

CODIFIED ORDINANCES OF SHAWNEE HILLS
PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

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CODIFIED ORDINANCES OF SHAWNEE HILLS
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CHAPTER 901
Right of Way Work Permits

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CROSS REFERENCES

Right of Way Permits – See Village Codified Ordinances Chapter 907

Assessments – see Ohio R.C. 701.05, Ch 727

Power to establish and care for streets – see Ohio R.C. 715.19, 717.01, 723.01

Openings by the Municipality – see Ohio R.C. 732.02

Dedication and acceptance – see Ohio R.C. 723.03

Change of name, vacating and narrowing streets – see Ohio R.C. 723.04 et seq.

Sprinkling – see Ohio R.C. 723.16 et seq.

Surface treatment – see Ohio R.C. 723.23, 723.31

Excavation liability – see Ohio R.C. 723.49 et seq.

Compulsory service connections – see Ohio R.C. 729.06 (Sewer & water) 743.37 (gas)

Changing established grade – see Ohio R.C. 727.07

Digging, excavating, and piling earth on streets – see Ohio R.C. 5589.10

909.01 DEFINITIONS.

(a) All terms shall have the same meaning as set forth in Chapter 907 of the Village's Codified Ordinances unless otherwise set forth in this chapter.

(b) "Facilities" mean any equipment, wires, poles, conduit, boxes, appurtenances, fixtures or other physical property located or intended to be located in the right of way.

(c) "ROW Work Permit" means a permit which authorizes the maintenance, repair, replacement, relocation, upgrade, excavation or construction of Facilities in the rights of way of the Village. (Ord. 25-2007. Passed 6-25-07.)

901.02 AUTHORITY OF VILLAGE ADMINISTRATOR.

The Village Administrator shall have the authority to promulgate rules necessary to review, evaluate, and issue ROW Work Permits and to implement the provisions of this Chapter.

(Ord. 25-2007. Passed 6-25-07.)

901.03 AUTHORIZATION TO PERFORM WORK IN RIGHTS OF WAY.**(REPEALED)**

(EDITOR'S NOTE: Former Section 901.03 was repealed by Ordinance 12-2011, passed June 27, 2011.)

901.04 ROW WORK PERMIT REQUIRED. (REPEALED)

(EDITOR'S NOTE: Former Section 901.04 was repealed by Ordinance 12-2011, passed June 27, 2011.)

901.05 APPLICATION AND DEPOSIT. (REPEALED)

(EDITOR'S NOTE: Former Section 901.05 was repealed by Ordinance 12-2011, passed June 27, 2011.)

901.06 RESTORATION OF RIGHT OF WAY. (REPEALED)

(EDITOR'S NOTE: Former Section 901.06 was repealed by Ordinance 12-2011, passed June 27, 2011.)

901.07 BARRIERS AROUND WORK SITES.

Any person engaged in or employing others in any work in the Right of Way pursuant to a duly authorized ROW Work Permit, including but not limited to excavating, or opening any street, sidewalk, alley, or other public way, shall have such work site properly marked at all times with appropriate warning signs and barricades as is necessary to prevent injury to persons or animals. (Ord. 25-2007. Passed 6-25-07.)

901.08 WARNING LIGHTS.

Any person engaged or employing others, in working in the rights of way obstructing a portion or all of any street, alley, or other public way, at all times during the night season shall install and maintain at least two illuminated warning lamps which shall be securely and conspicuously posted on, at, or near each end of such obstruction or excavation, and if the space involved shall exceed fifty feet in extent, then at least one additional warning lamp for each added fifty feet or portion thereof excavated or obstructed. (Ord. 25-2007. Passed 6-25-07.)

901.09 SIDEWALK CONSTRUCTION.

It shall be the duty of the Engineer of the Municipality or, if none exist, the Street Superintendent, to supervise construction or repair of sidewalks within the Municipality. He shall cause specifications to be prepared for the construction of the various kinds of pavements and transmit the same to Council for approval. When the specifications are approved, Council shall advertise for proposals to do all the work which may be ordered by the Municipality in construction and repair of sidewalks, and shall contract therefore, for a period not exceeding one year, with the lowest responsible bidder, who shall furnish good and sufficient sureties for the faithful performance of the work. Council, if it deems advisable, may make separate contracts for the different kinds of work with different parties. (Ord. 25-2007. Passed 6-25-07.)

901.10 UNLOADING ON STREET, SIDEWALK.

No person shall unload any material in the streets of the Municipality, by throwing or letting the same fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing sufficient protection over the pavement. Such persons shall be liable for any damages caused to any street, alley, sidewalk or other public way as result of unloading any materials in the right of way. (Ord. 25-2007. Passed 6-25-07.)

901.11 STREET AND SIDEWALK OBSTRUCTION.

No person shall obstruct any street, alley, sidewalk, or other public way within the Municipality, by erecting thereon any fence or building, or permitting any fence or building to remain thereon without obtaining a Right of Way Permit pursuant to Chapter 907. Each day that any such fence or building is permitted to remain upon such public way without a duly authorized Right of Way Permit pursuant to Chapter 907 or otherwise removing the fence or building shall be deemed a separate offense. (Ord. 25-2007. Passed 6-25-07.)

901.12 MATERIALS ON STREET OR SIDEWALK.

No person shall encumber any street or sidewalk. No owner, occupant, or person having the care of any building or lot of land, bordering on any street or sidewalk, shall permit the same to be encumbered with barrels, boxes, can, articles, or substances of any kind, so as to interfere with the free and unobstructed use thereof. (Ord. 25-2007. Passed 6-25-07.)

901.13 REMOVAL OF ICE AND SNOW.

It shall be the duty of the owner or of the occupant of each and every parcel of real estate in the Village abutting upon any sidewalk to keep the sidewalk abutting his premises free and clear of snow and ice, and to remove there from all snow and ice accumulated thereon within a reasonable time, which will ordinarily not exceed twelve hours after the abatement of any storm during which the snow and ice may have accumulated. (Ord. 25-2007. Passed 6-25-07.)

901.14 RAMPED CURBING FOR HANDICAPPED.

All new curbs that are authorized by the Municipality, and all existing curbs which are part of any reconstruction, shall have a ramp with nonslip surface built into the curb at each intersection between the street and sidewalk so that the sidewalk and street blend to a common level. These ramps shall be constructed to comply with the then current standards required by the Americans with Disabilities Act (ADA) and regulations promulgated thereunder. (Ord. 25-2007. Passed 6-25-07.)

901.15 USE OF STREETS, ALLEY AND OTHER MUNICIPAL PROPERTY FOR WASTEWATER FACILITIES.

Council hereby authorizes the use of all streets, alleys and any other municipality owned property to be used for the Shawnee Hills Wastewater Facilities. (Ord. 25-2007. Passed 6-25-07.)

901.16 SPECIFICATIONS FOR NEW ROAD CONSTRUCTION

(a) For a Street to be constructed in existing Right of way or for an existing street to be improved, the following shall be provided by the developer: A construction plan submitted on 24" x 36" sheet(s), prepared and stamped by a professional engineer, registered in the State of Ohio, containing, as a minimum, the following information:

- (1) Survey of existing right of way: to include iron pins set at all angle points on both sides of right of way. Survey to be performed and stamped by a professional surveyor, registered in the State of Ohio. Cost for all control surveys and construction layout stakes shall be borne by the developer. Survey shall be tied to the Village Control, coordinates of which are available at the village engineer's office. Survey shall extend from existing roadway at start of project to end of project. Centerline profile of existing ground shall extend a minimum of 50 feet beyond project limits.

- (2) Cross sections of existing and proposed ground: Each section shall extend 35 feet on each side of centerline, at 50 foot intervals on roads over 250 feet in length and at 25 foot intervals on roads 250 feet in length, or less.
- (3) Centerline profile of entire street, including proposed and existing ground lines.
- (4) Plan of entire street, including existing topographic data. Grading plans may be required, at the discretion of the Village Engineer.
- (5) Detailed plan of proposed improved portion of street including 35 foot turning radii at street intersections. Plan and profile view shall extend a minimum of 50 feet beyond the proposed work. Provide a typical section showing a minimum pavement width of 16 feet. Subgrade compaction (ODOT Item 203) shall be required. Pavement buildup shall consist of 8 inches of aggregate base (ODOT Item 304), 1 ¾ inches of asphalt concrete (ODOT Item 402) and 1 ¼ inches of asphalt concrete (ODOT Item 404), unless otherwise directed by the Village Engineer. A bituminous prime coat (ODOT Item 408) shall be applied prior to placing Item 402, at a rate of 0.4 gallons per square yard.
- (6) Drainage plan for the areas affected by the construction of the street, including driveway pipes and culverts.
- (7) For disturbed areas over two acres, provide an erosion and sedimentation control plan.

(b) Drainage calculations and a detailed construction cost estimate shall be submitted to the Village Engineer for approval. Additionally, four blue-line copies of the construction plan shall be submitted to the Village Engineer for review and comment. One set of plans will be returned with any review comments. Incorporate all review comments into the plan and submit one reproducible original plan. Also return the marked-up blue-line sheet. The original reproducible will be signed by the Mayor, Fiscal Officer and Engineer. The developer, or his assigns shall submit three blue-line copies of the signed plan to the Village Engineer. The original reproducible shall be returned to the Village Fiscal Officer for storage.

(c) [Reserved] EDITOR'S NOTE: Former subsection (c) was deleted by Ordinance 07-2001, passed March 12, 2001.

(d) The Village will inspect the improvements by the Developer and all inspection costs will be deposited with the Village before the start of construction. The contractor shall contact the Village Engineer, 24 hours in advance, for inspections. Inspection shall be scheduled at the following points of construction:

- (1) After construction layout strikes have been set.
- (2) After drainage items have been set (prior to any encasement) and before backfilling.
- (3) After subgrade profile has been established and subgrade compaction is completed.
- (4) After placing the first course of aggregate base (ODOT Item 304).
- (5) After placing the intermediate course of aggregate base.
- (6) After placing the final course of aggregate base.
- (7) After placing the prime coat (ODOT Item 408).
- (8) After placing the initial course of asphalt concrete (ODOT Item 402).
- (9) After placing the final course of asphalt concrete (ODOT Item 404).
- (10) After final seeding and mulching.

(e) All drainage items shall be constructed in accordance with the City of Columbus Specifications and Standard Construction Drawings, current editions. All roadway items shall be constructed in accordance with ODOT Specifications and Standard Construction Drawings or City of Columbus Specifications and Standard Construction Drawings, whichever is more restrictive.

(f) Cost of all utility relocations not incurred by the utility companies shall be borne by the Developer. (Ord. 25-2007. Passed 6-25-07.)

901.17 STANDARDS FOR REPLACEMENT OF ASPHALT.

All work shall be performed using the City of Columbus 1441, Type 1 Specifications, as referenced in Attachment 1, with the following modifications, as referenced in Attachment to Ordinance 26-2001. (Ord. 25-2007. Passed 6-25-07.)

901.18 CONDITIONS PRECEDENT TO IMPROVING STREETS.

No department of this Municipality shall accept, lay out, open, improve, grade, pave, curb or light any street or other way, unless the street or way has been accepted or opened or otherwise has received the legal status of a public street or way prior to the effective date of this chapter; or unless the street or way corresponds in location and extent with a street or way shown on a recorded plat which has been legally accepted by Council. (Ord. 25-2007. Passed 6-25-07.)

901.99 PENALTY.

Whoever violates any provisions of this chapter, for which another penalty is not already provided, shall be guilty of a minor misdemeanor. (Ord. 25-2007. Passed 6-25-07.)

CHAPTER 907
Right of Way Management Policy

907.01	Purpose and scope of chapter.	907.12	Removal of facilities.
907.02	Definitions.	907.13	Remedies and revocation of permit.
907.03	Types of permits.	907.14	Reservation of rights.
907.04	Application process; appeals.	907.15	Street vacation.
907.05	Criteria for granting permits.	907.16	Temporary movement of facilities.
907.06	Terms of permits.	907.17	Transfer/assignment limitations.
907.07	Obligations of permittees.	907.18	Pavement cuts.
907.08	Permit fees.	907.99	Penalty.
907.09	Construction and technical standards.		
907.10	Village use of facilities.		
907.11	Indemnification and insurance.		

907.01 PURPOSE AND SCOPE OF CHAPTER.

(a) The purpose of this Chapter is to provide requirements for the use or occupation of any and all Rights of Way and Public Property in the Village, the issuance of Permits to Persons for such use or occupancy, and to set forth the policies of the Village related thereto.

(b) This Chapter does not take the place of any franchise, license, or permit which may be additionally required by law or Village ordinance. Each Permittee shall obtain any and all such additional franchises, licenses or permits necessary to the operations and conduct of its business.

(c) No person shall use, occupy, own or operate facilities in, under or over any Rights of Way within the Village unless such Person first obtains a Franchise and/or Permit conforming to the requirements set forth therein and in this chapter.

- (d) The policy of the Village with regard to Rights of Way is hereby declared to be:
- (1) To promote public safety and protect public property;
 - (2) To promote the utilization of Rights of Way for the public health, safety and welfare and to promote economic development in the Village;
 - (3) To promote the availability of a wide range of utility, communication and other services, including the rapid deployment of new technologies and innovative services, to the Village's citizens and taxpayers at reasonable rates;

- (4) To promote cooperation among the Village and Franchisees and Permittees in the occupation of Rights of Way, and work therein, in order to minimize public inconvenience during work in the Rights of Way and avoid uneconomic, unneeded and unsightly duplication of facilities;
- (5) To ensure adequate public compensation for the regulation of the private use of the Rights of Way and regulation thereof; and
- (6) To promote and require reasonable accommodation of all uses of Rights of Way and to establish the following priority of use of Rights of Way, when all requested usage of Rights of Way by Permittees cannot be accommodated:
 - A. Use by the Village shall have first priority;
 - B. Use by another governmental entity with Village's concurrence shall have second priority;
 - C. Utility Telecommunications Permittees and Franchisees shall have third priority; and
 - D. Special Permittees shall have fourth priority.

Provided, however, that the Village may reasonably require Rights of Way Permittees and Franchisees to cooperate to accommodate use by other Permittees and Franchisees, and provided further that Village Administrator may alter these priorities when the Village Administrator reasonably determines a deviation therefrom to be in the public interest.

(e) Nothing in this chapter should be construed to apply the provisions of this chapter to facilities owned or operated by the Village or any of its operations.

(f) Unless otherwise specifically stated in a Permit, all Permits granted hereunder shall be non exclusive. (Ord. 13-2011. Passed 6-27-11.)

907.02 DEFINITIONS.

For purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this Chapter. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

- (a) "Applicant" means any Person applying for a Permit hereunder.
- (b) "Approved" means approval by Village Administrator pursuant to this Chapter or any regulations adopted hereunder.
- (c) "Best Efforts" means the best reasonable efforts under the circumstances, taking into consideration, among other appropriate matters, safety, expedition, available technology and human resources and cost.
- (d) "Cable Television Service" means a system of coaxial cables or other electrical conductors and transmission equipment used or to be used primarily to receive television or radio signals directly or indirectly off-the-air and other related services and transmit them to subscribers for a fee.
- (e) "Village" means the Village of Shawnee Hills, Ohio, or, as appropriate in the case of specific provisions of this Chapter, any board, authority, agency, commission, department of, or any other entity of or acting on behalf of, the Village of Shawnee Hills, or any officer, official, employee, representative or agent thereof, the designee of any of the foregoing, or any successor thereto.

