - F. Disclosure of discharge and sampling location(s).
  - G. Description of activities, facilities and plant processes on the premises where required by National Categorical Pretreatment Standards including all materials which are or may be discharged to the sewers or works of the POTW.

- H. Disclosure of the nature and concentration of any pollutants or materials prohibited by this Chapter in the discharge, together with a statement regarding whether or not compliance is being achieved with respect to this Chapter, on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the Discharger to comply with the regulations of this Chapter.
- I. Disclosure of each product produced by type, amount, process or processes and rate of production.
- J. Disclosure of the type and amount of raw materials utilized (average and maximum per day).
- K. All disclosure forms shall be signed by a principal executive officer of the Discharger, unless a written authorization letter has been filed with the Village, designating an alternate authorized agent.

(h) Evaluation. The Village Administrator shall evaluate the completed disclosure form and data furnished by the discharger and may require additional information or data to be furnished by the discharger. The Village Administrator shall sign and date each disclosure form at the time of evaluation. Within thirty days of the receipt of the data furnished, the Village Administrator shall notify the discharger of the Village's acceptance or non-acceptance thereof.

An approval disclosure form is necessary to meet the requirements of this Chapter. When the disclosure form requires additional information to be submitted by the discharger before acceptance or non-acceptance can be determined, the Village Administrator shall provide an appropriate time.

(i) Pollutants Discovered. If the Disclosure form indicates a need for additional pretreatment, the Village may require pretreatment of discharge sewerage, industrial waste or other wastes. Thereafter following the discovery in a discharge of hitherto unknown pollutant(s), which may exceed the limits of this chapter, the discharger shall file within thirty days with the Village, a method of disclosing the source and quantity of the pollutant. A time schedule of activities which will produce the required information shall be submitted at the same time for review and concurrence by the Village.

(j) Additional Pre-Treatment. Where additional pretreatment and/or O and M activities will be required to comply with this chapter, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities. The discharger's declaration shall be known as the compliance schedule and shall be subject to the following requirements:

- (1) The schedule shall contain the dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirement of this chapter including, but not limited to dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and all other acts to achieve compliance with this chapter.

- (2) Under no circumstances shall the Village permit a time increment for any single step directed toward compliance which exceeds three months except that the Village Administrator may extend the three month limit when, in his discretion, it is in the interest of the public health, safety, and welfare to do so.
- (3) Not later than fourteen days following each of the milestone dates in the schedule and the final date for compliance, the discharger shall submit a progress report to the Village, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the Village. The Village will evaluate the compliance schedule furnished by the discharger and may require additional information. Within thirty days full evaluation of the compliance schedule, the Village shall notify the discharger of the Village's acceptance or non-acceptance thereof.  
A violation of the accepted Compliance Schedule is a violation of this chapter.

(k) Standards Modification. The Village reserves the right to amend this chapter and the terms and conditions hereof in order to assure compliance of the Village with applicable laws and regulations. When the Federal EPA or the State EPA shall promulgate any amendments to the National Categorical Pretreatment Standard which affects discharges to the POTW, this chapter shall be amended to require compliance by Dischargers with such standards within the time frame prescribed bar such standards. All National Categorical Pretreatment Standards and all State Discharge Standards adopted after the promulgation of this chapter shall be adopted by the Village as a part of this chapter. Where a Discharger, subject to a National Categorical Pretreatment Standard or State Discharge Standards has not previously submitted a disclosure form as required by this section, the Discharger shall file a disclosure form with the Village within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard by the U.S. EPA or State Discharge Standard. In addition, any Discharger operating on the basis of a previously filed disclosure statement, shall submit to the Village within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard or State Discharge Standard, any additional information required by the U.S.EPA or the Ohio EPA Pretreatment Standards. The Discharger shall be informed of any proposed changes in this chapter at least thirty days prior to the effective date of such change. Any changes or new conditions in this chapter shall include a reasonable time schedule or compliance. The limitations set on toxic pollutants shall be evaluated by the dischargers of the toxic pollutants discharged to the Village when one of the following conditions exists:

- (1) One year after implementation of this chapter and every year thereafter.  
(2) Any time the effluent from the sewage treatment plant is consistently above or below the water quality standards or effluent limits established by the Ohio EPA.

- (l) Reporting Requirements For Dischargers.
- (1) Compliance Date Report. Within thirty days following the date for final compliance by the discharger with applicable pretreatment standards set forth in this chapter or thirty days following commencement of the introduction of wastewater into the POTW by a new discharger, any discharger subject to this chapter shall submit to the Village a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O and M and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an executive of the company or by an authorized agent thereof.
- (m) Periodic Compliance Reports.
- (1) Any discharger subject to a pretreatment standard set forth in this chapter, after the compliance date of such pretreatment standard or, in the case of the new discharger, after the commencement of the discharge to the Village, shall submit to the Village during the months of June and December, unless required more frequently by the Village, a report indicating for three consecutive days the nature and concentration of prohibited or regulated substances in the effluent which are limited by the pretreatment standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility considerations justify, the Village may accept reports of average and maximum flows estimated by verifiable techniques.
- The Village, for good cause shown, considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, may authorize the submission of such reports on months other than those specified above. Should a report of any daily composite sampling show a violation of the maximum daily limit, the discharger will be required to report fourteen consecutive calendar days of sampling performed for the pollutant(s) in violation. This sampling must be completed within thirty calendar days of the notification of the violation. If the results of the sampling show violation does occur, then the discharger will be notified that a new compliance schedule is required. If the sampling indicates no additional violations, then no further action will be required by the discharger at that time. Where categorical standards allow for a four-day average limit and the report of scheduled sampling show the discharge exceeded the four-day average but within the maximum daily limit, the discharger will perform a second sampling for all the parameters of concern. If the second sampling again indicates the discharge is in excess of the four-day average, the discharger will be notified and will be required to report seven days of sampling for that parameter to show the pollutant does not exceed the allowable limits.

(2) Reports of dischargers shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the Village. The frequency of monitoring by the discharger shall be as prescribed in the applicable National Categorical Pretreatment Standard or at intervals determined to be necessary by the Village. If pollutant concentration in the discharge is of such varying nature, or if there is a reasonable risk of a slug of a pollutant that a grab sample of the wastewater cannot be relied upon to furnish a representative analysis of the industry's discharge, then the Village may require the installation of special sampling devices. These may include a continuous sampling pump coupled to a flow meter in such a way that the size of the sample is proportional to the total flow. The discharger shall be responsible for the collection and testing of the aforementioned samples. Samples shall be collected in such a manner as to be representative of the composition of wastes. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken. (Including preservatives, cooling, etc. required by 40 CFR Part 136 Procedures.)

(n) Analysis. Laboratory procedures used in the examination of the industrial wastes shall be those set forth in 40 CFR Part 136 as amended.

(o) Monitoring Facilities: Each discharger shall provide and operate at the discharger's own expense a monitoring facility to allow inspection, sampling and flow measurement of each sewer discharge in the Village. Each monitoring facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the discharger, the Village may concur with the facility being constructed in the public street or sidewalk area provided that the facility is located so that it will not be obstructed by landscape or parked vehicles. There shall be ample room in or near the monitoring facility to allow accurate sampling and preparation of samples for analysis. The facility and sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger if so required. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications, as well as all state standards. Construction shall be completed within ninety days of receipt of written notice from the Village directing the discharger to construct a monitoring facility. All sewer shall have an inspection and sampling manhole or structure with an opening of no less than twenty-four inches diameter and internal diameter of no less than forty-eight inches containing flow measuring, recording and sampling equipment as required by the Village to ensure compliance with this section. Such structure may be utilized by the discharger for his monitoring program once approved by the Village.

(p) Inspection and Sampling. The Village may inspect the monitoring facility of any discharger to determine compliance with the requirements of this chapter. The discharger shall allow the Village or its representatives to enter upon the premises of the discharger at all reasonable hours, for the purpose of inspection, sampling or record examination. The Village shall have the right to set up on the discharger's premises necessary devices to conduct sampling, inspection, compliance monitoring, metering operations or all of these. The Village shall have the right to copy the discharger's records relevant to determining compliance with the requirements of this chapter.

