

CODIFIED ORDINANCES OF GARRETTSVILLE

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Chap. 901. Excavations and Cuts.

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CHAPTER 901
Excavations and Cuts

<p>901.01 Permit required; bond.</p> <p>901.02 Refilling; final inspection.</p> <p>901.03 Lights at excavation, obstructions or building materials.</p>	<p>901.04 New driveways and parking areas.</p> <p>901.99 Penalty.</p>
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CROSS REFERENCES

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

Openings by Municipality - see Ohio R.C. 723.02

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.

Changing established grade - see Ohio R.C. 727.07

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

Barricades and warning lights - see GEN. OFF. 521.03

901.01 PERMIT REQUIRED; BOND.

Permission may be granted to such persons as may desire to open up or remove any portion of any street surface, curb, gutter, sidewalk or area on the street or highway right of way, provided that the consent of the Mayor or Village official designated by the Mayor is first obtained and the necessity of such work is established to his satisfaction. A fee of two dollars (\$2.00) shall be collected by the Mayor or Clerk for each such permit and the applicant shall deposit moneys or a suitable bond simultaneously with the issuance of such permit as a guarantee that the street surface, curb, gutter, sidewalk or area on the street or highway right of way shall be satisfactorily restored. Such deposit or bond deposited with the Mayor or Clerk shall be in a sum of money equivalent to twenty-five dollars (\$25.00) per square yard of surface to be disturbed, six dollars (\$6.00) per lineal foot of curb or gutter to be removed or broken. (Ord. 94-25. Passed 7-13-94.)

901.02 REFILLING; FINAL INSPECTION.

All street surfaces, curbs, gutters, sidewalks or areas on the street or highway right of way opened up, removed or damaged shall be replaced and repaired by the licensee under supervision of and to the satisfaction of the Mayor or his designated representative. Upon completion of the work, the licensee shall notify the Mayor of the fact of its completion and he shall make a final inspection thereof. If such inspection is to the satisfaction of the Mayor, he shall so notify the licensee and shall thereupon return the guarantee deposit or release the bond. If the inspection discloses a defect or unsatisfactory work that is unacceptable to the Mayor or his designated representative, he shall notify the licensee of such defect or condition and the licensee shall have ten days in which to rectify the same or forfeit the guarantee deposit or bond in which latter case the Village shall complete the repair or replacement. (Ord. 757. Passed 7-1-70.)

901.03 WARNING LIGHTS AT EXCAVATIONS, OBSTRUCTIONS OR BUILDING MATERIALS.

Every person who digs or causes to be dug in or adjoining any of the public ways of the Village any excavations whatsoever and every person who occupies or causes to be occupied any portion of any public street or highway with building material or any obstructions, shall cause sufficient red or amber lights to be securely and conspicuously placed in or near such excavations, building material or obstructions, one at each end of the space so excavated or occupied. (Ord. 757. Passed 7-1-70.)

901.04 NEW DRIVEWAYS AND PARKING AREAS.

All grading or regrading of lawn, driveway, or parking areas within any street right-of-way shall be done under the supervision of the Street Superintendent. The following general criteria shall apply:

- (a) In newer subdivisions finished grades shall conform to the intent of the approved subdivision plans.
- (b) On curbed streets, finished grades should generally slope toward the curb.
- (c) On all other streets, the finished grade shall slope away from the street at a minimum of 3/4 inch per foot for a minimum of four feet to properly drain the street surface. (Ord. 95-24. Passed 6-14-95.)

901.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than one hundred dollars (\$100.00). Each day's violation shall constitute a separate offense.

CHAPTER 903
Streets Generally

903.01	Obstructions prohibited.	903.03	Drainage prohibited.
903.02	Removal required.	903.99	Penalty.

CROSS REFERENCES

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
 Dedication and acceptance - see Ohio R.C. 723.03
 Street Department - see ADM. Ch. 150
 Excavations - see S.U. & P.S. Ch. 901

903.01 OBSTRUCTIONS PROHIBITED.

No person, firm or corporation shall erect, permit to be erected or cause to be erected any sign, post, receptacle for receiving mail, newspapers, magazines or printed matter or other obstruction within the public streets of the Village, including the tree lawn or nontraveled portion of such streets. These prohibitions shall not apply to property abutting a street or highway where the residents have rural mail delivery which requires a mail box at or near the traveled portion of the public street; nor to signs necessary or required to be erected for the regulation and control of traffic or signs marking or identifying streets in accordance with the Village plan for marking streets; nor to suitable shade trees or shrubs maintained or planted for beautification of the Village. (Ord. 810. Passed 11-8-72.)