- (f) "Village Administrator" means the Village Administrator of the Village of Shawnee Hills.
- (g) "Emergency" means a reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.
- (h) "Facilities" means any equipment, wires, poles, conduit, boxes, appurtenances, fixtures or other physical property located, or intended to be located, in over or under the right-of-way.
- (i) "Force Majeure" means a strike, acts of God, acts of public enemies, orders of any kind of the government of the United States of America or the State of Ohio or any of their departments, agencies, or political subdivisions, riots, epidemics, landslides, lightning, earthquakes, fires, tornadoes, storms, floods, civil disturbances, explosions, partial or entire failure of utilities or any other cause or event not reasonably within the control of the disabled party, but only to the extent the disabled party notifies the other party as soon as practicable regarding such Force Majeure and then for only so long as and to the extent that, the Force Majeure prevents compliance or causes non compliance with the provisions hereof.
- (j) "Franchise" means the non exclusive right granted by the Village pursuant to Chapter 759 to operate or provide Cable Television Service to consumers within the Village.
- (k) "Permit" means the non exclusive grant of authority to use or occupy all or a portion of Village's Rights of Way granted pursuant to this Chapter.
- (l) "Permittee" means any person issued a Permit pursuant to this Chapter to use or occupy all or a portion of the Rights of Way in accordance with the provisions of this Chapter and said Permit.
- (m) "Person" means any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for profit or not for profit.
- (n) "Public Property" means any real property, other than a Right of Way, except for the last sentence of the definition of the term "Right of Way" of this Chapter, owned by the Village.
- (o) "Regulation" means any rule adopted by and pursuant to the authority of this Chapter.
- (p) "Right of Way" or "Rights of Way" means the surface of and the space above and below any public street, public road, public highway, public freeway, public lane, public path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive or any public easement or right of way now or hereafter held by the Village which shall, within its proper use, entitle a Permittee or Franchisee, in accordance with the terms hereof and of any Permit, to the use thereof for the purpose of installing or operating any facilities as may be ordinarily necessary and pertinent to the provisions of utility, cable television, communications or other services as set forth in any Franchise or Permit. Right of Way shall also include Public Property, but only to the extent the use or occupation thereof is specifically granted in a Permit or by regulation.
- (q) "Right of way Work Permit" means a permit granted by Village Administrator, authorizing actual physical work by Permittee in the Right of Way.
- (r) "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
- (s) "The Village" shall mean the Village of Shawnee Hills.

- (t) "Utility(ies)" shall mean any water, sanitary sewer, storm water sewer, gas, drainage, sprinkler or culvert pipe, electric power, signal, communication, fiber, wire, or cable and any operator/provider thereof.
(Ord. 13-2011. Passed 6-27-11.)

907.03 TYPES OF PERMITS.

(a) No person shall use, occupy, construct, own or operate structures or facilities in, under or over any rights-of-way or any public property within the Village unless such person first obtains a right-of-way permit and conforms to the requirements set forth therein and in this chapter; provided, however, that right-of-way permits shall not be required for the following uses:

- (1) Newspaper stands;
- (2) Carts;
- (3) Sidewalk cafes;
- (4) Parking lots, so long as such use:
 - A. Has received all other necessary permits and approvals;
 - B. Is not inconsistent with Village Policy;
 - C. Does not adversely affect the public health, safety, or welfare; and
 - D. Does not materially interfere with other lawful uses of the rights-of way.
- (5) Any work done in the right-of-way by the Village or an authorized employee, agent, or representative of the Village.

(b) The following types of right-of-way permits are available:

- (1) Cable Television Franchise: Granted to providers of Cable Television Service. The specified terms and conditions of a Cable Television Franchise shall be contained within such franchise. This Chapter shall be applicable to such franchises to the extent specified within the franchise.
- (2) Telecommunication or Utility Permit: Granted to Persons who desire and are granted authority to utilize Rights of Way to provide a public utility and/or telecommunications service, other than Cable Television Service.
- (3) Special Permit: Granted to Persons for a specific, limited use of the Rights of Way or a specific portion thereof.

(c) All permits shall specify the use or uses for which such Permits are granted and shall contain such other non discriminatory terms and conditions as are appropriate and as are set forth in this Chapter or conditions negotiated and agreed to by the Village and the Permittee to provide for the public safety and welfare. (Ord. 13-2011. Passed 6-27-11.)

(d) The Village Administrator, at his sole discretion, may grant a waiver of some or all of the requirements of this Chapter. (Ord. 12-2013. Passed 4-8-13.)

907.04 APPLICATION PROCESS; APPEALS.

(a) Applications for Cable Television Franchises shall file an application therefore, in such form as the Village may require, along with an application fee of one thousand dollars (\$1,000). The Village Administrator shall determine if the application is in order and, if so, determine whether, in accordance with the criteria set forth in Section 907.05, the Applicant should be granted a Permit hereunder. The Village Administrator shall make a final determination as to whether or not such Permit should be granted and if so, upon what terms and conditions. A Cable Franchise shall only entitle the Franchisee to utilize the Rights of Way for purposes directly related to the provision of the Cable Television Service. Any other Right of Way use by such Franchisee shall require a separate Permit, unless specifically contained in an existing franchise agreement.

(b) Applicants for Telecommunication or Utility Permits shall file an application therefore, in such form as the Village may require, along with an application fee of one thousand dollars (\$1,000). The Village Administrator shall determine if the application is in order and, if so, determine whether, in accordance with the criteria set forth in Section 907.05, the Applicant should be granted a Permit hereunder. The Village Administrator shall make a final determination as to whether or not such Permit should be granted and if so, upon what terms and conditions.

(c) Applicants for Special Permits shall file an application therefore, in such form as the Village requires along with an application fee of three hundred dollars (\$300.00). The Village Administrator shall determine if the application is in order and if the Village Administrator also finds, in accordance with the criteria set forth in Section 907.05, that the application should be granted, the Village Administrator shall grant such a Permit.

(d) A Permittee that desires to renew its Permit under this Chapter shall, not more than 180 days nor less than 90 days before expiration of the current Permit, file an application along with a renewal fee payment of one hundred fifty dollars (\$150.00) with the Village for renewal of its Permit which shall include the information required in the original application. Within 90 days after receiving a complete application under this Section, the Village Administrator shall issue a written determination granting or denying the renewal application in whole or in part, applying the criteria set forth in Section 907.05. If the renewal application is denied, the written determination shall include the reasons for non renewal. No Permit shall be renewed until any ongoing violations or defaults in the Permittee's performance of the Permit, or of the requirements of this Chapter, have been cured, or a plan detailing the corrective action to be taken by the Permittee has been approved by the Village Administrator.

(e) Any decision of the Village Administrator regarding a right-of-way permit may be appealed to Village Council. Such appeals shall be filed with the Village Fiscal Officer within (15) days of the date of the decision. The decision(s) of the Village Council shall be final and appealable pursuant to R.C. Chapter 2506.
(Ord. 13-2011. Passed 6-27-11.)

907.05 CRITERIA FOR GRANTING PERMITS.

(a) Cable Television Franchises, Telecommunications and Utility, and Special Permits shall be granted, or renewed, to persons based upon a determination by the Village that the following criteria are met:

- (1) The granting or renewal of the Permit will contribute to the public health, safety or welfare in the Village;
- (2) The granting or renewal of the Permit will be consistent with the policy of the Village as set forth in Sections 907.01 and 907.07.
- (3) That the Applicant has and will continue to have liability insurance, which names the Village as an additional insured, in effect in such amounts and for such liability as the Village may require or be self insured pursuant to the terms of this Chapter;
- (4) That the Applicant is a proper person to hold a Permit and will fulfill all its obligations hereunder;
- (5) That the Applicant possesses sufficient financial and technical ability;
- (6) That the application complies with applicable federal, state and local telecommunications laws, rules and policies; and

- (7) For Permit renewals, that the Rights of Way possess a continuing capacity to accommodate the Applicant's existing facilities; the Applicant's compliance with the requirements of this chapter and the Permit provisions; and such other factors as may demonstrate that the continued grant to use the Rights of Way will serve the community interest.

(b) The Village Administrator may impose such conditions on the granting of a permit as deemed reasonably required to be consistent with the criteria set forth in this Section 907.05 and to promote the policy of the Village set forth in Section 907.01(d).
(Ord. 13-2011. Passed 6-27-11.)

907.06 TERMS OF PERMITS.

(a) Cable Television Franchise Permits as well as Telecommunications and Utility Permits shall be granted for a term not to exceed ten (10) years.

(b) The terms of Special Permits shall be determined by the Village Administrator but shall in no event exceed ten (10) years.
(Ord. 13-2011. Passed 6-27-11.)

907.07 OBLIGATIONS OF PERMITTEES.

(a) In addition to the other requirements set forth herein, each Telecommunication and/or Utility and Special Permittee shall:

- (1) Use its Best Efforts to cooperate with other Franchisees and Permittees and the Village for the best, most efficient, most aesthetic and least obtrusive use of Rights of Way, consistent with the public safety, and to minimize traffic and other disruptions including street cuts.
- (2) Participate in joint planning and advance notification of Right of Way work, excepting such work performed in Emergencies or other exigent circumstances.
- (3) Cooperate with other Permittees and Franchisees in utilization of, construction in, and occupancy of private rights of way, but only to the extent the same is not inconsistent with the grant thereof or state or federal law.
- (4) Upon written notice of, and at the direction of the Village Administrator and at the Permittees' sole cost, promptly remove or rearrange facilities as necessary, e.g. during any construction, repair or modification of any street, sidewalk, Village utility or other governmental uses, or if additional or subsequent Village or other public uses of Rights of Way are inconsistent with then current uses of Franchisees and Permittees or for any other reasonable cause as determined by the Village Administrator.
- (5) All Persons granted a Permit on or after the effective date of this Chapter shall provide maps or other information in such form (including digital form) and at such times as the Village may reasonably require. Said maps and information shall locate, describe and identify all structures and facilities of such Permittee, including pole attachments, above and in the Rights of Way.

- (6) Perform all work, construction, maintenance or removal of structures and facilities within the Right of Way in accordance with good engineering and construction practice, including any appropriate safety codes and in accordance with the Best Efforts to repair and replace any street, curb, or other portion of the Right of Way, or facilities or structures located therein, to a condition materially equivalent to this condition prior to such work, and to do so in a manner which minimizes inconvenience to the public, the Village and other Franchisee and Permittees, all in accordance with all applicable regulations.
- (7) Register with all appropriate underground reporting services.
- (8) Unless otherwise set forth in a Permit, not enter into leases or other agreements for physical space in or on Permittee's facilities located within the Rights of Way without prior notice to the Village Administrator to include a general description of the uses to be made to the facilities.
- (9) Designate a single point of contact for all activities related to the Permit in the Village.
- (10) Assure subcontractor compliance with all permit provisions.
(Ord. 13-2011. Passed 6-27-11.)

907.08 PERMIT FEES.

(a) In addition to any fees charged pursuant to this Chapter, all cable television franchise, telecommunication, and utility Right-of-Way Permittees shall pay an annual fee, for each calendar year, based upon the miles of right-of-way which the Permittee occupies or desires to occupy in said calendar year as follows:

<u>Right-of-Way Miles</u>	<u>Charge</u>
For the first mile, or any part thereof, (up to 1 mile)	\$10,000.00
Plus, for the next nine (9) miles, or any part thereof, (1-10), an additional	\$7,500.00
Plus, for the next ninety (90) miles, or any part thereof (11-100), an additional	\$20,000.00
Plus, for the next four hundred (400) miles or any part thereof (101-500), an additional	\$62,500.00
Plus, for all use over five hundred (500), miles an additional	\$100,000.00

Quarterly payments shall be made on or before March 31, June 30, September 30 and December 31 of the calendar year.

(b) In addition to any fees charged pursuant to this Chapter, Special Right-of-Way Permittees shall pay an annual fee of \$0.35 per lineal foot of Right-of-Way used or occupied, but not less than \$1,000.00. This fee may be waived for all Special Right-of-Way Permits for Residential Purposes. Such fee shall be paid in advance for each calendar year prior to January 31 of such year.

(c) Further specification regarding the determination and calculation of fees set forth in subsections (a) and (b) hereby may be set forth in any regulations related thereto that the Village may adopt.

(d) All fees pursuant to this Chapter shall be paid by check, money order or wire transfer to the Village. Payments shall be sent to the attention of the Fiscal Officer at the Village's address.

(e) Each Right-of-Way Permittee shall maintain books, records, maps, documents and other evidence directly pertinent to its calculation of payments to the Village. The Village Administrator or his/her designated agent(s) shall have reasonable access to any books, records, maps, documents and other evidence for inspection, copying and audit to the extent necessary to assure that the payments hereunder are accurate and that all Right-of-Way Permittees fully comply with the provisions of this chapter and their respective Right-of-Way or Public Ways within the Village shall be exempted from said auditing requirements. The Village will treat all such books, records, maps and other documents as confidential except to the extent that such records are public records under Ohio law.

(f) In addition to the annual fees set forth in subsection (a) and (b) hereof, Permittees shall reimburse the Village for the cost of inspection of the erection, installation, maintenance and/or restoration authorized by the Right of Way Work Permit. Such reimbursement is payable upon receipt of an invoice from the Village.

(g) As additional compensation for the use of the Right of Way, the Village Administrator, in his sole discretion, may require Permittees to release the Village from any obligation to pay compensation to the Permittee for the cost of relocation of utilities located in private easements in conjunction with road improvement projects.
(Ord. 13-2011. Passed 6-27-11.)

907.09 CONSTRUCTION AND TECHNICAL STANDARDS.

(a) Upon grant of the Permit and in order to construct, operate and maintain a telecommunications system or utility in the Village, the Permittee may enter into contracts with any public utility companies or any other owner or lessee of any poles or underground facilities located within or without the Village; obtain right of way permits from appropriate Village, State, County, and Federal officials necessary to cross or otherwise use highways or roads under their respective jurisdiction, obtain permission from the Federal Aviation Administration to erect and maintain antennas; and obtain whatever other permits a Village, County, State or Federal agency may require.

(b) In those areas of the Village where telephone and electric services are provided by underground facilities, all new facilities of a Permittee shall be placed underground. In all other areas, the Permittee, upon request by the Village, shall use its Best Efforts to place facilities underground. However, "Facilities" as used in the preceding sentence shall not include equipment which is customarily placed on or above the ground in conjunction with underground transmission facilities (e.g. splice and terminal pedestals, equipment cabinets and transformers.) Where not otherwise required to be placed underground by this Chapter, the Permittee's placement of such system shall be consistent with the Permittee's construction and operating standards and provided that the excess cost over the aerial location shall be borne by the property owner making the request. All cable to be installed under the roadway shall be installed in conduit. In no circumstance shall a new pole be located in any area of the Village where it is not replacing an existing pole without written approval of Village Administrator, which approval shall not be unreasonably withheld.