(q) Confidential Information: Information and data furnished to the Village with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restrictions unless the discharger specifically requests in writing that the release of information would divulge information, processes or methods of production entitled to protection as trade secrets of proprietary information of the discharger. When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets of secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination system (NPDES) permit, the State Disposal system permit, the pretreatment programs, or all of these, provided however, that such portions of a report shall be available for use by the State of Ohio or any State agency in judicial review or enforcement involving the discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Village as confidential shall not be transmitted to any party except as provided herein and unless a ten-day notification is given to the discharger by certified mail.

(r) Surcharges: In the event that a normal discharger is discharging wastes which are in excess of the normal sewage characteristics, the Village Administrator may agree to accept these waste without pretreatment. If, in the opinion of the Village Administrator the wastes will not have detrimental effects upon the POTW or cause the POTW to exceed its NPDES permit limitations. In such cases the Village Administrator shall impose a surcharge based on the following:

- (1) B.O.D: \$0.35 per pound of BOD in excess of normal strength sewage.
- (2) Total Suspended Solids: \$0.45 per pound in excess of normal strength sewage.
- (3) Phosphorus as PO<sub>4</sub>: \$0.385 per pound in excess of 25 mg/l.
- (4) C.O.D.: \$0.35 per pound of COD in excess of normal strength sewage, up to a maximum of 800 mg/l.

NOTE: At a COD over 800 mg/l, discharger is subject to the surcharge plus additional fines based on severity and history, a Compliance Review and possible revocation of their discharge Sewer Use Permit.

The above calculations are made on the following formula:

$$F \times 8.34 \times (CA - CB) \times S = DS \text{ where:}$$

F = average daily industrial flow in millions of gallons per day.

CA = surcharged parameter in milligrams per liter (mg/l).

CB = normal strength waste for any surchargeable parameter.

(B.O.D. = 200) (TSS = 200) (PO<sub>4</sub> = 25 mg/l) (COD = 600 mg/l).

S = surcharge amount per pound of surchargeable parameter

DS = daily surcharge

(Ord. 95-7. Passed 6-19-95.)

#### 921.07 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 a part of the Municipal wastewater works.

(Ord. 95-7. Passed 6-19-95.)

#### 921.08 POWERS OF VILLAGE ADMINISTRATOR.

(a) The Village Administrator 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 in the Municipal sewerage system and the types and characteristics of sanitary sewage and industrial wastes admissible to the Municipal sewerage system only after pretreatment. Such rules and regulations shall be subject to appeal to the Council which shall appoint three reputable and qualified persons to investigate the appeal and agree to affirm or reject the ruling of the Village Administrator.

(b) The Village Administrator and other duly authorized employees of the Municipality bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter.

(Ord. 95-7. Passed 6-19-95.)

#### 921.09 SEWER FUND ESTABLISHED; DISPOSITION OF FUNDS.

The funds received from the collection of such charges as authorized in Section 921.10 shall be deposited daily with the Fiscal Officer and shall be accounted for and known as the Sewer Fund. When appropriated by Council such funds shall be available for the payment of the cost and expense of the construction, administration, management operation, maintenance, enlargement and replacement of the sewerage system, pumping stations, treatment and disposal works, collection of charges, and for the payment of interest and principal upon the bonds to be issued; or any debt incurred for the planning and construction of such sewerage system, sewage pumping, treatment and disposal works; or acquisition of necessary easements or purchase of land.

(Ord. 95-7. Passed 6-19-95.)

## 921.10 SERVICE CHARGES.

(a) Rates. The sewerage service charges shall be based upon the quantity of water used as measured by a water meter or by any other method described herein. Each lot, parcel of land or premises having a connection within the sewage system or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly into the sewage system shall be charged as follows:

INSIDE VILLAGE LIMITS

Gallons	YEAR: 2001	2002	2003	2004
O-Ready to serve	\$5.75	\$6.44	\$7.21	\$8.08
First 3,000	2.01	2.25	2.52	2.83
Next 12,000	1.44	1.61	1.80	2.02
Next 15,000	1.21	1.35	1.51	1.70
Over 30,000	.98	1.09	1.23	1.37
Minimum Monthly bill of	11.79	13.20	14.77	16.57

OUTSIDE VILLAGE LIMITS

Gallons	YEAR: 2001	2002	2003	2004
O-Ready to serve	\$5.75	\$6.44	\$7.21	\$8.08
First 3,000	4.03	4.51	5.05	5.65
Next 12,000	2.88	3.22	3.61	4.04
Next 15,000	2.42	2.70	3.03	3.39
Over 30,000	1.96	2.19	2.45	2.75
Minimum Monthly bill of	17.84	19.97	22.36	25.04

(b) Service to Unmetered Customers. Private premises connected directly or indirectly to the Village's sanitary sewer system shall be metered in a method approved by the Village Administrator. The cost of the meter and installation shall be borne by the customer. If a customer does not wish to be metered, or when the Village Administrator has determined that it would be impractical to require metering devices, the sewage rates shall be as follows:

YEAR:	2001	2002	2003	2004
INSIDE VILLAGE LIMITS:	16.10	18.03	20.19	22.61
OUTSIDE VILLAGE LIMITS:	26.45	29.62	33.17	37.15

To be effective upon adoption, with the first billing reflecting these rates to be January 2001.

(c) Payment Requirements for Water and Sewer. The sewer charges provided in this section shall be payable at the utility office of the Municipal Building at the same time as the water bills for the lot, parcel of land, building or premises are payable and payments for water shall not be accepted unless payment for the sewer charge is made at the same time.

(d) Industrial Sewer Use Credits. Industrial customers applying for Sewer Use Credits due to water conservation measures, must provide written manufacturer's performance documentation for those measures installed. No credits in excess of the manufacturer's stated figures will be considered unless a minimum twelve months of actual performance data, including figures from an approved metering method accompany the written request. Metering method approval shall come from the Village Administrator or his designated agent.

(e) Where one water meter is installed to supply service or two or more residential, commercial or any combination of residential and commercial units, then the monthly minimum for sewer shall be applied to each such residential or commercial unit. For the purpose of this section, a unit shall be defined as an area used to provide room for either an individual dwelling or commercial enterprise, and shall include individual rental units of apartment houses and complexes, rental units within private homes, mobile homes and mobile home pads. The monthly bill will be determined by basic minimum rate multiplied by the number of units served, or the calculated bill for the actual consumption, whichever is greater.

(f) The Village Administrator shall make and enforce rules and regulations as he may deem necessary for the enforcement of the provisions of this section, and the safe economical, efficient management and protection of the system. (Ord. 00-12. Passed 11-6-00.)

#### 921.11 CHARGES A LIEN.

Each charge under or pursuant to this chapter is hereby made a lien upon the corresponding lot, parcel of land, building or premises served by a connection to the Municipal sewerage system. If such charge is not paid after it becomes due and payable, it shall be duly certified to the Auditor of Wyandot County who shall place the charge on the tax duplicate of the County with such interest and penalties allowed by law and it shall be collected as other taxes are collected. (Ord. 95-7. Passed 6-19-95.)

#### 921.12 DISCONNECTION FOR NONPAYMENT OF CHARGES.

Where the sewerage service charges are not paid, the Municipality shall have the right to shut off the water supply or remove or close the sewerage connection, or both, until payments are made.

(Ord. 95-7. Passed 6-19-95.)

#### 921.13 VILLAGE ADMINISTRATOR TO ENFORCE.

The Village Administrator shall make and enforce all rules and regulations as may be deemed necessary for the safe, economical and efficient management and protection of the Village's Municipal sewerage system, sewage pumping treatment and disposal works, for the construction and use of house sewers and connections to the sewerage system, and for the regulation, collection, rebating or refunding of such charges.

(Ord. 95-7. Passed 6-19-95.)

#### 921.14 CONNECTIONS TO STORM SEWERS; FEE AND APPLICATION.

(a) No house sewer or drain shall be constructed to connect with a public storm sewer, nor shall any connection be made to a public storm sewer in the Municipality, until written permission from the Village Administrator has been obtained by the person, firm or corporation proposing to or employed to perform the work. An application for a permit shall be signed by the owner, lessee or agent of the property for which the connection is desired and shall be accompanied by a fee of one hundred fifty dollars (\$150.00) plus time and materials. The one hundred fifty dollar fee shall be deposited in the Storm Water Utility Fund.