(c) Permittee shall construct, install, operate and maintain its system in a manner consistent with all laws, ordinances, construction standards, governmental requirements, and FCC technical standards, and those standards are incorporated by reference herein.

(d) Any contractor proposed for work of construction, installation, operation, maintenance, and repair of system equipment must be properly licensed under laws of the State, and all local ordinances. The Contractor's or Permittee's system and associated equipment erected by the Permittee within the Village shall be so located as to cause minimum interference with the proper use of streets, alleys, and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places. No pole or other fixtures placed in any public ways by the Permittee shall be placed in such a manner as to interfere with normal travel on such public way.

(e) The Village does not guarantee the accuracy of any maps showing the horizontal or vertical location of existing substructures. In Rights of Way, where necessary, the location shall be verified by excavation.

(f) Construction, installation, operation, and maintenance of the utility or telecommunications system shall be performed in an orderly and workmanlike manner. When consistent with the safety codes and standards set forth in this Chapter, all cables and wires shall be installed, where possible, parallel with electric and telephone lines. Multiple configuration shall be arranged in parallel and bundled with due respect for engineering considerations.

(g) The Permittee shall at all times comply with applicable National Electrical Safety Code (National Bureau of Standards); applicable National Electrical Code (National Bureau of Fire Underwriters); applicable FCC or other Federal, State and local regulations; and standards as set forth in the Permit.

(h) In any event, the system shall not endanger or interfere with the safety of persons or property in the Permit area or other areas where the Permittee may have equipment located.

(i) All worker facilities, conditions, and procedures that are used during construction, installation, operation, and maintenance of the utility or telecommunications system shall comply with the applicable standards of the Federal Occupational Safety and Health Administration.

(j) Unless otherwise expressly exempted by this Chapter, everyone shall obtain a Right of Way Work Permit from the Village Administrator prior to beginning the erection, installation or maintenance, including tree trimming, of any lines or equipment in any right-of-way within the Village. Unless otherwise expressly exempted by this Chapter, no work in the Rights of Way shall be commenced until such time as all required permits, including a Right of Way Work Permit, have been issued by the Village.

- (1) Each ROW Work Permit shall be confined to a single project, shall be issued by the Village Administrator and shall be valid only for such dates as authorized by the Village Administrator. The Application, at a minimum, shall set forth the information set forth in sub-section (k) below and be made on a form prescribed by the Administrator. The Application shall be accompanied by an application fee of five hundred dollars (\$500.00), payable with check or money order. The ROW Work Permit shall be issued only after a deposit, in the form of check or construction bond sufficient to cover the cost of restoration, but not less than two thousand five hundred dollars (\$2,500.00), has been posted with the Village Fiscal Officer, conditioned upon prompt and satisfactory refilling of excavations and restorations of all surfaces disturbed. The Village Administrator shall establish the effective dates for the ROW Work Permit based upon the nature of work to be performed. In the event the work authorized by the ROW Work Permit is not complete prior to the expiration of the ROW Work Permit, the Applicant shall reapply for another ROW Work Permit and pay an additional application fee.
- (2) Prior Village approval shall not be required for Emergency repairs, or routine maintenance repairs or operations which do not require excavation in the Right of Way, blockage of any street or alley, or material disruption to any landscaping or structures and/or irrigation systems. The Permittee and/or its subcontractors shall leave Rights of Way where such work is done in as good condition or repair as they were before such work was commenced and to the reasonable satisfaction of the Village.
- (3) Upon failure or refusal of the ROW Work Permittee satisfactorily to fill the excavation, restore the surface, and remove all excess materials within the time specified in the permit or where not specified therein, within a reasonable time after commencement of the work, the Village may proceed, without notice, to make such fill and restoration and the deposit referred to herein shall be deemed forfeited. Thereupon, the deposit shall be paid into the street repair fund of the Village, except such part demanded and paid to the Permittee as the difference between the deposit and the charges of the Village for restoration services performed by it. If the amount of such services performed by the Village exceeds the amount of the deposit, the Fiscal Officer, Village Administrator, or his/her designee may take an action, in law or equity, to collect the remainder due from the Permittee.
- (4) Such Right of Way Work Permit shall be issued in writing and is subject to conditions that may be attached by the Village Administrator including, but not limited to, requirements concerning traffic control, safety, scheduling, notification of adjoining property owners, and restoration with seed, sod or specific plant materials as directed by the Village. The Permittee and/or its subcontractors shall endeavor to complete, in a timely manner, repairs to the Right of Way. All workmanship and materials used by the Permittee and/or its subcontractors to perform work within the Right of Way and to complete restoration, including repair the streets and roadways shall be subject to the inspection and approval of Village Administrator or their authorized agent and shall be warranted for a period of one (1) year from the date of completion for any failure due to workmanship or quality of materials.

(k) All Applicants for Right of Way Work Permits shall file a written notice with the Village, except in the case of emergency as determined by Council. The applicant shall file such written notice prior to working in or on the Right of Way so as to provide the Village with a reasonable and sufficient amount of time to review such Right of Way Work Permit Application. In addition to such other information this Chapter shall require, this notice shall contain or indicate to the extent applicable:

- (1) The Right of Way affected;
- (2) A description of any facilities to be installed, constructed or maintained;
- (3) Whether or not any street will be opened or otherwise need to be restricted, blocked or closed;
- (4) An estimate of the amount of time needed to complete such work;
- (5) A description and timetable of any remedial measures planned to close any street opening or repair any damage done to facilitate such work;
- (6) A statement verifying that other affected or potentially affected Permittees and Franchisees have been notified; and
- (7) A statement that any consumers of any utility, cable television, communications or other service which will be adversely affected by such work have been or will be notified in conformance with applicable rules and regulations of the Public Utilities Commission of Ohio.

An Applicant for a Right of Way Work Permit shall not begin working in or on the Right of Way until 48 hours after the issuance of a Right of Way Work Permit.

(l) Permittee shall furnish Village "as built" drawings not later than one hundred twenty (120) days after construction has been completed. Drawings shall show ownership of conduits, ducts, poles and cables used for the telecommunications or utility system. Drawings shall be drawn to a scale of no smaller than one inch (1") equals one hundred feet (100') using the standard format adopted by the Village. Permittee shall provide one (1) set of blue or black line "as built" drawings to the Village. State plane coordinates shall be shown for benchmarks, curb lines, and structures. Drawings shall show horizontal dimensions from the curb line and elevations.

(m) Permittees and Franchisees may, under emergency or other exigent circumstances, work in the Right of Way so long as the Permittee or Franchisee uses Best Efforts to provide the Village the notice required by this subsection at the earliest possible time.

(Ord. 13-2011. Passed 6-27-11.)

907.10 VILLAGE USE OF FACILITIES.

(a) The Village shall have the right to install and maintain, free of charge, upon any poles and within any underground pipes and conduits or like facilities of any Telecommunication and Utility or Special Permittee, communications facilities ("Village Facilities") solely for governmental use desired by the Village unless:

- (1) Such installation and maintenance unreasonably and materially interferes with existing and future operations of the Permittee; or
- (2) Such installation and maintenance would be unduly burdensome to such Permittee. Each Permittee shall cooperate with the Village in the planning and design of its facilities so as to accommodate the Village's reasonably disclosed governmental requirements. Neither the Village Facilities nor the capacity or bandwidth thereon shall be leased, licensed or otherwise made available to third parties.

(Ord. 13-2011. Passed 6-27-11.)

907.11 INDEMNIFICATION AND INSURANCE.

(a) To the fullest extent permitted by law, all Permittees shall, at their sole cost and expense, fully indemnify, defend and hold harmless the Village, its officers, public officials, boards and commissions, agents, employees and representatives from and against any and all lawsuits, claims (including without limitation Worker's Compensation claims against the Village or others), causes of actions, actions, liability, and judgments for injury or damages (including but not limited to expenses for reasonable legal fees and disbursements assumed by the Village in connection therewith):

- (1) To persons or property, in any way arising out of or through the acts or omissions of Permittee, its subcontractors, agents or employees attributable to the occupation by the Permittee of the Right of Way, to which Permittee's negligence shall in any way contribute, and regardless of whether the Village's negligence or the negligence of any other party shall have contributed to such claim, cause of action, judgment, injury or damage.
- (2) Arising out of any claim for invasion of the right of privacy, for defamation of any person, firm or corporation, or the violation or infringement of any copyright, trademark, trade name, service mark or patent or any other right of any person, firm and corporation by the Permittee, but excluding claims arising out of or related to Village programming.
- (3) Arising out of Permittee's failure to comply with the provisions of any federal, state, or local statute, ordinances or regulations applicable to Permittee in its business hereunder.

(b) The foregoing indemnification is conditioned upon the Village:

- (1) Giving Permittee prompt notice of any claim or the commencement of any action, suit or proceeding for which indemnification is sought;
- (2) Affording the Permittee the opportunity to participate in and fully control any compromise, settlement, or other resolution or disposition of any claim or proceeding subject to indemnification; and
- (3) Fully cooperating in the defense of such claim and making available to the Committee all pertinent information under the Village's control.

(c) The Village shall have the right to employ separate counsel in any such action or proceeding and to participate in the investigation and defense thereof, and the Permittee shall pay the reasonable fees and expense of such separate counsel, if employed, or if representation of both Permittee and the Village by the same attorney would be inconsistent with accepted canons of professional ethics.

(d) Each Permittee shall maintain insurance coverage (or self insurance coverage by Permittees having capitalization in excess of fifty million dollars), as determined by the Village in accordance with the following:

- (1) General Liability Insurance. By its acceptance of any Permit granted hereunder, Permittee specifically agrees that it will maintain throughout the term of the Permit, general liability insurance insuring the Permittee in the minimum of:
 - A. \$1,000,000 per occurrence;
 - B. \$2,000,000 annual aggregate;
 - C. \$1,000,000 excess general liability per occurrence and annual aggregate.

Such general liability insurance must be written on a comprehensive coverage form, including the following: premises/operations, explosion and collapse hazard, underground hazard, products/completed operations hazard, contractual insurance, broad form property damage, and personal injury.

- (2) Automobile Liability Insurance. The Permittee shall maintain, and by its acceptance of any Permit granted hereunder specifically agrees that it will maintain throughout the term of the Permit, automobile liability insurance for owned, non owned, or rented vehicles in the minimum amount of:
 - A. \$1,000,000 per occurrence; and
 - B. \$1,000,000 excess automobile liability per occurrence.
- (3) Worker's Compensation and Employer's Liability Insurance. The Permittee shall maintain and by its acceptance of any Permit granted hereunder specifically agrees that it will maintain throughout the term of the Franchise, Worker's Compensation and employer's liability, valid in the State of Ohio, in the minimum amount of:
 - A. Statutory limit for Worker's Compensation;
 - B. \$1,000,000 for employer's liability per occurrence; and
 - C. \$1,000,000 excess employer liability.

(e) The liability insurance policies required by this section shall be maintained by the Permittee throughout the term of the Permit, and such other period of time during which the Permittee is operating without a Permit hereunder, or is engaged in the removal of its telecommunications or utility facilities. Each such insurance policy shall contain the following endorsement:

- (1) It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 90 days after receipt by the Village, by registered mail, of a written notice addressed to Village Administrator of such intent to cancel or not to renew.
- (2) Within sixty (60) days after receipt by the Village of said notice, and in no event later than thirty (30) days prior to said cancellation, the Permittee shall obtain and furnish to the Village replacement insurance policies meeting the requirements of this section.

(f) The Permittee shall provide either a Performance Bond (or self bonding by Permittee having capitalization in excess of Fifty Million Dollars), as determined by the Village Administrator, an Irrevocable Letter of Credit acceptable to the Village, or a Certified Check in an amount determined by the Village Administrator, to pay the cost of restoration of the Right of Way should the Permittee fail to perform restoration required by this Chapter or the Permit or to pay for the cost of removal or relocation of the system required by this Chapter should the Permittee fail to perform said removal or relocation.
(Ord. 13-2011. Passed 6-27-11.)

907.12 REMOVAL OF FACILITIES.

(a) In the event any Permittee intends to remove facilities, excluding normal repairs and maintenance, or abandon any facilities within the Rights of Way, such Permittee shall submit a notice to the Village describing the portion of the facilities to be removed or abandoned and the date of removal or abandonment, which date shall not be less than thirty (30) days from the date such notice is given. The Permittee may not remove, destroy or permanently disable any such facilities after such notice without the written approval of the Village Administrator. The Permittee shall remove and secure such facilities as set forth in the notice unless directed by the Village to abandon such facilities in place.

(b) Upon such abandonment the Village may elect to accept title to the abandoned facility. Such acceptance shall be in writing and upon such acceptance; full title and ownership of such abandoned facilities shall pass to the Village without the need to pay compensation to the Permittee. The Permittee shall, however, continue to be responsible for all taxes on such facilities or other liability associated therewith, until the date the same was accepted by the Village.

(c) Within thirty (30) days following written notice from the Village, any Permittee or other Person that owns, controls or maintains any unauthorized telecommunications or utility facility or related appurtenances within the Rights of Way of the Village shall, at its own expense, remove such facilities or appurtenances from the Rights of Way of the Village. A telecommunications or utility facility is unauthorized and subject to removal in the following circumstances:

- (1) Upon expiration or termination of the Permittee's Permit.
- (2) Upon abandonment of a facility within the Rights of Way of the Village.
- (3) If the system or facility was constructed or installed without the prior grant of a Permit or Franchise.
- (4) If the system or facility was constructed or installed without the prior issuance of a required construction permit.
- (5) If the system or facility was constructed or installed at a location not permitted by the Permittee's Permit.

(d) The Village retains the right and privilege to cut or move any telecommunications facilities located within the Rights of Way as the Village may determine to be necessary, appropriate or useful in response to any public health or safety emergency.

(e) Unless directly and proximately caused by the willful, intentional or malicious acts by the Village, the Village shall not be liable for any damage to or loss of any telecommunications or utility facility within the Rights of Way as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the Rights of Way by or on behalf of the Village.
(Ord. 13-2011. Passed 6-27-11.)

907.13 REMEDIES AND REVOCATION OF PERMIT.

(a) Nothing in this Chapter shall be construed as limiting any judicial remedies that the Village may have, at law or in equity, for enforcement of this Chapter. In addition to any rights set out elsewhere in this Chapter, the Village reserves the right to seek termination of a Permit pursuant to the provisions hereof, and all rights and privileges pertaining thereto, in the event that any of the following are found to have occurred:

- (1) A violation of any material provision of the Permit; or
- (2) The Permittee becomes insolvent, or is adjudged a bankrupt; or
- (3) An unauthorized sale, assignment or transfer of Permittee's Permit or a substantial interest therein; or
- (4) Misrepresentation by or on behalf of a Permittee in any application to the Village; or
- (5) Abandonment of telecommunications or utility facilities in the Rights of Way; or
- (6) Failure to relocate or remove facilities as required in this Chapter; or
- (7) Failure to pay taxes, compensation, fees or costs when and as due the Village.