(Ord. 2008-21. Passed 12-15-08.)

(b) The written permission to construct a house sewer or drain connecting with a public storm sewer shall specify the permissible use of such house sewer or drain and such specifications shall be governed by the following requirements: such house sewer or drain may be used for the removal of surface water, rain water from roofs, subsoil drainage, building foundations, drainage cistern overflow, clear water from condensers, waste water from water motors and elevators and any other clean and unobjectionable waste water. Such house sewer or drain shall not receive sewage, floor drainage, industrial wastes, septic tank overflow, cesspool overflow, privy vault drainage, kitchen wastes or any other liquid wastes of objectionable character.

(Ord. 95-7. Passed 6-19-95.)

#### 921.15 INSPECTION OF STORM SEWERS.

After a house sewer or drain to connect with a public storm sewer is laid and before it is covered or used it shall be inspected and approved by the Sewerage Department, or its authorized agent. (Ord. 95-7. Passed 6-19-95.)

#### 921.16 COUNCIL TO REGULATE STORM SEWERS.

Council is authorized and directed to adopt and enforce specifications and regulations in accordance with the provisions of this chapter with the purpose of providing control of the installation of sewer connections and the inspection thereof. The Municipality shall maintain accurate and complete records of all permits issued and inspections made. The Municipality is hereby empowered to require the abandonment and removal of connections to the public storm sewers which violate the provisions of this chapter.

(Ord. 95-7. Passed 6-19-95.)

#### 921.99 PENALTY.

(a) Any person who violates any provision of this chapter except Section 921.07 shall be served by the Municipality with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.

(b) Any person who violates any provisions of this chapter for which no other penalty is provided or who continues any violation beyond the time limit provided for in subsection (a) herein shall be fined not more than one hundred dollars (\$100.00). Each day on which any violation occurs or continues shall be deemed a separate offense.

(c) Any person who violates any provision of this chapter shall be liable to the Municipality for any expense, loss or damage suffered by the Municipality by reason of such violation.

(d) Whoever violates Section 921.07 shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days or both. Each day on which a violation occurs or continues shall be deemed a separate offense.

(Ord. 95-7. Passed 6-19-95.)

**CHAPTER 925**  
**Water Main Extensions**

925.01 Definitions.	925.04 Construction.
925.02 Size of water mains.	925.05 Financing.
925.03 Materials.	925.06 Ownership and operation.

**CROSS REFERENCES**

Power to provide and regulate water system - see Ohio R.C. 715.08,  
717.01, 743.01

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

Compulsory water connections - see Ohio R.C. 729.06, 743.23

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**925.01 DEFINITIONS.**

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

- (a) "Municipality" means the Municipality of Carey, Ohio.
- (b) "Person" means any individual, firm, company, association, society, corporation or group.
- (c) "Village Administrator" means the duly appointed officer as authorized under Ohio R.C. 735.271 or his representative.
- (d) "Engineer" means the Consulting Engineer retained by the Municipality.
- (e) "Shall" is mandatory; "may" is permissive.
- (f) "Council" means the duly elected and installed Council as the governing authority of the Municipality.
- (g) "Contiguous area" means any area contiguous to the corporate boundaries of the Municipality and extending outward therefrom for one mile.  
(Ord. 684. Passed 11-1-71.)

**925.02 SIZE OF WATER MAINS.**

(a) All water main extensions within the Municipality and/or contiguous areas shall be six inches in diameter unless specifically otherwise recommended by the Engineer.

(b) Any person proposing to construct water mains either larger or smaller than six inches shall submit plans along with water demand data to the Engineer who shall review such information and make recommendations to Council.

(c) The size of water main extensions in the Municipality and contiguous areas shall be determined by the Municipality upon recommendations of the Engineer and shall be of

a size to adequately serve the immediate requirements of the area and also provide a capacity that may be required by anticipated development in adjacent and/or contiguous areas. (Ord. 684. Passed 11-1-71.)

#### 925.03 MATERIALS.

All pipe, joining material, valves, fire hydrants, storage tanks and appurtenances necessary for the proper development of a water distribution system shall conform to the requirements of the latest edition of the American Water Works Association Specifications for the specific item to be used. (Ord. 684. Passed 11-1-71.)

#### 925.04 CONSTRUCTION.

- (a) Before the construction of any water line extension is started detailed plans and specifications for the proposed extension shall be submitted to the Engineer for review and recommendations.
- (b) The recommendations by the Engineer shall be submitted to the Village Administrator for direct action or submitted to Council.
- (c) Upon approval of plans and specifications the construction of the extension and/or water mains can proceed, subject to the inspection by the Municipality and in accordance with the approved plans and specifications.
- (d) The Municipality reserves the right to construct the extension with the forces of the Water Department, through public contract procedure or authorize any person interested in having the extension constructed to do so, provided such person is experienced in that type of construction and has the required equipment.  
(Ord. 684. Passed 11-1-71.)

#### 925.05 FINANCING.

- (a) Water extensions in the contiguous area may be constructed in conjunction with any person in accordance with the terms set forth in this chapter.
- (b) The financing of an agreement and/or contract that may be authorized under subsection (a) hereof shall be in accordance with the terms enunciated therein that have been approved by Council.
- (c) All other water main extensions shall be paid in their entirety by the person or persons requesting such extensions, except as set forth herein.
- (d) Where a water main extension is required by the Municipality to be larger than six inches, the Municipality shall pay one hundred ten percent of the differential between cost of the six inch main and the larger size required by the Municipality. This differential shall include the cost of the pipe, valves, fire hydrants and all appurtenances.
- (e) The person requesting a water main extension to be installed by the Municipality, shall deposit with the Municipality, an amount equal to the estimated cost of such extension as determined by the Water Department. If the actual cost is higher, the person involved shall be required to pay the difference; if lower, the amount of the differential shall be refunded.

(f) The Mayor or Village Administrator shall determine from Water Department records, Engineer estimates and/or other sources regarding any costs involved under subsection (e) hereof and such determination shall be final.

(g) Water main extensions may be installed by the Municipality and the cost assessed against the abutting property owners in accordance with the Ohio R.C. 727.01. When the extension to be assessed is larger than six inch pipe, the amount of the assessment shall be the entire cost of the extension less one hundred ten percent as set forth in subsection (d) hereof.

(h) Where water mains are installed by a person and abutting on parcels not owned by such person nor included in the agreement, the person shall be entitled to reimbursement, when such parcels are connected to the water main during the ensuing ten years after completion of the main, from funds collected by the Municipality for such connections. The charge for such connections shall be an amount per foot of frontage equal to that which would have been assessed at the time of the installation.

The amount of the reimbursement shall be determined by dividing the cost of the water main paid by the Municipality or person by the frontage abutting the main, providing the total amount of reimbursement shall not exceed fifty percent or three dollars fifty cents (\$3.50) per foot of property served, whichever is the lesser.

(i) A person, to be eligible for this reimbursement, must file with the Municipality within ninety days after the completion of the water main or such further time as may be authorized in writing by the Mayor or Village Administrator in accordance with the specifications and plans, receipts for all labor and material used in connection with the construction of the water main, together with final, as-built plans, properly referenced for future location of the work. (Ord. 684. Passed 11-1-71.)

#### 925.06 OWNERSHIP AND OPERATION.

(a) Ownership of water mains built within the Municipality and/or a contiguous area shall be vested in the Municipality along with any right-of-way easement necessary for the construction, maintenance and operation of such mains.

(b) The Municipality shall assume full responsibility for the maintenance and operation of all mains vested in the Municipality in accordance with subsection (a) hereof.

(c) It is not the intent of this section to prohibit the Municipality from entering into a contract with a person for extending a water main at his own expense through his property. If such extension is made, it shall take the status of a service line with a meter installed at the point of junction with the Municipally owned main and the owner assuming full responsibility for maintenance and operation of such extension.

(Ord. 684. Passed 11-1-71.)

## CHAPTER 929

### Water

929.01	Application for water service; fee.	929.06	Billing; penalty for late payments.
929.02	Tap-in fee and installation.	929.07	Change in customer's name.
929.03	Service charge for consumers served by one meter.	929.08	Water rates.
929.04	Disconnection fee; notice to renter.	929.09	Charges for special services.
929.05	Vacant premises; abatement of charges.	929.10	Backflow prevention device.
		929.11	Storm water utility surcharge.
		929.99	Penalty.

#### CROSS REFERENCES

Power to provide and regulate water system - see Ohio R.C. 715.08, 717.01, 743.01

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

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

Tampering with water hydrants, pipes or meters; unauthorized connections - see Ohio R.C. 4933.22

Water supply - see OAC 4101:2051-37

Water and sewer bills combined - see S.U. & P.S. 921.10(h)

Water main extensions - see S.U. & P.S. Ch. 925

#### **929.01 APPLICATION FOR WATER SERVICE; FEE.**

A written application or contract accepted by the Water Department of the Municipality shall be required from each customer before water service is supplied. A charge of five dollars (\$5.00) shall be made for such application or contract. Any property owner who rents or leases property to a tenant shall, on forms that shall be provided, sign for water service to be turned on or connected. Water service shall not be provided without the signature of the property owner or legal agent of the property owner.  
(Ord. 819. Passed 3-17-80.)

#### **929.02 TAP-IN FEE AND INSTALLATION.**

(a) Water service will be extended to property owners who make application for such extension. There shall be charged and collected from the property owner for the tapping and making of connections with the water mains of the Municipality, the sum of one hundred fifty dollars (\$150.00) plus time and material for each single tap.  
(Ord. 2008-21. Passed 12-15-08.)

(b) No person except the tappers employed by the Municipality, or persons in its service, duly approved, will be permitted to tap any distributing pipe or insert stop-cocks or ferrules. (Ord. 797. Passed 11-6-78.)

#### **929.03 SERVICE CHARGE FOR CONSUMERS SERVED BY ONE METER.**

Where two or more consumers are supplied by one meter, a minimum service charge shall be made for each consumer unless the size of the meter is such that the regular minimum charge for that meter would be greater, in which case the latter charge shall be effective.  
(Ord. 671. Passed 11-16-70.)

**929.04 DISCONNECTION FEE; NOTICE TO RENTER.**

(a) For turning-off or disconnecting water service by the Water Department to any premises, whether it be for violation of the rules, repairs or for the convenience of the consumer, the sum of ten dollars (\$10.00) shall be charged and collected with the water rent. (Ord. 2013-24. Passed 1-20-14.)

(b) When a property owner or the legal agent of the property owner wishes to discontinue the water service to a renter of his particular residence, he shall first sign a written form as guarantor which states that the water service to such renter will be discontinued after a period of five days. The renter shall be duly notified by a copy of the owner or his agent's signed request. (Ord. 671. Passed 11-16-70.)

**929.05 VACANT PREMISES; ABATEMENT OF CHARGES.**

No abatement of charges shall be made on account of the vacancy of any premises supplied with water, unless notice of such vacancy is filed with the Water Department office and the water supply turned off and disconnected by the Water Department. In no case will any abatement be made, unless such premises shall remain vacant for two successive months or more after such notice of vacancy is filed. (Ord. 671. Passed 11-16-70.)

**929.06 BILLING; PENALTY FOR LATE PAYMENTS.**

(a) Statements are due and payable at the Water Department office of the Municipality on the tenth day of the month following that in which water was used. All statements paid after the tenth of the month following that in which water was used shall be assessed a ten percent penalty, providing the tenth day of the month is not a Saturday or a legal holiday. In such a case statements may be paid on the next day that the Water Department office is officially opened, without any penalty. (Ord. 819. Passed 3-17-80.)

(b) Water statements not paid by the sixteenth of the month following that in which water was used shall be declared delinquent and written notice shall be given to such delinquent water users that water may be discontinued on and after the twentieth day of the month in which water was used. If such delinquent water user requests resumption of service after payment of all back statements and penalties, a charge of twenty dollars (\$20.00) shall be assessed to such delinquent water user as a turn-on charge. Turn-on charges for nondelinquent water users shall be ten dollars (\$10.00).  
(Ord. 2013-24. Passed 1-20-14.)

**929.07 CHANGE IN CUSTOMER'S NAME .**

(a) Accounting and billing indicating the changing of names caused by marriage or other reasons, excepting death, shall be effected within thirty days of such change of name, without charge, and failure to comply may be cause to discontinue the provisions of water service.

(b) Accounting and billing changing of names due to death or settlement of an estate shall be made on or before one year after such death, with cost of this change assessed against the benefitting party or parties. Failure to comply may cause to discontinue the provisions of water service. (Ord. 819. Passed 3-17-80.)

## 929.08 WATER RATES.

(a) Inside Village						
	(1) New Commodity Charge	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
	Ready to Serve	\$3.99	\$4.79	\$5.75	\$6.89	\$8.27
	(2) Price per 1000 gallons					
	First 3,000	2.33	2.80	3.36	4.03	4.83
	Next 12,000	1.75	2.10	2.52	3.02	3.63
	All over 15,000	1.05	1.26	1.51	1.81	2.18
	Minimum monthly bill (3,000)	10.98	13.18	15.81	18.97	22.76
	(3) Minimum meter service charge	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
	3/4" minimum					
	1" minimum plus	\$3.19	\$3.83	\$4.59	\$5.51	\$6.61
	1 1/4" minimum plus	4.15	4.98	5.98	7.17	8.61
	1 1/2" minimum plus	5.10	6.12	7.34	8.81	10.58
	2" minimum plus	16.74	20.09	24.11	28.93	34.71
	3" minimum plus	24.79	29.75	35.70	42.84	51.40
	4" minimum plus	91.66	109.99	131.99	158.39	190.07
	6" minimum plus	213.29	255.95	307.14	368.57	442.28
(b) Outside Village						
	(1) New Commodity Charge	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
	Ready to Serve	\$7.98	\$9.58	\$11.49	\$13.79	\$16.55
	(2) Price per 1000 gallons					
	First 3,000	4.66	5.59	6.71	8.05	9.66
	Next 12,000	3.50	4.20	5.04	6.05	7.26
	All over 15,000	2.10	2.52	3.02	3.63	4.35
	Minimum monthly bill (3,000)	21.96	26.35	31.62	37.95	45.54

(b) Outside Village (Cont.)						
	(3) Minimum meter service charge	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
	3/4" minimum					
	1" minimum plus	\$3.19	\$3.83	\$4.59	\$5.51	\$6.61
	1 1/4" minimum plus	4.15	4.98	5.98	7.17	8.61
	1 1/2" minimum plus	5.10	6.12	7.34	8.81	10.58
	2" minimum plus	16.74	20.09	24.11	28.93	34.71
	3" minimum plus	24.79	29.75	35.70	42.84	51.40
	4" minimum plus	91.66	109.99	131.99	158.39	190.07
	6" minimum plus	213.29	255.95	307.14	368.57	442.28

(c) Bulk Water Sales. All sales of Bulk Water will be at the rate of ten dollars (\$10.00) per 1,000 gallons with a 3,000 gallon minimum of thirty dollars (\$30.00)

(d) Monthly fees for Fire Protection			Fee Per Month			
	Service (inch)	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
	1"	\$2.50	\$3.00	\$3.60	\$4.32	\$5.18
	2"	2.50	3.00	3.60	4.32	5.18
	3"	4.50	5.40	6.48	7.78	9.33
	4"	7.50	9.00	10.80	12.96	15.55
	6"	12.50	15.00	18.00	21.60	25.92
	8"	16.50	19.80	23.76	28.51	34.21
	10"	20.50	24.60	29.52	35.42	42.51
	12"	24.50	29.40	35.28	42.34	50.80

(Ord. 2013-24. Passed 1-20-14; Ord. 2017-10. Passed 3-20-17.)

#### 929.09 CHARGES FOR SPECIAL SERVICES.

(a) Initial Service Established. Location, inspection of service, etc. Meters must be in location approved by the Village Administrator or his authorized representative.

Fee \$30.00

(b) Transfer of Account.

- |  |     |         |
|--|-----|---------|
| (1) Where no meter reading or no special trip is required. | Fee | \$10.00 |
| (2) Trip change to read meter or reconnect service.        | Fee | \$20.00 |

(c) Trip Charges.