(b) Upon failure of the Permittee to comply with the material terms of the Permit, the Village may by ordinance terminate the Permit in accordance with the procedures set forth in this Section. Upon termination, all rights of the Permittee shall immediately be divested without a further act upon the part of the Village. At Village's option and to the extent permitted or in the manner required by applicable State law, Village shall either accept title to Permittee's facilities in accordance with Section 907.12, or Village shall require or seek to require, as the case may be, Permittee to remove its facilities from the Rights of Way. If Village requires removal, the Permittee shall forthwith remove its structures or property from the Rights of Way and restore it to such condition as the Village may require. The cost thereof shall be a lien upon all facilities and property of the Permittee. Such lien shall not attach to property of Permittee located on the poles of other utilities until removal of such property from the pole or poles.

(c) Procedures for Termination.

- (1) Upon its own motion, the Village Administrator or his/her designee shall give written notice to the Permittee of the existence of a material violation or failure to comply with the Permit. Permittee shall have a period of sixty (60) days after receipt of such notice from the Village in which to cease such violation and comply with the terms and provisions hereof. In the event Permittee fails to cease such violation or to otherwise comply with the terms hereof, then Permittee's Permit is subject to termination under the following provisions; provided, however, if the Permittee commences work or other efforts satisfactory to the Village to cure such violations within thirty (30) days after receipt of written notice and shall thereafter prosecute such curative work with reasonable diligence until such curative work is completed, then such violations shall cease to exist, and the Permit will not be terminated. If the curative work is not completed within ninety (90) days of commencement of such work, Permittee shall report to Village with respect to the progress made on such curative work and the anticipated completion date.
- (2) Termination shall be declared only by a written decision of the Village Council after an appropriate public proceeding whereby the Permittee is afforded the full opportunity to be heard and to respond to any such notice of violation or failure to comply. The Permittee shall be provided at least ten (10) days prior written notice of any public hearing concerning the termination of the Permit and, in addition, ten (10) days notice by publication shall be given of the date, time and place of any public hearing to interested members of the public, which notice shall be paid for by the Permittee.
- (3) The Village Council, after full public hearing, and upon finding a material violation or failure to comply, may in its discretion terminate the Permit, or impose a lesser penalty than termination of the Permit, or excuse the violation or failure to comply upon a showing by the Permittee of mitigating circumstances or upon a showing of good cause of said violation or failure to comply as may be determined by the Village Council.

(d) Receivership. The Village shall have the right to terminate the Permit one hundred twenty (120) days after the appointment of a receiver, or trustee, to take over and conduct the business of the Permittee, whether in receivership, reorganization, bankruptcy, or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred and twenty (120) days or unless:

- (1) Within one hundred and twenty (120) days after his/her election or appointment, such receiver or trustee shall have fully complied with all the provisions of the Permit and remedied all defaults thereunder; and
- (2) Such receiver or trustee, within said one hundred and twenty (120) days, shall have executed an agreement, duly approved by the court having jurisdiction in the premises, whereby such receiver or trustee assumes and agrees to be bound by each and every provision of the Permit.
(Ord. 13-2011. Passed 6-27-11.)

907.14 RESERVATION OF RIGHTS.

(a) Nothing in this Chapter shall be construed to prevent the Village from constructing, maintaining, repairing or relocating any Village utility, communications or like facilities; grading, paving, maintaining, repairing, relocating or altering any street or Right of Way; or constructing, maintaining, relocating or repairing any sidewalk or other public work or improvement.

(b) Nothing in this Chapter should be construed so as to grant any right or interest in any Right of Way other than that explicitly set forth herein or in a Permit.
(Ord. 13-2011. Passed 6-27-11.)

907.15 STREET VACATION.

Unless pre emptied by state or federal law, in the event any street or Right of Way used by a Permittee or Franchisee shall be vacated by the Village during the term of any Permit granted pursuant to this Chapter, the Permittee shall, at the Permittee's expense, forthwith remove its facilities therefrom unless specifically permitted by the Village to continue the same or such continuance of use is permitted by state law, and upon the removal thereof, restore, repair, or reconstruct the area where such removal has occurred to a condition materially equivalent to that existing before such removal took place. In the event of failure, neglect or refusal of the Permittee after thirty (30) days written notice by the Village to remove the facilities or to repair, restore, reconstruct, improve or maintain such vacated area, the Village may, if in accordance with applicable law, do such work or cause it to be done, and the cost thereof as found and declared by the Village shall be paid by the Permittee as directed by the Village and collection may be made by any available remedy.
(Ord. 13-2011. Passed 6-27-11.)

907.16 TEMPORARY MOVEMENT OF FACILITIES.

In the event it is necessary temporarily to move or remove any of the Permittee's wires, cable, poles or other facilities placed pursuant to this Chapter, in order to lawfully move a large object, vehicle, building or other structure over the streets of the Village, upon five (5) days written notice by the Village to the Permittee the Permittee shall, at the expense of the Person requesting the temporary removal of such facilities, comply with Village's request.
(Ord. 13-2011. Passed 6-27-11.)

907.17 TRANSFER/ASSIGNMENT LIMITATIONS.

A permit granted hereunder may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the Permittee, by operation of law or otherwise, without the prior consent of the Village, which consent shall not be unreasonably withheld or delayed, as expressed by ordinance and then only on such reasonable conditions as may be prescribed therein. No transfer of the Permit shall be approved unless the assignee or transferee has the legal, technical, financial and other requisite qualifications to own a Permit pursuant to this Chapter. Unless otherwise provided in a Permit, the Permittee shall reimburse the Village for all direct and indirect fees, costs, and expenses reasonably incurred by the Village in considering a request to transfer or assign a Permit. Any transfer or assignment of a Permit without prior approval of the Village or pursuant to a Permit shall be void and is cause for revocation of the Permit. (Ord. 13-2011. Passed 6-27-11.)

907.18 PAVEMENT CUTS.

(a) No cuts shall be made in any paved street or alley within three years after the surfacing thereof, except as specifically authorized by the Village Administrator. At least ninety (90) days prior to the paving or resurfacing of any street or alley with concrete or asphaltic concrete or reconstruction of any brick street, property owners and all appropriate public utility agencies shall be notified of the paving, resurfacing and/or reconstruction to be done and advised that no pavement cuts shall be permitted for three years after such resurfacing, and/or reconstruction is completed except in cases of emergency, as approved by Village Administrator.

(b) In the event of an emergency, as required by law, or otherwise authorized pursuant to subsection (a), Permittees who make pavement cuts within three years after the surfacing thereof may be required by the Village to resurface the roadway for the entire distance between two intersections as determined by the Village Administrator. (Ord. 13-2011. Passed 6-27-11.)

907.99 PENALTY.

(a) In addition to any other penalties set forth in this Chapter, and the remedy of specific performance which may be enforced in a court of competent jurisdiction, the following penalties shall apply.

- (1) Any person or Permittee violating Sections 907.03(a) or 907.12(a), or failing to pay when due any forfeiture imposed pursuant to Section 907.99(a)(2), shall be guilty of a misdemeanor of the fourth degree. Each day such violation continues shall be deemed a separate offense.
- (2) For failure to comply with any provision of this Chapter, the penalty shall be a civil forfeiture, payable to the Village, in the amount of \$500.00 per day for each day of violation. In addition, for failure to timely comply with a Notice by Village Administrator to remove or rearrange facilities pursuant to Section 907.07(a)(4), an additional civil forfeiture equal to any costs incurred by the Village as a result of such failure, including but not limited to any penalties charged the Village by its contractors occasioned thereby, shall be imposed.

(b) Any Permittee may be excused for violations of this chapter and its right-of-way permit due to Force Majeure. (Ord. 13-2011. Passed 6-27-11.)

CHAPTER 921
Sewer User Charges

921.01	Purpose.	921.07	Disconnection or reconnection.
921.02	Sewer funds.	921.08	Review of charges.
921.03	Rates and charges.	921.09	Revision of rates.
921.04	Billing.	921.10	Fiscal management.
921.05	Other charges by agreement.	921.11	Facilities management.
921.06	Changes of address or ownership.	921.12	Definitions.

CROSS REFERENCES

Assessment - see Ohio R.C. Ch. 729
Sewerage rates - see Ohio R.C. 729.49

921.01 PURPOSE.

(a) It is the purpose of this chapter to establish guidelines, policies, procedures, rates and penalties for the safe, efficient, and sound fiscal operation of the wastewater collection and transfer system owned by the Village of Shawnee Hills. This regulation is required to comply with the requirements of the United States Environmental Protection Agency and the Ohio Environmental Protection Agency and the City of Columbus contractual agreement.

(b) The Sewer Use Regulation is intended to protect and preserve the physical integrity of the sewage collection and transfer system.

(c) The User Charge System is intended to ratably recover from the classes of sewer system users the costs of operation, maintenance, capital debt, repair, replacement and reasonable contingencies.

(d) The Industrial Pretreatment Regulation is intended to establish guidelines and standards necessary for the control of industrial waste discharged into the Village sewage disposal system in order to prevent the introduction of pollutants into the wastewater system which could upset the normal operation. (Ord. 12-2001. Passed 9-10-01.)

(e) We hereby adopt the City of Columbus Code Section 1147.01 through 1147.99 and 1145.01 through 1145.99 and all future amendments and revisions thereto. The Village hereby adopts the City of Columbus Clean River Fund formula for determination of each sewer user's allocated fees of the Fund charges as follows:

All properties having impervious area within the Village will be assigned an equivalent residential unit (ERU), or a multiple thereof, with all properties having impervious area receiving at least one (1) ERU.

- (1) Residential properties. All residential properties will be assigned one (1) ERU. A flat rate will apply to all residential properties.
- (2) Non-residential properties. Non-residential properties will be assigned an ERU multiple based upon the properties' individually measured impervious area (in square feet) divided by two thousand (2,000) square feet (one (1) ERU). This division will be calculated to the first decimal place and rounded according to mathematical convention.

This fee shall be charged monthly to all Village sewer users.
(Ord. 20-2007. Passed 5-21-07.)

(f) In the event of any discrepancy between the two codes, the more restrictive code shall be enforced. (Ord. 12-2001. Passed 9-10-01.)

921.02 SEWER FUNDS.

(a) The revenues collected, as a result of the user charges levied for sewer service, shall be deposited in a non-lapsing fund known as the Sewer Operating Fund. A portion of the revenue shall be set aside in a separate Replacement Fund for replacement of equipment of the sewer system. The amount shall be determined once each year for the fund.

(b) Fiscal year end balances in the operating funds shall be used for no other purposes than those designated. Monies which have been advanced from other sources to meet temporary shortages in the operating funds shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the advanced monies will be returned to their respective accounts within six months of the fiscal year in which the monies were borrowed.

(Ord. 12-2001. Passed 9-10-01.)

921.03 RATES AND CHARGES.

(a) Potable Water User Charge. The Village will not provide free service to anyone. Each Potable Water User shall pay for the sewer service provided by the Village of Shawnee Hills based on water use as determined by Del-Co Water Company, Inc. The monthly sewer service charge for each user shall be based on the cost of water usage, operation cost, maintenance and repair (OMR), debt service (DSC), and any applicable sewer surcharge rate (SSR). Each month, each Potable Water User shall pay the following:

A flat fee of \$10.74 + \$0.69 for every 100 gallons of water used (as read and recorded by Del-Co Water Company) + a flat fee of \$23.56 (DSC) + \$2.25 per ERU + any applicable SSR

(b) Well Water User Charge. The Village will not provide free service to anyone. Each Well Water User shall pay for the sewer service provided by the Village of Shawnee Hills. The monthly sewer service charge for each user shall be based on the cost of water usage, operation cost, maintenance and repair (OMR), debt service (DSC), and any applicable sewer surcharge rate (SSR). Each month, each Well Water User shall pay the following:

A flat fee of \$34.89 + a flat fee of \$23.56 (DSC) + \$2.25 per ERU + any applicable SSR

(c) Sewage Surcharge Rate (SSR). SSR shall be the base rate per EDU plus 15% or the proportionate rate for payment of the cost to treat wastewater discharges containing concentrations of BOD and SS higher than those expresses in the definition of normal domestic wastewater shall be based upon Section 1147.07 through 1147.11 of the Columbus City Code and all future amendments.

$$\text{SSR-BOD or SSR-SS} = C \times D$$

Where C = Additional pounds of BOD or SS

D = Current cost per pound to treat normal BOD, SS loads of TKN (cost per pound as shown in Section 1147.11 outside City total charge).

(d) Upon written notification to the Village of excessive water usage (i.e. filling a swimming pool, routine lawn watering, or other outside water usage), the Village will use the prior six month history from October thru March to determine whether to credit the Potable Water User for the excess water usage. If there is no history for those six months the Village will base the usage on 3500 gallons per month.

(e) Any user who discharges to the sanitary sewer system any substance which singly or by interaction with other substances causes identifiable increase in the cost of operation, maintenance or replacement of the sewage treatment facilities, shall pay for such increased costs. The charge to each such user shall be determined by the appropriate financial personnel and approved by the Village Administrator.

(f) When either or both the total suspended solids and the BOD of a water or a waste accepted for admission to the system exceeds the values of their constituents for normal domestic sewage, the excess concentration in either or both, as the case may be, shall be subject to a surcharge based on the cost per pound to remove the excess quantity of each constituent. In addition to the surcharge, the user will pay the user charges as defined in other sections of this section.

(g) In addition to a surcharge on BOD and suspended solids, the Village shall have the right to surcharge any user for the discharge of any pollutant into the sewage system or for any other reason deemed necessary and appropriate, such as excessively high rates of discharge.

(h) The Village shall have the right to gain access to the wastestream from any establishment and take its own samples.

(i) The user charge rates established in this section apply to all users in the service area of the Village of Shawnee Hills' sanitary sewer system.

(j) Any cost to establish the extra strength user's rate shall be borne solely by the user.
(Ord. 26-2016. Passed 11-28-16.)

921.04 BILLING.

(a) All users shall be billed monthly. Billing for any particular month shall be made within ten days after receipt of the billing information from Del-Co Water Company, Inc. Payments are due within thirty days of the billing date. Any payment not received within thirty days of the billing date shall be considered delinquent. (Ord. 26-2016. Passed 11-28-16.)

(b) Bills shall be mailed to the owner of the property as indicated on the application at the mailing address of the owner unless the owner shall, in writing, request the bill be sent to a different mailing address of the owner. Except as provided below, bills shall not be sent to a lessee of the property. In the case where the land is separately owned from the building, the bill shall be sent to the mailing address of the owner of the building. The property owner shall be responsible for all sewer related charges incurred at the property including but not limited to all monthly bills, late fees, penalties, collection fees, disconnection and reconnection charges and interest charges on assessments.

(c) Checks and money orders shall be made payable to the Village of Shawnee Hills.
(Ord. 12-2001. Passed 9-10-01.)

(d) Payments sent by mail and postmarked by the due date and received at the Village Office by 4:00 p.m. of the first business day following the due date shall not be assessed a late penalty. If the due date falls on a Sunday or Holiday, the payment must be postmarked no later than the following business day and received at the Village office by 4:00 p.m. on the second day following the Sunday or Holiday. (Ord. 12-2009. Passed 6-22-09.)