- |     |  |     |         |
|-----|--|-----|---------|
| (1) | To disconnect or reconnect service at customer's request   | Fee | \$20.00 |
| (2) | To disconnect delinquent account for nonpayment and subsequent reconnection.<br>This must be paid in full before service will be reconnected | Fee | \$30.00 |

(d) Fraud or Illegal Diversion of Water. No person shall knowingly consume any water that has not been correctly registered because a meter or attachment of the utility has been tampered with as defined in ORC 4933.18, or knowingly use service that has been discontinued to the utility and reconnected without the utility's consent, as stated in ORC 4933.19. Whoever violates the aforementioned section, shall reimburse the utility the cost of the stolen water plus the cost of repair or replacement of the meter or attachment, and a penalty fee of

Fee	\$150.00
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(e) Return of Customer's Check by Bank because of Insufficient Funds

Fee	\$35.00
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(f) Other Special Services. Will be furnished under the following conditions:

(1) Service connections after regular working hours, and Saturdays, Sundays and village holidays, may be made at the option of the utility but shall be considered special service subject to a special charge to cover the additional cost involved.

In addition to the applicable regular charge, the customer shall pay the Utility's actual cost of the special overtime service. Such cost shall be determined as specified in subsection (f)(3) hereof.

(2) For service trouble involving customer's service or equipment.

Customer shall pay the Utility's actual cost, as determined in subsection (f)(3) below, but not less than twenty dollars (\$20.00). This shall be added to the customer's regular monthly water bill, and shall be due and payable by the specified payment date.

Fee	\$20.00
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minimum

(3) Determination of Costs. All special service furnished to the customer, as referred to herein, shall be paid for by the customer, and shall include the following items of costs:

- A. Direct Labor.
- B. Replacement Cost of Materials and Supplies.
- C. Equipment Used.
- D. Payroll Taxes.
- E. Insurance.
- F. Employee Benefits.
- G. All other direct costs.

This first billing reflecting these rates will be on or after 12-20-2013.  
(Ord. 2013-24. Passed 1-20-14.)

## 929.10 BACKFLOW PREVENTION DEVICE.

(a) If, in the judgment of the 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 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 or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the Village of Carey may enter the supply or distributing system of said municipality, unless such 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 Village of Carey 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 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 or his 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 Village 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 Superintendent of Water 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 Superintendent of Water, be deemed evidence of the presence of improper connections as provided in this section.

(e) The Superintendent of Water 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 shall have been eliminated or corrected in compliance with the provisions of this section. (Ord. 99-9. Passed 10-4-99.)

#### 929.11 STORM WATER UTILITY SURCHARGE.

(a) A surcharge shall be placed upon all resident utility bills as a charge against same in the following amount(s):

Residential customers	\$9.00 per month
Commercial customers	15.00 per month
Industrial customers	30.00 per month

(b) Such amount(s) shall be effective with the August 1, 2011, billing.  
(Ord. 2011-13. Passed 6-20-11.)

#### 929.99 PENALTY.

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

## CHAPTER 933 Electricity

933.01	Reserved.	933.04	Rates.
933.02	Reserved.	933.05	Billing; delinquent payments.
933.03	Reserved.	933.06	Charges for special services.

### CROSS REFERENCES

Power to establish electric light and power rates - see Ohio R.C. 715.03,  
715.06

Power to furnish light, power and heat - see Ohio R.C. 715.06, 717.01

Power to erect gas and electric works - see Ohio R.C. 743.34

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#### 933.01 RESERVED.

(EDITOR'S NOTE: This section is reserved for future legislation.)

#### 933.02 RESERVED.

(EDITOR'S NOTE: This section is reserved for future legislation.)

#### 933.03 RESERVED.

(EDITOR'S NOTE: This section is reserved for future legislation.)

#### 933.04 RATES.

(a) Residential Service. The electric rate of payment for full domestic electric service through one meter to individual single-family residential customers of the Municipality, and for multi-family residential customers of the municipality receiving service under this rate as of April 16, 2001, for alternating currents, 60 cycles, single phase 120/240 volt, shall be as follows:

Customer Service Fee:	\$5.00 per month
Energy charge:	
First 750 KWH	0.1032 per KWH
All additional KWH	0.0994 per KWH

On-site generating capacity will be limited to 10 KW or the customer's estimated peak load, whichever is less. When on-site generating capacity exceeds 10 KW of solar generation or 3 KW of wind generation, service will be provided pursuant to the Small Power Service Rate.

(b) Commercial and Small Power Service. The electric rate of payment for non-residential electric services through one meter to individual customers having a load requirement of less than 300 KVA, for alternating current, 60 cycles, single phase 120/240 volt, 3-phase 120/208, 277/480 volt shall be as follows:

<u>Commercial*</u>	
Customer Service Fee:	\$7.00 per month
Energy charge: all KWH	0.1034 per KWH

\*This rate is only applicable to customers receiving service under this rate as of April 16, 2001.

Where on-site generating is installed, service will be provided pursuant to the Small Power Service Rate.

<u>Small Power</u>	
Customer Service Fee:	\$7.00 per month
Demand charge: all KWH	5.60 per KW
Energy charge: all KWH	0.0826 per KWH

Minimum Billing Demand: Monthly billing demand shall be the current month's demand reading, or the minimum billing demand specified in the customer's electric service contract, whichever is greater. Where on-site generating is installed, the monthly billing demand will be equal to the billing demand that would have been billed absent the on-site generation.

(c) Industrial and Large Power Service (Contracts). The electric rate of payment for non-residential electric service for alternating current, 60 cycles, 3-Phase, 4,160/2,400 volts shall be as set forth below. Customers shall contract for a definite amount of electrical capacity in kilovolt-amperes (KVA) which shall be sufficient to meet normal maximum requirements but in no case shall the capacity contracted for be less than 300 KVA. The electrical department of the Municipality may not be required to supply capacity in excess of that contracted for, except by mutual agreement. Contracts shall specify the minimum billing demand based on the investment required to provide service.

Customer Service Fee:	\$60.50 per month
Demand charge: all KVA	8.00 per KVA
Energy charge: all KWH	0.0819 per KWH

**Minimum Billing Demand:** Monthly billing demand shall be the current month's demand reading, or the minimum billing demand specified in the customer's electric service contract, whichever is greater. Where on-site generating is installed, the monthly billing demand will be equal to the billing demand that would have been billed absent the on-site generation.

(d) **Security Lighting.** \*

Monthly Service Fee	\$6.00 per month
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\*This service is only available to security lighting customers already receiving this service as of April 16, 2001.

(e) **Excise (Kilowatt-Hour) Tax Adjustment.** For all customers located outside the Village Corporation limits, the rates and charges set forth above shall be increased by an amount equal to the excise (kilowatt-hour) tax imposed on the Village electrical distribution system under Ohio R.C. 5727.81. Said increase shall become effective with the bills that include May 1, 2001, as part of the usage period and shall thereafter be automatically adjusted to reflect any change in the kilowatt-hour tax imposed by Ohio R.C. 5727.81.

(f) **Power Supply Cost Adjustment.** The Power Supply Cost Adjustment set forth below shall apply to the Village's Electric Rate Schedules set forth in Section 933.04 (a), (b) and (c). The applicable adjustment shall be applied to the Total kWh billed to the customer for the meter reading period that the Village determines as most nearly corresponding to the meter reading period(s) set forth in the Village's purchased power billings from its supplier(s).

**MONTHLY DETERMINATION OF POWER SUPPLY COST ADJUSTMENT:**

Each month, the Village's Power Supply Cost Adjustment (PSCA) shall be determined as follows:

$$\text{PSCA} = [\text{APSC} - \text{BPSC}] \times 1.06$$

Where:

APSC = The Village's running six month average Power Supply Cost per kWh, which shall be determined to 4 decimal places by dividing (1) the sum of the most recent six month's total purchased power billings from all power suppliers, including costs associated with ownership and operation of generating facilities owned in whole, or in part, by the Village, developmental costs associated with future power supply resources, transmission related charges and ancillary and supplier service fees, by (2) the total energy delivered to the Village over the same six month period.

BPSC = \$0.0786 per kWh

- (g) Schedule "SPP" Small Power Production.
- (1) Availability and applicability: This schedule is applicable to the purchase of power from small power production facilities which have entered into an interconnection agreement with the Village of Carey (hereinafter referred to as Utility) to install and operate a small power production facility behind the Customer's meter. All other service which the Customer may require from Utility shall be furnished under Utility's other applicable rate schedules or by special agreement.
- (2) Rate.
- A. The purchase price for power supplied to Utility by the small power production facility shall be based on Utility's average power supply cost, as determined by Utility and set forth in this rate schedule.
- B. The net yearly payment to the Customer operating the small power production facility shall be the equivalent of the annual average cost paid by the Utility per kWh, for the prior year's delivery, for all kWh supplied to the Utility during the current year.
- (3) Supplied energy: Energy supplied by the small power production facility shall be determined by means of bi-directional metering installed at the point of interconnection with the Utility and Customer and shall reflect only the amount of energy delivered to Utility. All energy supplied to Customer by Utility shall be billed in accordance with Utility's applicable rate schedule.
- (4) Payment origin: Annual payments required herein are to be made from the Electric Power Sales Services account, number 503-503-5-2300.  
(Ord. 2019-15. Passed 7-1-19.)

### 933.05 BILLING; DELINQUENT PAYMENTS.

(a) Bills are due at the Electric Department office of the Municipality on the tenth day of the month following that in which current was used. All bills paid after the tenth day of the month following that in which current was used may be assessed a ten percent penalty, providing the tenth day of the month is not on a Saturday or a legal holiday. If the tenth day of the month is a Saturday or legal holiday, bills may be paid on the next day that the Electric Department office is officially open, without penalty.

(b) If a name change is caused by married or other reasons, excepting death, the Electric Department shall be notified within thirty days of such name change and failure to comply may be cause to discontinue electric service. There shall be no charge for the name change.

(c) If a name change is caused by death or settlement of an estate, the Electric Department shall be notified on or before one year after such death and failure to comply may be cause to discontinue electric service. All costs from this charge are assessed against the benefitting party or parties.

(d) Electric bills not paid by the tenth of the month following that in which current was used shall be declared delinquent and may be assessed a ten percent penalty. If the delinquent electric bill is not paid by the twentieth day of the month, the property shall be given a "red tag" and service shall be disconnected after twenty-four hours. There is a twenty dollar (\$20.00) charge for the "red tag". If such delinquent electric user requests resumption of service after a "red tag" has been issued, they must pay all late bills, penalties (including the \$20.00 "red tag" charge), and a reconnection charge of thirty dollars (\$30.00). If the delinquent electric user requests reconnection after standard working hours, there shall be an additional seventy-five dollar (\$75.00) charge in addition to all other charges.

(Ord. 2017-21. Passed 8-7-17.)

## 933.06 CHARGES FOR SPECIAL SERVICES.

- (a) Schedule of Charges.
- |     |   |     |           |
|-----|---|-----|-----------|
| (1) | <u>Initial service established.</u> Location and inspection of service entrance, etc. Meters are to be located so that they are accessible to meter readers and free from obstructions. Service may be terminated if the meter is not readily accessible.   | Fee | \$ 30.00  |
| (2) | <u>Transfer of account.</u>   |     |           |
|     | A. Where no meter reading or special trip is required.  | Fee | 20.00     |
|     | B. Trip charge to read meter or reconnect service.  | Fee | 20.00     |
| (3) | <u>Trip charges.</u>  |     |           |
|     | A. To disconnect or reconnect service at the customer's request.  | Fee | 20.00     |
|     | B. To disconnect delinquent account for nonpayment and subsequent reconnection. This charge must be paid in full before service will be reconnected.  | Fee | 30.00     |
| (4) | <u>Initial establishment of temporary service.</u> For contractors, mobile homes, trailers, carnivals, etc. Applicable where not more than a standard service drop of 125 feet or less is required, and provided same is installed so that it will ultimately be incorporated and fully used as part of the permanent service without significant loss of materials, labor, etc., of the original installation and without involving any major relocation of the service drop. This seventy-five dollar (\$75.00) charge shall be increased by the amount of any costs that are in excess of the facilities covered by the minimum seventy-five dollar (\$75.00) charge. The excess costs shall be determined as specified in subsection (b)(4) hereof. |     |           |
| (5) | <u>Fraud or illegal diversion of electricity.</u> No person shall knowingly consume any electricity that has not been correctly registered because a meter, conduit, or attachment of the utility has been tampered with as defined in Ohio R.C. 4933.18 or knowingly use service that has been discontinued by the utility and reconnected without the utility's consent as stated in Ohio R.C. 4933.19. Whoever violates the aforementioned section shall reimburse the utility the cost of the stolen electricity plus the cost of repair or replacement of the meter, conduit or attachments and a penalty fee of   | Fee | 150.00    |
| (6) | <u>Testing of meter when requested by the customer.</u>   |     |           |
|     | A. If the meter is found more than two percent (2%) slow or fast.   | Fee | No charge |
|     | B. If the meter is slow or fast by two percent (2%) or less.  | Fee | 30.00     |
| (7) | <u>Return of customer's check by bank because of insufficient funds.</u>  | Fee | \$ 35.00  |
| (8) | <u>Charges for underground service.</u> The length of service from pole drop or transformer pad to meter base (per ft.)   | Fee | 9.00      |

- (b) Other Special Services. Will be furnished under the following conditions:
- (1) Service connections after regular working hours, and on Saturday and Sundays and Holidays, may be made at the option of the utility but shall be considered Special Service subject to a special charge to cover the additional costs involved. Fee 20.00  
In addition to the applicable regular reconnection charge, the customer shall pay the utility's actual cost of the special overtime service. Such cost shall be determined as specified in subsection (b)(4) herein and shall be paid at time when service connection is being made but not less than Fee 30.00
- (2) For service trouble involving "customer's" wiring or equipment.  
Customer shall pay the Utility's actual cost as determined in subsection (b)(4) hereof but not less than twenty dollars (\$20.00). This charge shall be added to customer's regular monthly electric service bill and shall be due and payable by the specified payment date.
- (3) Consumer request to locate a line, pole or security light for his/her convenience. Before work starts, the Customer shall agree in writing to reimburse the utility for all costs incurred and shall make an advance deposit equal to the estimated cost to be determined in the manner specified in subsection (b)(4) herein.  
Upon completion of the project, an excess deposit over actual cost will be refunded. If the deposit is insufficient, the customer shall pay the additional amount required to make up the deficiency and the customer's service shall be subject to disconnection until the deficiency is paid.
- (4) Determination of costs. All special services furnished to the customer, as referred to herein, shall be paid for by the customer, and shall include the following items of cost:  
A. Direct labor.  
B. Replacement cost of materials.  
C. Use of equipment.  
D. Direct taxes.  
E. Payroll Taxes.  
F. Insurance.  
G. Employees benefits.  
H. Other direct costs.

(Ord. 2013-25. Passed 1-20-14.)

## CHAPTER 940 Utility Deposit Fee

940.01 Deposit required.

940.02 Deposit not retroactive.

### CROSS REFERENCES

Sewer charges - see S.U. & P.S. Ch. 921  
Water - see S.U. & P.S. Ch. 929  
Electricity - see S.U. & P.S. Ch. 933

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#### **940.01 DEPOSIT REQUIRED.**

As a condition precedent to receiving electric and/or water and sewer service every proposed consumer (nonfreeholder; i.e., renter, vendee, tenant, etc., of real property) shall make an initial deposit for same with the Village prior to the time such service(s) are provided to the intended user thereof as follows:

- (a) An advance fee of two hundred sixty dollars (\$260.00) (two hundred twenty dollars: (\$220.00)-electric; sixteen dollars (\$16.00)-water; and twenty four dollars (\$24.00)-sewer) shall be paid by and collected from residential municipal utility customers whose premises have a primary source of heating other than electricity.
- (b) An advance fee of four hundred ten dollars (\$410.00) (three hundred seventy dollars (\$370.00)-electric; sixteen dollars (\$16.00)-water; and twenty four dollars (\$24.00)-sewer) shall be paid by and collected from residential municipal utility customers whose premises have electricity as the primary source of heating.
- (c) An advance fee shall be paid by and collected from all commercial and/or small power municipal utility customers in an amount equal to one month's estimated usage for such service(s) but not less than four hundred forty dollars (\$440.00): (four hundred dollars (\$400.00)-electric; sixteen dollars (\$16.00)-water; twenty four dollars (\$24.00)-sewer).
- (d) All large power and/or industrial municipal utility customers shall be under contract for such service(s) and accordingly, the advance fee to be paid by and collected from same shall be set forth in the agreement with same.
- (e) All advance fee(s) shall be held by the Village in a separate fund and/or account designated for same, upon which deposit, in keeping with Ohio R.C. 4933.17, interest at the rate of not less than three percent (3%) per annum shall be allowed and paid to the customer, upon termination and/or discontinuance of service, provided it remains on deposit for a period of six consecutive months.