(e) A late payment penalty of ten percent (10%) of the user charge will be added to each delinquent bill. When any bill is more than sixty (60) days in default, sewer service to such premise may be discontinued until such bill is paid. The full amount due plus any reconnection fee must be paid in order for service to be resumed.
(Ord. 7-2005. Passed 8-22-05.)

(f) Penalties for a late payment will not exceed more than 10% of the yearly user charge per year. However, if a bill remains unpaid for more than one (1) year (365 days) an additional charge of 1.5% per month on any outstanding amount will be assessed until the bill is current.

(g) If a bank should return a check for insufficient funds, the account will be subject to an insufficient funds charge equivalent to the bank charge plus \$5.00. If a person has two checks returned for insufficient funds within a calendar year, the Village may require all future payments to be made in cash or money order. Upon the claim of a person that the return of a check for insufficient funds was a bank error, the Village may waive an insufficient funds charge and/or accept payment by check if the bank supplies adequate documentation of its error.
(Ord. 12-2001. Passed 9-10-01.)

(h) Generally, a user should contact the Village Administrator if he/she fails to receive a bill by the 20th day of the month. Upon a claim that a bill was not received:

- (1) If the Village records demonstrate the bill was mailed to the last reported address, the user shall be responsible for timely payment of the bill.
- (2) If the Village records demonstrate the bill was not mailed to the last reported address, the Village Administrator may either:
 - A. Issue a new bill due ten (10) days from the date of mailing, or
 - B. Add the unpaid charges to the following month's bill without penalty.

(Ord. 26-2016. Passed 11-28-16.)

(i) In utilizing the U.S. Postal Service for delivery of their payment of a sewer service charge, users assume responsibility for any failure of the U.S. Postal Service to deliver the payment to the Board or Administrator. Accordingly, the Board or Administrator shall not waive payment penalties for any person claiming that the U.S. Postal Service failed to deliver a payment.

(Ord. 12-2001. Passed 9-10-01.)

(j) EDITOR'S NOTE: Former subsection (j) hereof was repealed by Ordinance 26-2016.

(k) Billing for new service shall begin upon the owner and/or builder receiving occupancy permit. (Ord. 26-2016. Passed 11-28-16.)

(l) EDITOR'S NOTE: Former subsection (l) hereof was repealed by Ordinance 26-2016.

(m) Any unpaid billings, together with accrued penalties, may be annually certified to the County Auditor, pursuant to Ohio R. C. 735.29, who shall place such delinquencies upon real property tax duplicate for the property receiving sewage service. Such delinquencies shall be a lien upon the property from the date the delinquency is placed upon the real property tax duplicate and shall be collected in the same manner as other real estate taxes. Failure to pay delinquencies certified may result in a foreclosure on the property by the County Prosecutor. This part shall be in addition to any and all other collection remedies provided by law including an action in Small Claims Court. (Ord. 12-2009. Passed 6-22-09.)

921.05 OTHER CHARGES BY AGREEMENT.

The Board or Administrator may, in special cases, establish additional charges for wastes of unusual strength or compositions which are accepted for treatment. (Ord. 12-2001. Passed 9-10-01.)

921.06 CHANGES OF ADDRESS OR OWNERSHIP.

(a) Upon the change of his or her mailing address, an owner of property served by the sewage disposal system shall inform the Board or Administrator, in writing, of the change. Failure to inform the Board or Administrator of a change of address shall not excuse an owner from any payment penalties incurred because of the failure to report an address change.

(b) Prior to the sale of a property, the present owner shall contact the Board or Administrator to arrange for a pro-ration of the final bill. The final bill shall be sent to the mailing address specified by the present owner. Failure of a previous owner to comply with this part shall not excuse the new owner from responsibility for any and all delinquencies certified pursuant to the Ohio Revised Code Section 735.29, current charges or penalties remaining unpaid by the previous owner.

(c) Prior to the sale of a property, the purchaser shall contact the Board or Administrator to arrange for a pro-ration of the first bill and to inform the Board or Administrator of the mailing address of the new owner. Failure to comply with this part shall not excuse the new owner from responsibility for any and all delinquencies certified pursuant to the Ohio Revised Code Section 735.29, current charges or penalties remaining unpaid by the previous owner.

(d) When any building or property receiving sewer service is sold or otherwise changes ownership, the Board or Administrator may require testing to determine if discharges other than those allowed by this document are being directed into the wastewater system. Colored dye, smoke, or other testing methods approved by the Board or Administrator will be used. If nonpermitted discharges are found, the owner has 90 days to correct the noncompliant condition unless specific action by the Board or Administrator extends the period for correction.

(Ord. 12-2001. Passed 9-10-01.)

921.07 DISCONNECTION OR RECONNECTION.

(a) Upon certification of the appropriate Governmental Agency a user may request the Board or Administrator to disconnect a building from the sewage disposal system. Upon such request, the Board or Administrator shall remove or close the sewer connections and/or remove any publicly owned equipment.

(b) Thereafter the owner of the premises shall not allow the building to be utilized for human occupancy as a residence or place of employment and the Board or Administrator shall not bill for sewer service. Violation of this will subject the owner to the mandatory connection provisions of this regulation and Ohio law.

(c) A person or subsequent owner of a property disconnected who disconnects from the sewage disposal system may later request to be reconnected. Upon approval by the Board or Administrator, the Board or Administrator shall reopen the sewer connections and/or replace publicly owned equipment.

(d) The owner or representative shall be present at the time of disconnection or reconnection in order to provide necessary access to electrical and plumbing facilities.

(e) The owner will be charged a fee equal to the cost of disconnection and/or reconnection along with any necessary construction costs. This cost is to be paid to the Village before any work is performed. (Ord. 12-2001. Passed 9-10-01.)

921.08 REVIEW OF CHARGES.

(a) Any user who feels his user charges are unjust and inequitable may make written application to the Board or Administrator requesting a review of his user charges. Said written request shall, where necessary, show the actual or estimated water usage and/or wastewater strength in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

(b) Review of the request shall be made by the Board or Administrator and, if substantiated, the user charges for that user shall be recomputed based on the revised water usage and/or strength data and the new charges shall be applicable to the next billing cycle/period.

(Ord. 12-2001. Passed 9-10-01.)

921.09 REVISION OF RATES .

(a) The Village of Shawnee Hills will review the user charges (rate schedules) quarterly and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of debt retirement, operation and maintenance, including replacement, and that the sewer system continues to provide the proportional distribution of operation, maintenance, and replacement costs among users and user classes.

(b) Following approval by Council, the BPA Clerk or Village Clerk will notify every user of the adjusted rate being charged for sewer service and that portion of the sewer service charge which is attributable to operation, maintenance, and replacement of the sewer treatment facilities. (Ord. 12-2001. Passed 9-10-01; Ord. 12-2009. Passed 6-22-09.)

921.10 FISCAL MANAGEMENT.

(a) The Wastewater Facilities User Charges shall be established by such ordinances adopted by the Council, signed by the Mayor and attested to by the Village Clerk. The adopted user charges along with the previous year's expense records will be used to determine the upcoming fiscal year budget for the operation, management, maintenance, replacement, and debt service for the wastewater facilities. The user charges shall be adjusted as deemed necessary to provide sufficient fund for the budgeted expenses and debt service.

(b) The Board or Administrator is required to manage and operate the sanitary sewer system in accordance with the provisions set forth herein. The Board or Administrator will provide the estimated probable expenses for the facility's operation and maintenance over the next year for the development of annual budgets. The Village BPA Clerk or Village Clerk will be responsible for the billing of and subsequent collection of monthly service, use charges, and capacity fees. The Village Clerk and the Board or Administrator, will also prepare the annual wastewater facilities budget in regards to anticipated revenues and required debt service and facilities replacement fund accounts. The balanced budgets will then be submitted to the Village Council for approval.

(Ord. 12-2001. Passed 9-10-01; Ord. 12-2009. Passed 6-22-09.)

(c) All supplies and/or services for the wastewater facilities, which necessitates the utilization of vendors, consultants, and contractors, shall be approved by the Board or Administrator. Funds for these supplies and/or services shall be certified by the Board or Administrator and the Village Clerk/Treasurer prior to entering into agreements with those businesses.

(d) The Village Clerk/Treasurer will be responsible for maintaining the wastewater facilities financial records in an orderly fashion. A filing system and billing/accounting system will be established by the BPA Clerk or Village Clerk and the Board or Administrator prior to start-up. The BPA Clerk or Village Clerk will prepare and distribute all necessary quarterly and annual reports to the applicable governmental agencies. The wastewater facilities budget will be submitted to USDA/Rural Development for approval prior to the beginning of each fiscal year. All audits performed by the State Auditor's Office will be performed in accordance with generally accepted government auditing standards. Audit reports will be distributed to all necessary governmental agencies and all records of the Village will be open to inspection by the applicable governmental agencies.

(e) The overlying responsibility for the fiscal control, budget preparation, and maintenance of insurance and bonds remain with the Board of Public Affairs or Village Administrator. (Ord. 12-2001. Passed 9-10-01.)

921.11 FACILITIES MANAGEMENT.

(a) The Board or Administrator shall be responsible for the ongoing operation and maintenance of the Shawnee Hills facilities, in accordance with all Federal, State and local requirements. The responsible operator shall complete, sign, and submit all necessary governmental agency reporting for the operation of the facilities which will include monthly and annual NPDES permit requirements.

(b) The Village shall be responsible for the implementation of and enforcement of the Sewer Use Regulations. The Board or Administrator will be supported in the performance of these duties by the necessary maintenance personnel. The maintenance personnel or duly authorized representative of the Village may perform many of the routine duties involved in the operation and maintenance of the wastewater facilities including, but not limited to, sewer cleaning and repairs, equipment maintenance, and facility operation.

(c) The Board or Administrator shall be responsible for the proper operation and maintenance of the sanitary sewer system. All routine and non-routine maintenance and repair work performed on the collection and transfer facilities, including but not limited to, sewer line and manhole repairs, pump station repairs and force main repairs shall be paid by the Village on the basis agreed to in the Wastewater Facilities Management Agreement. (Ord. 12-2001. Passed 9-10-01.)

921.12 DEFINITIONS.

(1) "Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

(2) "Applicable pretreatment standard" means pretreatment limit or prohibitive standard (federal and/or local), deemed to be the most restrictive, with which non-domestic users are required to comply.

(3) "Approval authority" means the Ohio Environmental Protection Agency and the United States Environmental Protection Agency.

(4) "Authority" means the Village of Shawnee Hills acting through its designated representative for all areas in Delaware County included in the respective sewer district tributary to the Authority's WWTP.

- (5) “Authorized representative of industrial user” means:
- A. A principal executive officer of at least the level of vice president, if the industrial user is a corporation;
 - B. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
 - C. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.
- (6) “Average monthly discharge limitation” means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during the month.
- (7) “Average weekly discharge limitation” means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
- (8) “Beneficial uses” include, but are not limited to, domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife, and other aquatic resources or reserves, and other uses both tangible and intangible, as specified by state or federal law.
- (9) “Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)). Laboratory procedures shall be in accordance with the latest edition of Standard Methods.
- (10) “Building drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the sewer, terminating outside the inner face of the building wall.
- (11) “Building sewer” means the extension from the building drain to the municipal sewer or other place of disposal.
- (12) “Capacity charge” means the charge levied on new users in the system to help fund future POTW expansions as the new users reduce existing plant growth capacity. The capacity charge is based on the EDU of the new user at the rate in effect at the time of permit application.
- (13) “Capital cost” means that portion of the cost of the sewage treatment system which is directly attributable to the cost of principle and interest obligations issued to finance acquisition and construction of the wastewater system.
- (14) “Carbonaceous biochemical oxygen demand (CBOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter not including Nitrification under standard laboratory procedure in five (5) days at 20 degrees Centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)). Laboratory procedures shall be in accordance with the latest edition of Standard Methods.
- (15) “Chemical oxygen demand (COD)” means quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedures, expressed in terms of parts per million by weight in accordance with procedures set forth in the latest edition of Standard Methods.

(16) “Chlorine requirement” means the amount of chlorine, in parts per million by weight, which must be added to sewage to produce a specified residual chlorine content, or to meet the requirements of some other objectives, in accordance with procedures set forth in the latest edition of Standard Methods.

(17) “Combined sewer” means a sewer intended to receive both wastewater and storm or surface water.

(18) “Commercial user” means any aggregation of space, office, laundry, restaurant, stores, taverns, shops, and other like units, which is equipped with one or more water fixtures draining into the wastewater disposal system, separate and distinct from other users of service. In office buildings or other premises containing more than one tenant, only those tenants shall be classified as users of service who occupy space equipped with a distinct opening or fixture or set of fixtures for the use of water separately from other tenants and with waste draining into the water disposal system.

(19) “Compatible pollutant” means the BOD, SS, pH, and fecal coliform bacteria, plus additional pollutants identified in the Authority’s NPDES permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.

(20) “Composite sample” means a sample which contains a minimum of eight discrete samples taken at equal time intervals over the composting period or proportional to the flow rate over the composting period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable.

(21) “Control manhole” means a structure which provides access to a building sewer. A control manhole may be used as an inspection chamber and may contain certain testing equipment.

(22) “Cooling water” means the water discharge from any use such as air-conditioning, cooling, or refrigeration, or during which the only constituent added to the water is heat.

(23) “Daily discharge” mean the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar for purposes of sampling.

(24) “Debt service charges” means charges resulting from the capital investment in wastewater system consisting of the annual principal and interest payments and other amounts required in connection with the issuance and sale of bonds to provide the funds for construction.

(25) “Easement” means an acquired legal right of the specific use of land owned by others. (Ord. 12-2001. Passed 9-10-01.)

(25.1) “Equivalent Residential Unit (ERU)” is a value, equal to two thousand (2,000) square feet of impervious area of residential properties within the Village of Shawnee Hills. (Ord. 20-2007. Passed 5-21-07.)

(26) “EPA or U.S. Environmental Protection Agency” means the United States Environmental Protection Agency and may also be used, where appropriate, as a designation for the administrator or other duly authorized official of such agency.

(27) “Equivalent Dwelling Unit (EDU)” means measurement of a home equivalent based upon a flow rate of 175 gallons per day. Homes, trailers, cottages and other single residential structures shall be considered as 1 EDU each regardless of flow rate. Multi-unit residential dwellings shall be considered as 1 EDU per unit.

(28) “Ether-soluble matter” means oil and grease which is soluble in ether, as measured in the laboratory procedure made in accordance with the method set forth in Standard Methods.

(29) “Fecal coliform” means any number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

(30) “Flotable 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.

(31) “Foundation drains” means subsurface drains laid around the foundation of a building, either within or outside of the building foundation, for the purpose of carrying ground or subsurface water to some point of discharge.

(32) “Garbage” means the residue from the preparation and dispensing of food, and from the handling, storage, and sale of produce.

(33) “Government user” means any user discharging wastewater from premises utilized by public political units, including Federal, State, County, and Authority units.

(34) “Grab sample” means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(35) “Grease and oil” refers to a group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during the laboratory test procedures. Greases and oils are defined by the method of their determination in accordance with Standard Methods.