- (f) The deposit fee may be transferred to different property locations Inside the service area only upon request of the party who made such initial deposit.
- (g) The deposit fee will not be required of any proposed consumer defined herein if the fee simple owner of record of such property assumes, in writing, liability for the payment of any and all utility charges and has the service turned on in his, her or its name. (Ord. 2013-26. Passed 1-20-14.)

**940.02 DEPOSIT NOT RETROACTIVE.**

The "new" utility deposit fee requirement shall not be retroactive and accordingly, all current consumer-depositors who are the fee simple owners of record of property receiving service from the Village shall be refunded forthwith such fee(s) in keeping with the provision(s) of the former ordinance governing same.

(Ord. 2013-26. Passed 1-20-14.)

**TITLE THREE - Other Public Services**

- Chap. 953. Cemeteries.
  - Chap. 957. Garbage and Refuse.
  - Chap. 959. Park Regulations.
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**CHAPTER 953**  
**Cemeteries**

- |                                     |                                     |
|-------------------------------------|-------------------------------------|
| 953.01 Burial rates.                | 953.04 Foundation and marker costs. |
| 953.02 Grave opening charges.       | 953.05 Rules and regulations.       |
| 953.03 Weekend and holiday burials. |                                     |

**CROSS REFERENCES**

Burials may be prohibited - see Ohio R.C. 759.05  
Management and control - see Ohio R.C. 759.20  
Union cemeteries - see Ohio R.C. 759.27 et seq.  
Burial permits - see Ohio R.C. 3705.24 et seq.  
Burial of indigent persons - see Ohio R.C. 5113.15

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**953.01 BURIAL RATES.**

(a) The price of a single lot in the Spring Grove Cemetery, size 10 feet by 16 feet, shall be one thousand dollars (\$1,000.00); the price of a half lot, size 8 feet by 10 feet, shall be five hundred dollars (\$500.00); the price of a single space, size 4 feet by 10 feet, shall be two hundred fifty dollars (\$250.00), and the price of a baby space, 2 feet by 5 feet, shall be one hundred dollars (\$100.00).

(b) For the purpose of funding the Endowment Fund of the Carey Spring Grove Cemetery -- two hundred dollars (\$200.00) shall be added to the sale price of a single lot, size 10 feet by 16 feet; one hundred dollars (\$100.00) shall be added to the sale price of a half lot, size 8 feet by 10 feet; fifty dollars (\$50.00) shall be added to the sale price of a single space, size 4 feet by 10 feet, and twenty-five dollars (\$25.00) shall be added to the sale price of a baby space, size 2 feet by 5 feet.

(Ord. 2008-10. Passed 6-16-08.)

**953.02 GRAVE OPENING CHARGES.**

The price for opening gravesites in the Carey Spring Cemetery shall be as follows:

- (a) For a common cement or steel vault, not less than 12 gauge, or fiberglass:  
\$400.00
- (b) For an oversized vault: \$650.00
- (c) For a child's grave, not to exceed three feet in width: \$300.00
- (d) For a child's grave, 3 X 5 feet: \$275.00
- (e) For a cremation grave: \$175.00, and
- (f) For removal and reburial of a vault or box from a single grave space:  
\$1,050.00.

(Ord. 2015-10. Passed 7-13-15.)

**953.03 WEEKEND AND HOLIDAY BURIALS.**

(a) The price of opening and closing graves on Saturday, Sunday or holiday shall be increased by fifty percent (50%) over the regular prices.

(b) The only time burials will be permitted on Sundays or holidays will be in the event of an emergency. (Ord. 2008-10. Passed 6-16-08.)

**953.04 FOUNDATION AND MARKER COSTS.**

The price for installing a foundation shall be two dollars (\$2.00) per cubic foot more than the amount charged the Village for said service. The minimum charge for installing a foundation shall be forty dollars (\$40.00) more than the minimum amount charged the Village for said service. (Ord. 2019-14. Passed 6-3-19.)

**953.05 RULES AND REGULATIONS.**

No foundation shall be placed and/or poured until six months after burial and no foundation shall be placed and/or poured from November 7 through April 7, or at the discretion of the Administrator, or such person designated by same.

(Ord. 2008-10. Passed 6-16-08.)

## CHAPTER 957

### Garbage and Refuse

957.01	Definitions.	957.05	Receptacles required.
957.02	Duty to remove garbage and offal.	957.06	Hauling of garbage, offal and rubbish.
957.03	Contracts for disposal of garbage; bond.	957.07	Collector's compensation.
957.04	Storage regulated.	957.99	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  
 Employment of scavengers - see Ohio R.C. 3707.39  
 Disposal and transportation upon public ways - see Ohio R.C. 3736.20 et seq.  
 Vehicle loads dropping, sifting, leaking - see TRAF. 339.08  
 Littering - see GEN. OFF. 521.08

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#### 957.01 DEFINITIONS.

(a) "Garbage and offal" means all refuse and waste of animals, fish, fowl, fruit or vegetable matter, liquid or otherwise, which accumulated in the use and preparation of food for the table, that has been discarded and abandoned and is no longer of value to the owner for ordinary purposes of domestic consumption. The term also includes all refuse matter arising from the dealing in or storing of such substances.

(b) "Refuse matter" means only such matter as was either in fact noxious or has been refused and abandoned by its owner as worthless.

(c) "Rubbish" means dirt, chips, shavings, bottles, broken glass, crocker, tin, cast or wooden ware, shoes, cans, boxes, rags, dead weeds, paper, circulars, handbills, boots, ashes or any other litter or trash whatsoever. It does not include branches of trees or leaves. (Ord. 421. Passed 6-18-51.)

#### 957.02 DUTY TO REMOVE GARBAGE AND OFFAL.

Each person, firm or corporation producing or having garbage or offal shall remove the same, or cause it to be removed by persons properly authorized to the place permitted or provided for by the Municipality, at times and in the manner prescribed herein.

(a) Residential collections must be made once each week and on the same day of

the week, as near as possible, in the period commencing May 1 and ending September 30. Collections shall be made once in each uniform period of ten days from October 1 to April 30, and during such period, rubbish shall be collected when such service is required.

- (b) The commercial collections shall be from any and all restaurants, hotels, public eating places and other mercantile establishments handling perishable food supplies daily or as necessary during the period from May 1 to September 30 and at least three times each week from October 1 to April 30. During the entire year collection shall be made as may be necessary, but frequently enough to remove the hazard of fire. (Ord. 421. Passed 6-18-51.)

#### 957.03 CONTRACTS FOR DISPOSAL OF GARBAGE; BOND.

(a) If at any time the exclusive right is given to one person, firm or corporation for the disposal of all garbage from the entire Municipality, a contract shall be entered into for a period of not less than two years executed by the Village Administrator and approved by Council, subject to the conditions and limitations contained in this chapter.

(b) Before entering into a contract with any person, firm or corporation for the exclusive right to dispose of all the garbage of the Municipality, the contractor shall furnish a surety bond in the sum of one thousand dollars (\$1,000), with good and sufficient surety, to the satisfaction of the Mayor and Council, insuring that the contractor shall dispose of all or any garbage produced and collected in the Municipality in a good, proper and lawful manner and in compliance with the provisions of this chapter and any additional regulations and conditions that might be adopted by Council. (Ord. 421. Passed 6-18-51.)

#### 957.04 STORAGE REGULATED.

No person, firm or corporation producing or responsible for or having any garbage or offal shall deposit, throw or place such refuse on any street, alley, public place or ground or upon the floor, stairway or hallway of any public building in the Municipality, or any private property whether owned by such person, firm or corporation or not, or throw the same into any stream or body of water or into any sewer, catch basin, or other opening in such sewer in the Municipality or deposit or remove the same otherwise than as is provided in this chapter. (Ord. 421. Passed 6-18-51.)