(36) “Grease and oil of animal and vegetable origin” means substances that are of a less readily biodegradable nature such as are discharged by meatpacking, vegetable oil, and fat industries, food processors, canneries, and restaurants.

(37) “Grease and oil of mineral origin” means substances that are less readily biodegradable than grease and oil of animal or vegetable origin, and are derived from a petroleum source. Such substances include machinery lubricating oils, gasoline station wastes, petroleum refinery waste, and storage depot wastes.

(38) “Ground garbage” means the residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

(39) “Incompatible pollutant” means any pollutant which is not a compatible pollutant as defined herein.

(40) “Industrial user” means a person who discharges to the Authority’s wastewater disposal system liquid, solid, or gaseous wastes resulting from the process employed in industrial or manufacturing activities, or from the development, recovering, or processing of any natural resource. Industrial users are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, under Divisions A, B, D, E, and I.

(41) “Industrial waste” means any liquid, solid, or gaseous substance or form of energy, or combination thereof, resulting from any process of industrial, commercial, governmental and institutional concerns, manufacturing, business, trade, or research, including the development, recovery, or processing of natural resources, or from sources other than those generating waste defined as “Normal Domestic Sewage” herein.

(42) “Industrial waste permit” means a formal permit to deposit or discharge industrial waste into any sanitary sewer, as issued by the Authority.

(43) “Infiltration” means water other than wastewater that enters a sewer system (including building sewer connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

(44) “Inflow” means water other than wastewater that enters a sewer system from sources such as , but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

(45) “Influent” means the water, together with any waste that may be present, flowing into a drain, sewer, receptacle, or outlet and then to the sewage treatment plant.

(46) “Inspection fee” shall be the amount charged by the Authority to inspect and issue a permit for new users to verify proper construction procedures and materials.

(47) “Institutional user” means any person discharging wastewater from premises serving educational, social, or eleemosynary purposes, including, but not limited to, private schools, hospitals, nursing homes, churches and charitable organizations.

(48) “Interference” means inhibition or disruption of the sewage treatment processes or operations which contributes to a violation of any requirements of the Authority’s NPDES permit. The term includes prevention of sewage sludge use or disposal by the treatment plant in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criterial, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or more stringent state criterial (including those contained in any State sludge management plan prepared pursuant to Title IV or the Solid Waste Disposal Act) applicable to the method of disposal or use employed by the Authority.

(49) “Major contributing industry” means any user of the Authority’s wastewater disposal system which (1) Has a disposal flow of 25,000 gallons per average workday, or (2) Has a flow greater than five percent (5%) of the flow in the Authority’s wastewater disposal system, or (3) Has its wastes toxic pollutants as defined pursuant to Section 307 of the Act, or (4) Has significant impact, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system’s effluent quality, or air emissions generated by the system.

(50) “Maximum daily discharge limitations” means the highest allowable daily discharge.

(51) “National Categorical Pretreatment Standard” means any regulation containing pollutant discharge of limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(52) “National Pollutant Discharge Elimination System (NPDES) permit” shall be issued by the State of Ohio or EPA pursuant to the Act for the purpose of regulating the discharge of sewage, industrial wastes, and other wastes under the authority of Section 402 of the Act, into the navigable waters of the United States.

(53) “Natural outlet” means any outlet into a water course, pond, ditch, lake, or other body of surface or ground water.

(54) “New source” means any source of wastewater, the construction of which is commenced after the publication of regulations prescribing an applicable Section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard is promulgated in the Federal Register.

(55) “Nonresidential user” means commercial, governmental, institutional, and industrial users in the aggregate and all other users not considered under the residential user category.

(56) “Normal domestic sewage” means wastewater that has a BOD concentration of not more than 370 mg/l and a suspended solid concentration of not more than 270 mg/l and discharged principally from dwellings such as residences, apartments, trailers, etc.

(57) “NPDES” See National Pollutant Discharge Elimination System Permit.

(58) “On-lot system” means a publicly owned grinder pressure pump system located on public and/or private property together with all electrical connections and appurtenances thereof. The public system begins at and includes the septic tanks inlet.

(59) “Operation and maintenance costs” means the current, reasonable and necessary costs of operation and maintenance of the wastewater disposal system, paid or incurred, determined in accordance with generally accepted accounting principles, including replacement costs, but excluding payments of principal and of interest on obligations issued to finance the costs of acquisition and construction of the treatment works.

(60) “Parts per million (ppm)” means a weight-to-weight ratio. The parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water. Milligrams per liter (mg/l) is a synonymous term.

(61) “Person” means any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, partnership, copartnership, joint stock company, trust, association, institution, enterprise, governmental agency, the State of Ohio, the United States of America, or other legal entity, or their representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(62) “pH” means the logarithm, base ten, of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in Standard Methods.

(63) “Pollutant” means the dredged spoil, solid waste, incinerator residue, wastewater, garbage, wastewater sludge, munition, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, commercial, domestic, and agricultural waste discharged into water.

(64) “Pollution” means an alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for beneficial uses or facilities which serve such beneficial uses. Pollution is the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(65) “POTW” See Publicly Owned Treatment Works.

(66) “Premises” means any piece of real estate having one or more sewers which may be connected either individually or through a common sewer and directly or indirectly to the wastewater disposal system.

(67) “Pretreatment” means the process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater prior to introducing such pollutants into the Authority’s wastewater disposal system. The reduction, elimination, or alteration may be obtained by physical, chemical, or biological processes, process changes or other means, except as prohibited by this chapter.

(68) “Pretreatment requirements” means any substantive or procedural requirements related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

(69) “Private on-site treatment facilities” means any private sewage treatment facilities located at the site where wastewater is being generated, when such facilities are for the purpose of treating or pretreating the generated wastewater before it enters the public sewer.

(70) “Properly shredded garbage” means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely, under the conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

(71) “Public sewers” means a sewer provided by or subject to the jurisdiction of the Authority on public or private property. It also includes sewers within or outside the Authority boundaries that serve one or more persons and ultimately discharge to the Authority sanitary sewer system, even though these sewers may not have been constructed with Authority funds.

(72) “Publicly Owned Treatment Works (POTW)” means all publicly owned (Authority owned) facilities for the collection, treatment, and disposal of wastewater.

(73) “Receiving stream” means the watercourse, stream, or body of water receiving the waters finally discharged from the wastewater treatment plant.

(74) “Reimbursable expenses” means those costs incurred by the Authority which are passed on to the users of the POTW on whose behalf the expenses were incurred. Included will be such items as sampling costs and laboratory fees.

(75) “Replacement” means any expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. Also known as “equipment replacement costs.”

(76) “Residential user” shall be any aggregation of space or area occupied as a residence and generating domestic wastewater. In multi-use premises, only those divisions of the building utilized as domicile will be considered residential users.

(77) “Sanitary sewer” means a gravity or pressure sewer which carries wastewater and to which storm, surface, and groundwaters are not intentionally admitted.

(78) “Service area” means all users connected with the treatment works including those in Delaware County and outside of the Ostrander Village corporation limits.

(79) “Sewage” means the water-carried human, animal, and household wastes in public or private drain, and may include industrial wastes and unintentional groundwater infiltration and surface drainage.

(80) “Sewage disposal system” means all facilities for collecting, pumping, treating, and disposing of sanitary sewage to and through the sewage treatment or disposal works or extensions thereof. This shall not including plumbing inside or in connection with building services or service sewers from a building to the publicly owned sewer connection.

(81) “Sewage treatment plant” means an assemblage of devices, structures, and equipment for treatment of sewage and industrial wastes.

(82) “Sewer” means a pipe or conduit for carrying wastewater.

(83) “Sewerage” means the system of sewers and appurtenances for the collection, transportation, and pumping of sewage and industrial wastes.

(84) “Sewer service charge” means an imposed charge upon all users receiving services from the Authority’s sewage disposal system in a total amount sufficient to pay the costs of the system. Sewer service charges consist of a debt service charge, an operation and maintenance charge, a surcharge (if applicable).

(85) “Shall”, “may” “shall” is mandatory, “may” is permissible.

(86) “Sludge” means any solid, semi-solid, or liquid waste generated by a public, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects as defined in standards issued under Sections 402, 405 and of the Act and in the applicable requirements under Sections 3001, 3004, and 4004 of the Solid Waste Disposal Act (PL 94-580).

(87) “Slug” means any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of longer duration than fifteen minutes more than five times its average hourly concentration or flow. (Ord. 12-2001. Passed 9-10-01.)

(87.1) “Square footage of impervious area” means, for the purpose of assigning an appropriate number of ERUs to a parcel of real property, the square footage of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square footage, without regard to topographic features of the enclosed surface. (Ord. 20-2007. Passed 5-21-07.)

(88) “Standard Industrial Classification (SIC)” means the system that classifies industries pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, assigning a code (SIC Code) denoting the manufacturing process.

(89) “Standard methods” means the laboratory procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage, and Industrial Wastes, published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.

(90) “Storm sewer or storm drain” means a public or private sewer and public ditch which carries storm, surface, and groundwater drainage, but excludes sewage and industrial wastes.

(91) “Stormwater runoff” means that portion of rainfall that is drained into the storm sewers.

(92) “Surcharge” means the assessment 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.

(93) “Suspended Solids (SS)” means solids that either float on the surface of, or are in suspension or will settle in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in Standard Methods.

(94) “Total solids” means the sum of suspended and dissolved solids.

(95) “Toxic solids” means concentrations of any pollutant or combination of pollutants which, upon exposure to or assimilation into any organism, will cause adverse effects such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of the Act.

(96) “Treatment plant”. See “Sewage Treatment Plant”.

(97) “Unpolluted water or unpolluted liquid” means any water or liquid containing none of the following: free of emulsified grease or oil; acids or alkalides; substances that may impart taste, odor, or color characteristics; toxic or poisonous substances in suspension, colloidal state or solution; odorous or otherwise obnoxious gases. It shall not contain more than 2,500 parts per million by weight of dissolved solids and no more than ten parts per million each of Suspended Solids (SS) or biochemical oxygen demand (BOD). Analytical determinations shall be made in accordance with procedures set forth in Standard Methods.

(98) “Upset or operating upset” means an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth hereto due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

(99) “Useful life” shall mean the estimated period during which a treatment work will be operated.

(100) “User” means any property upon which an on-lot system has been constructed and is available for use whether or not it is actually connected to the building drain.

(101) “User charge” means that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation maintenance, and replacement of the wastewater treatment works.

(102) “User class” means a group of users that discharges, causes, or permits the discharge of wastewater with similar characteristics into the sewerage system. All users shall be classified as nonresidential (commercial, governmental, industrial and institutional) and residential users.

(103) “Volatile organic matter” means the material in the sewage solids transformed to gases or vapors when heated at 500 degrees Centigrade for 15 to 20 minutes per Standard Methods.

(104) “Wastewater” means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the Authority’s wastewater disposal system.

(105) “Wastewater Treatment Plant” (See Sewage Treatment Plant).

(106) “Watercourse” means a channel in which a flow of water occurs, whether continuously or intermittently.

(107) “Waters of the State” means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies of accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

(108) “Working capital” means a reasonable reserve of monies within the system operating fund to provide a margin of safety for fluctuations of the cash flow in the fund.

CHAPTER 925
Sewer User Regulations

925.01	Use of public sewers required.	925.06	Powers and authority of inspections.
925.02	Building sewers and connections.	925.07	Grievances and appeals.
925.03	Use of public sewers.	925.08	New service taps prohibited in floodplains or wetlands.
925.04	Limiting sewer connections.	925.99	Penalty.
925.05	Protection from damage.		

CROSS REFERENCES

Power to construct sewerage system - see Ohio R.C. 715.40, 717.01
 Compulsory sewer connections - see Ohio R.C. 729.06
 Management and control of sewerage systems - see Ohio R.C. 729.50
 Untreated sewage - see Ohio R.C. 3701.59

925.01 USE OF PUBLIC SEWERS REQUIRED.

(a) The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the Village and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary sewer of the Village, is hereby required at his expense to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provision of this chapter within ninety (90) days after the date of official notice to do so, provided that said establishment is within 200 (two hundred) feet of the right of way line in which the public sewer is located.

(b) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool: or other facility intended for or used for the disposal of sewage or wastes of an objectionable nature.

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

(d) No person shall discharge to any natural outlet within the Village of Shawnee Hills, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the requirements of the Ohio EPA and/or local Health Department.

(e) If connection to sanitary sewer is not complete within 90 days after the date of official notice to do so, the Village shall then proceed to make such connection at the expense of the owner and assess it upon the property. After said 90 day period has elapsed, the Village shall charge the property owner the current sanitary sewer charge in affect and shall collect the same according to the regulations of the Village.

(f) At such time a public sewer becomes available to a property served by a private sewage disposal system, as provided herein, a direct connection shall be made to the public sewer in compliance with this regulation, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, unless otherwise approved by the Village or its duly authorized representative, and filled with sand or other suitable material at the time the connection to the public sewer is made and the owner shall comply with all applicable requirements of this chapter.

(g) The Village will require new lines to be installed by the property owner to a point that adequately meets the need to service the property. A temporary construction easement may also be required.

(h) Any costs associated with extending the lines from existing Village facilities to new construction shall be borne by the property owner connecting to the sewers.
(Ord. 12-2001. Passed 9-10-01.)

(i) The Village of Shawnee Hills is the exclusive provider of sanitary sewer services within the incorporated limits of the Village of Shawnee Hills.
(Ord. 22-2001. Passed 11-26-01.)

925.02 BUILDING SEWERS AND CONNECTIONS.

(a) No unauthorized person shall uncover, make connections to, or an opening into, use, alter, repair, or disturb any public sewer or appurtenance thereto without having first obtained a permit from the BPA Clerk or the Village Clerk , issued under the authority of this chapter. A sewer service connection to the public sewer may only be built by a person, firm or corporation authorized by the Village to do such work.

(b) An application on a form furnished by the Village, for a permit for a tap and inspection, shall be made to the Fiscal Officer of the Village. The Fiscal Officer is hereby authorized to grant such permit and to exact a fee based upon the domestic supply water meter size as follows:

SEWER CAPACITY CHARGE

<u>Diameter of Water Meter (inches)</u>	<u>City of Columbus</u>	<u>Village of Shawnee Hills</u>	<u>Inspection Fee</u>	<u>Total Cost</u>
0.75	3,044.00	1,306.00	100.00	4450.00
1.00	5,074.00	2,526.00	100.00	7700.00
1.50	10,147.00	4,053.00	100.00	14,300.00
2.00	16,236.00	6,514.00	100.00	22,850.00
3.00	32,472.00	12,028.00	100.00	44,600.00
4.00	50,737.00	20,013.00	100.00	70,850.00
6.00	101,475.00	40,025.00	100.00	141,600.00
8.00	162,360.00	60,040.00	100.00	222,500.00

- (1) In the event a meter is subsequently enlarged, the difference between the capacity charges for the two meter sizes shall be paid. No refunds of fees will be made.

- (2) Moneys received from the fees shall be deposited in a separate fund (sewer fund) and used for the payment of the costs to operate and maintain the system and to make capital improvements to the system.
- (3) There will be no sewer system capacity charges charged for fire suppression.
- (4) The one hundred dollar (\$100.00) inspection fee will not be waived. (Ord. 18-2005. Passed 12-12-05.)

(c) All costs and expenses incident to the installation and connection of a sanitary sewer to the Village lines shall be borne by the property owner. The owner shall indemnify and hold harmless the Village from any loss or damage that may be directly or indirectly occasioned by the installation of such sewer connection.

(d) The connection fee includes the cost of an inspection up to two (2) hours by the Village or its duly authorized representative. Should more than two (2) hours of inspection be required because of failure of the owner, his contractor, or authorized representative to install, repair, alter, or perform other work necessary to install the connection and service line in accordance with these regulations, an additional fee as established by the Village shall be charged for the time required to comply with these regulations. Such additional fees shall be paid prior to the final approval of the service line for which the permit was issued.

(e) In the event the Village ascertains that any property has been connected to the sewage system without a proper permit, the Village may disconnect such property until such violation ceases. In the event a property is disconnected and subsequently reconnected under this section, the owner shall be subject to the disconnection and/or reconnection charges provided herein. Such charges shall be added to the customer's sewer service bill.

(f) A separate and independent building sewer connection shall be provided for every building.

(g) Old or existing sewers may be used in connection with new buildings only when they are found on examination and tested by an authorized representative of the Village to meet the requirements of this chapter. This inspection will be at the owner's expense not to exceed the out of pocket cost of the Village. If there is an increase in water capacity then the Village will charge for the increased sewer capacity fee.

(h) The building sewer shall be constructed of a pipe not less than six (6) inches, internal diameter, and shall be as per the City of Columbus Construction and Materials Specifications Section 901, current edition, and also meeting the ASTM specifications using proper bends or curves for all changes in alignment or grade. All joints and connections shall be gasketed per ASTM specifications and shall be made gas-tight and water-tight. The Village or its duly authorized representative may require the sewer installer to demonstrate the tightness of the joints by such tests as deemed necessary and require additional jointing material or concrete collars at any or all joints.

(i) The building sewer shall have a minimum fall of one-fourth inch per linear foot of sewer from the building to the public sewer. The Village may, by special permission in each case authorize the building sewer to be constructed with a fall as little as one-eighth inch per linear foot if they determine such procedure to be necessary. The interior of each length of pipe shall be made perfectly clean from offsets, fins, and projections before the next length is connected thereto. The grade for building sewers shall be established by electronic equipment.

(j) Whenever possible, the sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid within five (5) feet of any bearing wall, which

might thereby be weakened. The depth shall be sufficient to afford protection from frost. The sewer shall be laid at uniform grade in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Under no conditions shall a 90 degree bend pipe fitting be installed into any public or private sanitary sewer line.

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

(l) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Village or its duly authorized representative. Where the base of the trench is uneven or stony, sand and/or gravel shall be used for bedding. No backfill shall be placed until the work has been inspected by an authorized representative of the Village.

(m) All joints and connections shall be made gas-tight and water-tight. All sewer joints shall be as specified under subsection (H) hereof. "Mission" or "Fernco" type flexible couplings may be acceptable in joining dissimilar materials, subject to approval by the Village.

(n) In the case of existing buildings the Village shall bring the service connection from the public sewer to a point within five feet of the private property line. For both existing structures and new construction, only contractors authorized by the Village may connect to the sanitary sewer system using approved materials after a permit is issued. No permit will be issued until an approved Certificate of Zoning Compliance is granted. The wyes and/or service connections shall be located at the convenience of the Village. The Village shall consider the requests of the property owners, but shall be the final authority as to location.

(o) An applicant for the building sewer permit shall notify the Village or its duly authorized representative at least two (2) business days in advance of when the building sewer is ready for inspection and connection to the public sewer. The connection shall not be made until approved by a duly authorized representative of the Village and under their supervision.

(p) All excavations for building sewer installations shall be adequately guarded with barricades, steel plates 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 to its prior condition or better in a manner satisfactory to the Village.

- (q) (1) All permits for sewer connections, whether made at the initial installation or subsequent to the operation of the system, shall be made on forms furnished by the Village; and shall be prepared in triplicate, one copy going to the property owner at the time of making the application and two copies being retained by the BPA Clerk or the Village Clerk.
- (2) All sewers shall be inspected and approved by the Village or its authorized representative after installation but before covering with backfill. The inspections shall be requested at least two (2) business days before the inspection is desired. Upon inspection, and after the inspector has satisfied himself that the installation has been made according to the requirements of this chapter, and that all possible sources of storm water have been eliminated from the sewer, he shall make a sketch of the installation on the form retained by the Village at the time the permit was issued and if such installation complies with the provisions of this chapter, shall sign the same, giving one copy to the property owner, and one copy shall be retained for the permanent files of the Village for its record. Only after the inspector has signed the permit may the service line be connected to the sewer and the trench filled.

(r) All vents shall be constructed so as to prevent foreign objects from being introduced into the sanitary sewers. Tees will not be permitted in any part of the sewer service connection. In order to protect the Village's sewer system, the plumbing for all buildings to be connected to the system shall be installed in accordance with the minimum requirements of the Health Department, and any applicable standards established by the State of Ohio. This requirement is primarily intended to apply to new building construction; however, the inspector or Board or Administrator may require corrective work on the plumbing systems of any existing buildings where serious violations of accepted good practices in plumbing are observed. Such corrective action shall be completed prior to connection of the building sewer from the affected structure to the Village sewer system.

(s) A means for rodding or examination of the building sewer, such as clean outs, shall be provided within five (5) feet of the point of entry to the building or in the judgement of the Village other access is available, the same may be acceptable.

(t) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sewer system.

(u) Building sewers shall not be constructed closer than five (5) feet to any exterior wall, cellar, basement, or cistern nor shall they have less than three (3) feet of earth or stone cover.

(v) Where the building sewer will cross unstable soil or close to a tree where roots may enter the joints, extra cast iron pipe may be required. PVC pipe meeting AWWA C-900 standard or cast iron pipe shall be required when the building sewer is within ten feet of a water service line, well, spring, cistern or other sources of water supply.

(w) The permit holder will be required to repair or restore any drains, tile or service lines damaged or disturbed by him during the construction of the building sewer to the satisfaction of the Village or its duly authorized representative.

(x) Following construction of a building sewer, the property owner shall own, maintain, repair or replace the building sewer from the building foundation to the publicly owned sewer.

(y) If the Village receives a service call for a property to investigate a sewage backup and performs services to clean a building sewer for which the owner is responsible, the Village shall charge the owner for labor, material and equipment costs incurred. Such charges may be placed on the owner's sewer service bill.

(z) Building sewers and connections shall meet the requirements of this ordinance and Exhibit I attached herewith. The materials and/or equipment used during construction shall conform to the applicable ASTM specifications as directed by the Village.
(Ord. 12-2001. Passed 9-10-01.)

925.03 USE OF PUBLIC SEWERS.

(a) No person, firm or corporation shall cause any connection to be made to the sanitary sewers of the Village of Shawnee Hills for the purpose of disposal of any wastes other than sanitary or industrial wastes. It shall be the duty of any inspector appointed by the Village to determine that none of the above excluded wastes or waters are being disposed of into the sanitary system. The provision of the City of Columbus Chapters 1145 and 1147 shall govern the use of public sewers within the Village of Shawnee Hills

(b) No person shall discharge or cause to discharge any storm water, surface water, ground water, roof run-off, sub-surface drainage, or unpolluted industrial process waters to any sanitary sewer.

(c) 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.

(d) No person shall discharge or cause to be discharged any waters or wastes into any public sewers as described in the City of Columbus Code 1145.20 – 1145.29 and any future amendments.

- (e) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substance or possess the characteristics which, in the judgement of the Village, may, have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:
- (1) Reject the Wastes
 - (2) Require pretreatment to an acceptable condition in accordance with guidelines adopted herein for discharge into the public sewers.
 - (3) Require control over quantities and rates of discharge
 - (4) Require payment to cover the added cost of handling and treatment of the wastes not covered by existing taxes or sewer charges
- (f)
- (1) Grease, oil and sand interceptors shall be provided when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing grease in harmful amounts, or any flammable wastes, sand and other harmful or excessive ingredients except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village, shall be located as to be readily and easily accessible for cleaning and inspection. Maintenance and cleaning of such units shall be done by and at the cost of the person or firm contributing the waste involved.
 - (2) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight. When installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

- (3) All Commercial businesses shall provide a sampling manhole between the structure and the main. Permission is given to the Village or its duly authorized representative to enter the premises and extract samples. The City of Columbus Standard Type "C" manhole as per their standard construction drawing AA-S102 shall be used. This can be used in place of the clean out if placed within five (5) feet of the building as per Section 925.02 (S).

(g) No statement contained in these sections shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village, subject to payment therefore by the industrial concern.

(h) No statement contained in these sections shall be construed to interfere with any additional requirements that may be imposed by the Ohio Environmental Protection agency or the Ohio Department of Health. (Ord. 12-2001. Passed 9-10-01.)

925.04 LIMITING SEWER CONNECTIONS.

The Village shall limit connections into sewer lines if sufficient capacity to handle additional wastewater is unavailable in the system, or if required to protect the facilities from damage. Any person applying for a permit to connect to a public sewer shall provide, with the application for said building sewer permit, sufficient data as required by the Village, regarding the location, type of wastewater and amount of flow to be conveyed to the public sewer. Any costs associated with the applicable charges herein shall be borne by the person applying for the building sewer permit. (Ord. 12-2001. Passed 9-10-01.)

925.05 PROTECTION FROM DAMAGE.

(a) 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 waste works or collection system. Any person violating this provision shall be subject to immediate arrest and upon conviction shall be fined not more than five hundred dollars (\$500.00) for each offense, in addition to any repair and/or replacement costs resulting from such activity.

(b) Notification of Accidental Releases – In case of any accidental release to the sewage system of an unacceptable discharge or on any substance or material considered by the Village to be toxic or deleterious, as provided in this section, the user shall notify the Village immediately and in no case later than one hour following such a discharge so that remedial action can be taken. Costs incurred to correct any damage resulting from such a discharge shall be charged to the user.

(c) Failure to report such a discharge shall result in a charge of one thousand dollars (\$1000.00) in addition to the cost of correction and in addition to any penalties provided in this Section. Each such discharge shall be considered separately and the costs and charges therefore shall be levied accordingly. A separate discharge shall be deemed made each day during or on which such discharge continues and charges therefore shall be levied accordingly. Such charges shall be collected by the Village in the same manner as all other charges set by the Village.
(Ord. 12-2001. Passed 9-10-01.)

925.06 POWERS AND AUTHORITY OF INSPECTIONS.

(a) The Board or Administrator and other fully authorized employees or duly authorized representative of the Village bearing the proper credential and identification shall be permitted to enter upon all properties, including residential and commercial buildings for the purpose of inspection, observation, measurement, sampling, testing, repairs and maintenance of any portion of the sewage works, or any connection thereto, lying within such property, in accordance with the provisions of this chapter.

(b) While performing the necessary work on private properties referred to in subsection A. above, the property owner shall be held harmless for injury or death to the Board or Administrator and other duly authorized employees or representatives and against liability claims and demands for personal injury or property damage asserted against the property owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the property owner to maintain safe conditions. (Ord. 12-2001. Passed 9-10-01.)

925.07 GRIEVANCES AND APPEALS.

(a) Any user aggrieved by a decision of the Board or Administrator under this regulation may file a written grievance with the Board or Administrator. The written grievance shall set forth the substance of the Board or Administrator's decision and the basis of the user's complaint.

(b) The Board or Administrator shall investigate the grievance and issue a written determination. The determination should include the following:

- (1) Name, address and location of the premises of the user;
- (2) A summary of the user's claim;
- (3) A summary of the facts revealed by the Board or Administrator's investigation;
- (4) An interpretation of any applicable regulation, law or policy;
- (5) A notice of the user's right of appeal to the Board or Administrator;
- (6) A copy of this grievance and appeal procedure.

(c) No legal action in the courts of the state or federal government shall be initiated by any user until completion of this administrative remedy. (Ord. 12-2001. Passed 9-10-01.)

925.08 NEW SERVICE TAPS PROHIBITED IN FLOODPLAINS OR WETLANDS.

The Village will not allow new service taps in designated Flood Plains or Wetlands. (Ord. 33-00. Passed 11-13-00.)

925.99 PENALTY.

(a) Any person found to be violating, or in violation of any provisions of this chapter shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation of this chapter beyond the time limit provided for in preceding sections shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one hundred dollars (\$100.00) for each violation, each day in which any such offence shall be deemed a separate and distinct violation.

(c) Any person violating any of the provisions of this chapter shall become liable to the Village for any expense, loss or damage occasioned to the Village by reason of such violation. (Ord. 12-2001. Passed 9-10-01.)

EXHIBIT I

VILLAGE OF SHAWNEE HILLS SANITARY HOUSE SERVICE CONNECTION SPECIFICATIONS

GENERAL DESCRIPTION

The required work consists of disconnecting house and building sanitary sewer lines from existing on site wastewater treatment systems. New sanitary house service connections will be constructed connecting existing house or building sanitary drain lines (located near the building face) to house service connection points previously terminated at road right-of-way, easement lines or to the main sewer line if no connection has been made available. More specifically this project may include, but is not limited to the following work activities: clearing and grubbing; trench excavation; removal of all materials or structures necessary for installing pipe; pipe with bedding installation; concrete backing or encasement; compacted granular or other specified backfill; constructing and subsequently removing all necessary pipe, fittings, cleanout and appurtenances of the types specified; joining the existing sewer and plumbing connections of the types specified; the emptying and demolition, or sanitization, of existing septic tanks; restoration of disturbed facilities and surfaces, and maintenance of traffic, drainage and existing structures.

PROJECT SPECIFICATIONS

General Requirements

Unless otherwise noted, all work shall comply with the current Ohio Plumbing Code and the City of Columbus Construction and Materials Specifications, current edition.

Drain Tile

There are numerous unidentified storm drains and drainage tile throughout the Village of Shawnee Hills. The Contractor shall repair and/or replace all buried drainage conduits which are damaged during sewer excavation and installation. Schedule 40 PVC, SDR 35 ASTM D 3034 46 psi, or better pipe must be used for drain repair. No corrugated plastic or metal pipe shall be used for drain repair. All drain lines hit and repaired must be noted as to type and location and this information must be turned in to the Village at time of inspection.

Inspection

Homeowners must arrange to have all their house connection work inspected. This inspection must take place before any trenches are backfilled. Arrangements for inspection are to be made with the City of Columbus. Requests for inspection must be made at least two (2) business days prior to the time the inspection is needed. Inspections will be done Monday – Friday 9:00 a.m. to 4:00 p.m. Weekend inspections are by special arrangement only. If any work fails an inspection, a re-inspection fee may be charged.

Construction Time Period

All house connection work must be completed within ninety (90) days of the Hook-Up Notice.

Scheduling of Work

No work shall take place before the hour of 7:00 a.m. or after 10:00 p.m. unless deemed an emergency and authorized by the Village.