#### 957.05 RECEPTACLES REQUIRED.

(a) Every owner, tenant, housekeeper or other person or persons, occupying any dwelling, apartment house, other building or a portion thereof in the Municipality, and producing garbage for collection shall provide and renew when necessary, a sufficient number of garbage cans to hold the garbage accumulating therein. All garbage cans shall be of metal with tight-fitting covers, strong handles on the outside and shall be watertight. Each can shall have a capacity of not less than five gallons nor more than twenty gallons. All garbage cans shall be maintained by the user in good and sanitary condition.

(b) All rubbish for collection shall be placed in a practical receptacle that can be readily handled for emptying, located near the garbage can.

(c) No person shall deposit in a garbage can, trash, tin cans, glass or any rubbish or refuse other than garbage. Garbage shall be wrapped in paper when deposited in the garbage can for collection if requested by the collector.

(d) The can or cans shall be set in plain view at the rear of the house in an accessible location at the ground level or on an open platform or open porch not more than four feet above ground level and placed that they may be reached from the ground by the collector. If underground cans are used, then the location shall be clearly indicated. If the lot is accessible by a through alley, the garbage can may be set at the rear of the lot or house adjacent to the alley. (Ord. 421. Passed 6-18-51.)

#### **957.06 HAULING OF GARBAGE, OFFAL AND RUBBISH.**

No garbage shall be removed or hauled in the Municipality, except in sanitary steel tanks or drums that are securely covered and so constructed as to prevent the escape of offensive odors. The County Board of Health may prescribe further regulations. (Ord. 421. Passed 6-18-51.)

#### **957.07 COLLECTOR'S COMPENSATION.**

(a) Where the garbage, offal and rubbish are collected by collectors having a permit, in accordance with this chapter, such collectors shall be entitled to charge on a monthly basis the persons or firm receiving the service.

(b) If any person or firm receiving services of a collector, fails to pay at the end of each month the amount due, the collector may discontinue the service and certify the amount and the name of the person to the Fiscal Officer. Such person or firm so certified shall not be placed on another collector's route until such service is paid in full. (Ord. 421. Passed 6-18-51.)

#### **957.99 PENALTY.**

Any person who violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). (Ord. 421. Passed 6-18-51.)



## CHAPTER 959

### Park Regulations

959.01	Police to enforce.	959.05	Restrictions for the Waterworks Park.
959.02	Hours.	959.06	Restrictions for the Memorial Park.
959.03	Operation of motor vehicles in parks.	959.07	Rental fee for use of Park Pavilions and Shelter Houses.
959.04	Restrictions for the John Carey Downtown Park.	959.99	Penalty.

#### CROSS REFERENCES

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

Playgrounds - see Ohio R.C. 755.12 et seq.

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

Carey Recreational Park System Fund established - see S.U. & P.S.

933.02

Speed limits in parks - see TRAF. 333.08

#### **959.01 POLICE TO ENFORCE.**

The Police Department is hereby authorized to police the confines of Carey Memorial Park and to assume and perform the same police duties for Carey Memorial Park as is within its general jurisdiction for the Municipality and to enforce any ordinance or regulation, that may be enacted by Council pertinent to Carey Memorial Park. (Ord. 404. Passed 7-3-50.)

#### **959.02 HOURS.**

No person shall loiter within the confines of the public parks of the Municipality during the hours from 10 p.m. to 6:00 a.m., unless granted permission by the Village Administrator or his or her designated representative. The Village Administrator or his or her designated representative may also, at her or his discretion, extend park hours for special events approved by Council. (Ord. 2018-23. Passed 8-20-18.)

#### **959.03 OPERATION OF MOTOR VEHICLES IN PARKS.**

(a) No person shall operate a motor vehicle within the confines of the public parks of the Municipality during the hours from 12:00 a.m. to 6:00 a.m., unless written authorization for such purpose be secured from the Village Administrator or the Police Department. (Ord. 558. Passed 5-22-62.)

(b) No person shall operate any vehicle upon the streets or upon any area within the confines of Carey Memorial Park, at a speed greater than is reasonable or proper, having due regard to the traffic, surface and width of the street or area where traveling and of any other conditions then existing. No person, partnership, association or corporation shall operate such vehicle, at a greater speed than will permit bringing such vehicle to a stop within the assured and clear distance ahead.

(c) It shall be *prima facie* lawful for the operator of a vehicle, motor or otherwise, to operate such vehicle upon the streets of Carey Memorial Park, at a speed not exceeding fifteen miles per hour. The Police Department of the Municipality is hereby authorized to erect signs at appropriate and suitable places on the streets of Carey Memorial Park, limiting the speed of such vehicles to not more than fifteen miles per hour. (Ord. 404. Passed 7-3-50.)

#### 959.04 RESTRICTIONS FOR THE JOHN CAREY DOWNTOWN PARK.

No person shall do any of the following in or on park lands of this facility:

- (a) Ride or operate a motor vehicle, motorcycle, moped, scooter, skateboard, motorized vehicle, other vehicle or conveyance, or other toy vehicle on park lands except for roadways or parking lots designated for parking.
- (b) Possess, have under their control or consume any intoxicating liquor, alcohol, beer, malt liquor, malt beverages, wine, mixed beverages or spirituous liquor.
- (c) Start or have a fire.
- (d) Camp.
- (e) Sell any goods, wares or merchandise, except as may be made with the prior written consent and approval of the Mayor or Administrator.
- (f) Litter or vandalize as defined by Ohio R.C. 4511.82(C).
- (g) Permit a dog to go unleashed in any area.

(Park is closed from 10 p.m. to 6:00 a.m. daily.)

(Ord. 2018-23. Passed 8-20-18.)

#### 959.05 RESTRICTIONS FOR THE WATERWORKS PARK.

No person shall do any of the following in or on park lands of this facility:

- (a) Start or have a fire except in approved fire place.
- (b) Possess, have under their control or consume any intoxicating liquor, alcohol, beer, malt liquor or malt beverage, wine, mixed or spirituous liquor.
- (c) Litter or vandalize property as defined by Ohio R.C. 4511.82(C).
- (d) Permit a dog to go unleashed in any area. (Ord. 91-2. Passed 5-20-91.)

(Park is closed from midnight to 6:00 a.m. daily.)

#### 959.06 RESTRICTIONS FOR THE MEMORIAL PARK.

No person shall do any of the following in or on the lands of this facility:

- (a) Ride or operate a motor vehicle, motorcycle, moped, or other motorized vehicle except on designated roadways and on parking areas only.
- (b) Camp.
- (c) Possess, have under their control or consume any intoxicating liquor, alcohol, beer, malt liquor or beverage, wine, mixed or spirituous liquor.
- (d) Start or have a fire except in designated fire areas.
- (e) Litter or vandalize as defined by Ohio R.C. 4511.82(C).
- (f) Permit a dog to go unleashed in any area. (Ord. 91-2. Passed 5-20-91.)

(Park is closed from midnight to 6:00 a.m. daily.)

**959.07 RENTAL FEE FOR USE OF PARK PAVILIONS AND SHELTER HOUSES.**

(a) Each person or group using the Waterworks Park Roynon Shelter House shall be charged a fee of \$10.00 for each calendar date of use.

(b) Each person or group using the John Carey Park Gazebo shall be charged a fee of \$15.00 for each calendar date of use.

(c) Each person or group using the Memorial Park Kiwanis (Shuffleboard) Pavilion shall be charged a fee of \$25.00 for each calendar date of use.

(d) Each person or group using the Memorial Park Krupp Pavilion shall be charged a fee of \$50.00 for each calendar date of use.

(e) Each person or group using the Waterworks Park Pavilion shall be charged a fee of \$75.00 for each calendar date of use.

(f) The appropriate fee shall be collected when the reservation is made. If the reservation is cancelled less than two (2) weeks prior to the reservation date, the rental fee shall be forfeited to the Village.

(g) From time to time, the Village may approve use free gratis for a specific pavilion, location or public function, such as CareyFest, Relay For Life, etc.

(h) The fees shall be effective for reservations made for the year 2011 and beyond.  
(Ord. 2010-12. Passed 5-3-10.)

**959.99 PENALTY.**

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





11. Planning