Excavation

The Contractor shall excavate all materials of whatever nature, including rock. All excavation, except as otherwise required, permitted or ordered in writing by the Village or its representative shall be in open trench. Minimum trench width shall be two (2) feet plus the diameter of the service line.

Slope

A minimum slope of $\frac{1}{4}$ " per feet shall be provided for all household connection lines. A slope of $\frac{1}{8}$ " per foot may be allowed only by special permission of the Village and where circumstances warrant a smaller slope.

Bedding

Pipe shall be installed as per the City of Columbus Standard Drawing AA-S149.

Pipe Material and Installation

The pipe shall be six (6) inches and meet the specifications of the City of Columbus Construction and Materials Specifications Section 901 current edition. In the presence of a previously installed wye connection, sanitary house service lines are to be installed from a field located point marked with a 2" x 2" stake or other clearly apparent marker at the road right-of-way line to the existing house service line between the septic tank and the house wall. In the absence of an installed wye, a Village authorized contractor shall install a wye connection to the main line. The connection will be made as per the City of Columbus Construction and Materials Specifications Section 901 current edition. Any questions as to tie in points shall be decided by the Village or its duly authorized representatives.

Pipe Joints

The joints for sanitary house service connection lines shall conform to the requirements of ASTM D 3212 for PVC pipe.

Cleanouts

Cleanouts shall be constructed according to the attached drawings and shall be of schedule 40 PVC. Cleanouts shall be provided for all houses within five (5) feet of the foundation wall unless otherwise approved by the Village or its designated representative.

Backfill

In non-paved areas, trenches are to be backfilled with native or excavated material. The backfill material shall be free of large stones, branches, and/or other debris. Where excavated material available for compacting proves to be unsuitable or the Contractor finds it impractical to use the excavated material to meet the requirements of this item, the Contractor shall procure suitable backfill material elsewhere and dispose of the unsuitable material. Compaction will consist of running the excavating equipment along the backfilled ditch line in a manner that will minimize long term settling. At all time sufficient material cover will be maintained to prevent damage to all pipe and fittings. Should weather conditions or timing require it, backfill in nonpaved areas may be mounded in the ditch line until weather and soil conditions are better suited for grading. Backfill in pavement areas and within the influence line of the pavement shall consist of full depth compacted granular material and per Section 912 of the City of Columbus Construction and Materials Specifications current edition.

Surface Restoration

Upon completion of sanitary house service connection installation, the Contractor shall regrade the work site to its original contours. The site will be free of large stones, branches, construction debris and/or any other undesirable materials. The site shall be restored to a condition equal to or better then the condition prior to the work being performed. Site reseeding or sodding will be the responsibility of the property owner. Site restoration may be postponed until weather conditions are favorable. All site restoration shall be completed within six (6) months of connection.

Interruption of Homeowner Service

At no time will a house be left without sewer service after the 10:00 p.m. work stoppage time.

Work Area

All work shall be performed in a manner that will minimize the damage to the homeowners' property. Support equipment traffic (dump trucks, end loaders, pick up trucks, etc) should be routed in the immediate areas of the excavation if possible.

Pavement Replacement Within Village Right of Way

This item shall consist of removal and replacement of roadway pavements necessary for the installation of the sanitary house service connection. Permanent roadway replacement include the following pavement types:

Type III A – Asphalt Driveways
Type III B – Concrete Driveways
Type III C – Gravel Driveways
Roadway Pavement Replacement as per the Village standards

The Village or its appointed representative shall select the type of pavement replacement to be provided to most nearly duplicate the pavement removed.

Pavement shall be removed, and base cut back to one (1) foot beyond the edge of excavation. The edges shall be cut vertical and trimmed to provide a straight line juncture between the existing and new pavement. No ragged edges shall be permitted. All surfaces shall be finished to match nearly as possible the adjacent surfaces. Wearing surface less than two (2) feet in width to curbs resulting from excavation shall be removed and replaced.

Concrete Sidewalk

This item shall consist of removal and replacement of concrete sidewalk necessary for the installation of the sanitary house service connection. Materials used in the concrete sidewalk mix shall conform to the ODOT item “608.03” for concrete sidewalks.

Sandstone and Limestone Sidewalk

Where sandstone and limestone sidewalks are encountered all reasonable effort must be taken to protect these items. Temporary removal to allow excavation is encouraged. When stones are replaced they must be set in a stable non-settling base and in their original positions.

Septic Tank Demolition

The homeowner shall be responsible for arranging to completely empty (clean) existing tanks and dispose of septage in a legal manner. The contractor shall demolish the top and walls of the existing septic tanks to at least one foot below grade, and backfill the resulting void to a level 1 foot below the original ground line with approved excavated material. The following material may be used for septic tank backfill: #57 or #8 crushed stone, sand, or ODOT 210. Demolition of septic tanks must be done in such a manner as to minimize voids, pockets, or any other condition that would lead to settling problems.

The Contractor shall locate and open septic tanks soon enough before hookup work begins to allow smooth coordination of emptying.

Unless the homeowner requests (in writing) otherwise, the working mechanisms of aerators are to be removed and disposed of by the contractor prior to demolition and backfilling. The electrical power to all aerators are to be disconnected prior to any work and terminated as to prevent a safety hazard.

Safety

At all times working conditions must be maintained. All excavations left unattended shall be covered or barricaded to prevent mishaps. Equipment not in use shall be parked away from the right-of-ways and streets.

Stockpiling of Material

No construction material may be stored on Village right-of-ways. All stored material must remain entirely on the homeowners' property and be removed by the end of construction.

APPENDIX A

SEWER CAPACITY CHARGES FOR THE VILLAGE OF SHAWNEE HILLS

Diameter of Water Meter Cost	City of Columbus	Village of Shawnee Hills	Inspection Fee	Total
0.75	1,250.00	1,300.00	100.00	2,650.00
1.00	2,600.00	2,500.00	100.00	5,200.00
1.50	6,850.00	4,000.00	100.00	10,950.00
2.00	11,750.00	6,500.00	100.00	18,350.00
3.00	24,450.00	12,000.00	100.00	36,550.00
4.00	38,250.00	20,000.00	100.00	58,350.00
6.00	86,250.00	40,000.00	100.00	126,350.00
8.00	153,050.00	60,000.00	100.00	213,150.00

In the event a meter is subsequently enlarged, the difference between the charges for the two meter sizes shall be paid. No refunds of fees will be made.

Moneys received from the fees shall be deposited in a separate fund (sewer fund) and used for the payment of the costs to operate and maintain the system and to make capital improvements to the system.

The Village will waive the City of Columbus fee and the Village of Shawnee Hills fee for all existing residential homes with private sewage systems, as of December 31, 2000 within the incorporated limits of the Village of Shawnee Hills.

The Village will also waive \$1250.00 of the City of Columbus fee and \$1300.00 of the Village of Shawnee Hills fee for all businesses operating, as of December 31, 2000 within the incorporated limits of the Village of Shawnee Hills

There will be no system capacity charges charged for fire suppression

The \$100.00 inspection fee will not be waived.

CHAPTER 929
Stormwater Management

929.01	Definitions.	929.06	Inspections.
929.02	Purpose.	929.07	Elimination.
929.03	Objective.	929.08	Nuisances.
929.04	Regulations.	929.09	Enforcement.
929.05	Maintenance.		

CROSS REFERENCES
Storm Water Utility - see ADM. 133.04

929.01 DEFINITIONS.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meaning hereinafter designated.

- (a) "Approval Authority" means the Ohio Environmental Protection Agency and the United State Environmental Protection Agency.
- (b) "Authorized Authority" means the Village of Shawnee Hills acting through its designated representative for all areas in Delaware County included in the respective sewer district tributary to the Authority's WWTP.
- (c) "Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- (d) "Dry-weather screening" means visual inspection of the outfall location where there has been a minimum of 72 hours of no rainfall (0.1") within an area.
- (e) "Illicit Discharge" means any discharge to an MS4 (Municipal Separate Storm Sewer System) that is not composed entirely of storm water.
- (f) "Municipal Separate Storm Sewer System (MS4)" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man- made channels, or storm drains).
- (g) "National Pollution discharge Elimination System (NPDES) permit" shall be issued by the State of Ohio or EPA pursuant to the Act for the purpose of regulating the discharge of sewage, industrial wastes, and other wastes under the authority of Section 402 of the Clean Water Act, into navigable waters of the United States.

- (h) "Non-storm water discharge" means any discharge to the storm drain system that is not composed entirely of storm water.
- (i) "Pollutant" means Anything which causes or contributes to pollution, including, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
- (j) "Soil erosion" means the wearing away of land by the action of wind, water, gravity or a combination thereof.
- (k) "Storm water" means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- (l) "Storm Water Management Plan (SWMP)" means the management of storm water runoff, often using water retention facilities, to provide controlled release into receiving streams.
- (m) "Storm Water Pollution Prevention Plan" means a document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.
(Ord. 01-2012. Passed 2-27-12.)

929.02 PURPOSE.

The purpose of this chapter is to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourse and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. §1251 et seq.) by reducing pollutant in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drain system
(Ord. 01-2012. Passed 2-27-12.)

929.03 OBJECTIVE.

- (a) To assure the property owners control the volume and rate of stormwater runoff originating from their property so that the surface water and groundwater quality is protected, soil erosion minimized, and flooding potential reduced.
- (b) To assure that only stormwater is being discharged in MS4 conveyances.
- (c) To assure that soil erosion control and stormwater runoff control systems are incorporated into site planning at an early stage in the planning and design process.
- (d) To prevent construction activity that may cause mass movement, slumping, or erosion of land surfaces.
- (e) To eliminate the need for costly maintenance and repairs to roads, embankments, ditches, streams, lakes, wetlands, and stormwater control facilities that are the result of inadequate soil erosion and stormwater runoff control.

(f) To reduce long-term expenses which are caused by uncontrolled stormwater runoff and soil erosion.

(g) To reduce the detrimental impacts of stormwater flows on downstream communities.

(h) To allow for off-site stormwater control facilities and measures if proposals meet the requirements of these regulations.

(i) To assure that all stormwater control facilities will be properly designed, constructed, and maintained.

(j) To provide the detection and elimination of any illicit discharge into stormwater control facilities.

(k) To allow for dry-weather screening of all stormwater outfalls.

(l) To assure that a monthly and annual inspection be reported on all illicit, construction, post construction discharge and pollution control in accordance with this ordinance.

(m) To provide for enforcement of this ordinance and penalties for violations.

(n) To implement an Illicit Discharge Detection and Elimination Program for discharge into MS4s. (Ord. 01-2012. Passed 2-27-12.)

929.04 REGULATIONS.

(a) Village of Shawnee Hills holds regulatory authority to ensure minimum condition of the most current version of the Ohio EPA's general stormwater construction permit requirements for construction activities

(b) A person commits an offense if the person introduces or causes to be introduced into the MS4 any discharge that is not composed entirely of stormwater

(c) It is an affirmative defense to any enforcement action for a violation of subsection (b) that the discharge was composed entirely of one or more of the following categories of discharges

- (1) A discharge authorized by, and in full compliance with, an NPDES permit (other than the NPDES permit for discharges from the MS4);
- (2) A discharge or flow resulting from fire fighting the Fire Department;
- (3) A discharge or flow from lawn watering, or landscape irrigation;
- (4) A discharge or flow from a diverted stream flow or natural spring;
- (5) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
- (6) Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain;
- (7) A discharge or flow from individual residential car washing;
- (8) Drainage from a private residential swimming pool containing no harmful quantities of chlorine or other chemicals. Drainage from swimming pool filter backwash is prohibited;

- (9) A discharge or flow from construction activities of one acre or greater is prohibited;
 - (10) Solid waste or debris discharge from post-construction activities of one acre or greater is prohibited.
- (d) No affirmative defense shall be available under subsection (c) if:
- (1) The discharge or flow in questions has been determined by the Director to be a source of a pollutant or pollutants to the waters of the United States or to the MS4;
 - (2) Written notice of such determination has been provided to the discharger; and
 - (3) The discharge has continued after the expiration of the time given in the notice to cease the discharge.
- (e) A person commits an offense if the person introduces cause to be introduced into the MS4 any harmful quantity of any substance.
- (f) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (g) Any enhancement of soil erosion through sediment discharge, construction, and post-construction is prohibited.
- (h) Landowner and the Village of Shawnee Hills holds the responsibility to implement BMPs to the extent they are technologically achievable to prevent and reduce pollutants from entering stormwater control facilities.
- (i) The Village of Shawnee Hills holds the authority to inspect any area in which there is a threat to stormwater control facilities.
(Ord. 01-2012. Passed 2-27-12.)

929.05 MAINTENANCE.

- (a) All soil erosion and stormwater runoff control facilities and measures shall be maintained in accordance with permit conditions.
- (b) All illicit discharge data should be collected annually in order to be evaluated and prioritized with goals to be created and revised annually.
- (c) Inspection and annual reports should be attended to on a monthly and annual basis for illicit discharge in MS4s, construction, post construction, and good housekeeping.
- (d) Landowners must be in compliance with their post construction maintenance agreement at all times.
- (e) Maintenance agreements shall specify responsibilities for financing maintenance and emergency repairs.
- (f) Illicit Discharge Detection and Elimination must be put into place by the Village of Shawnee Hills to maintain that stormwater is the sole discharge into MS4 conveyance.
(Ord. 01-2012. Passed 2-27-12.)

929.06 INSPECTIONS.

(a) Authorized authority may enter at any time upon any property to conduct on-site inspections. Such inspections may take place before, after, or during construction.

(b) If upon inspection, there are seen faults, the authority has the right to take any action seen fit. If action is taken, the landowner is to compensate the Village of Shawnee Hills for any costs.

(c) Landowner should perform a property monthly and annual inspection pre and post construction to insure no debris or waste is being runoff into the stormwater drainage facility.

(d) Monthly and annual inspection shall be preformed for illicit discharge and dry-weather screening for stormwater drainage facility.
(Ord. 01-2012. Passed 2-27-12.)

929.07 ELIMINATION.

(a) As apart of the Illicit Discharge Detection and Elimination Program, authorized authority have the responsibility for an illicit discharge to immediately, or by a specific date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.
(Ord. 01-2012. Passed 2-27-12.)

929.08 NUISANCES.

(a) An actual or threatened discharge to the MS4 that violates or would violate this chapter is hereby declared to be a nuisance.

(b) An actual or threatened discharge to the stormwater drainage facility due to construction and post construction activities is hereby declared to be a nuisance.
(Ord. 01-2012. Passed 2-27-12.)

929.09 ENFORCEMENT.

(a) If discharge other than stormwater is observed authorized representatives must take to stop said discharge from continuing in order to ensure only stormwater is being discharged.

(b) If illicit discharge is observed in MS4, action must be taken to ensure only stormwater is being drained in respective facilities.

(c) If debris or waste is observed discharging into stormwater facility due to construction and post construction activities, action must be taken by appropriate authorities to stop said discharge.

(d) The Village of Shawnee Hills holds the authority to accurately penalize landowner who does not properly upkeep their property in accordance with the maintenance agreement.
(Ord. 01-2012. Passed 2-27-12.)