903.02 REMOVAL REQUIRED.

All signs, posts or other obstructions which have been placed or erected in violation of Section 903.01 prior to its effective date, shall be removed within thirty days after the effective date of this chapter. (Ord. 810. Passed 11-8-72.)

903.03 DRAINAGE PROHIBITED.

(a) No property owner shall place downspouts from any structure within the right of way of a public street, unless said downspout drains directly to a ditch, a curb drain of six inch diameter or more, or a storm sewer.

(b) No property owner shall direct drainage onto a public street or sidewalk that creates a hazardous condition on said public way.

(c) This section shall not apply to commercial properties in the Central Business District.

(d) Property owners shall have six months from this section's effective date to comply. (Ord. 94-42. Passed 5-10-95.)

903.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). Each day of continued violation shall be considered a separate violation or offense.

CHAPTER 905
Sidewalks

<p>905.01 Duty to repair sidewalks.</p> <p>905.02 Notice; failure to make necessary repairs.</p> <p>905.03 Specifications for sidewalk construction and repair.</p>	<p>905.04 Responsibility for sidewalks.</p> <p>905.05 Appeal.</p> <p>905.99 Penalty.</p>
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CROSS REFERENCES

Construction or repair at owner's expense - see Ohio R.C. 729.01 et seq.

Notice to construct or repair sidewalks - see Ohio R.C. 729.03

Barricades and warning lights - see GEN. OFF. 521.03

905.01 DUTY TO REPAIR SIDEWALKS.

(a) No owner or occupant of property abutting on a sidewalk shall fail to keep that portion of the sidewalk upon which his property abuts in good repair and free from ice, snow or any obstruction including but not limited to structures, vehicles, material, debris, rubbish, barrels, stones, gravel, brush, vegetation, tree limbs, shrubs, hedges or similar items or a nuisance of any kind.

(b) A sidewalk shall be deemed to be in need of repair or replacement when removed, cracked, broken or otherwise damaged so as to have depressions or variances between sections or pieces thereof greater than one inch or found not to be in compliance with Section 905.03. The Sidewalk Committee or its authorized representative shall determine the need for repairs and notify the owner or occupant as hereinafter provided. (Ord. 00-12. Passed 5-10-00.)

905.02 NOTICE; FAILURE TO MAKE NECESSARY REPAIRS.

(a) When a portion of a sidewalk is found to be in need of repair or replacement, the Sidewalk Committee or its authorized representative shall notify the owner, in writing, of the necessary repair or replacement, allowing a period of thirty days for the making of such replacement or repair.

(b) If, after the expiration of the thirty day period, the owners have not made the necessary replacement or repair, the Village shall make such repairs at the abutting property owner's expense and send a statement to such property owner or owners for such repairs or for his portion of such repairs or replacement. If not paid by the owner, the Sidewalk Committee shall request the Clerk to certify the actual cost, to be placed upon the tax duplicate and collected in the manner other taxes are collected.

(c) If the Mayor or the Sidewalk Committee determines that the condition of the sidewalk is such that immediate repair is necessary to protect the public, they may dispense with the notice. (Ord. 00-12. Passed 5-10-00.)

905.03 SPECIFICATIONS FOR SIDEWALK CONSTRUCTION AND REPAIR.

Sidewalks within the Village shall be constructed of 6 ½ sack limestone concrete (4,000 PSI) of the same width as existing sidewalks but not less than four feet in width, a minimum of four inches in thickness with reinforcement optional. All sidewalks at driveways or vehicle entrance and five feet each side shall be a minimum of six inches in thickness with reinforcement preferred, but optional. The slope or incline of sidewalks shall not exceed one and one-half inches per foot. All walks shall have tooled joints and/or sawed joints every five feet and expansion joints every twenty feet, or when there is a change in thickness and between day to day pours. All exposed edges shall be tooled before applying stiff broom finish. All sidewalks must extend through a driveway area at the established grade of the adjoining sidewalks. In the repairing and relaying of old sidewalks and in laying of new sidewalks upon all streets whereon a grade is not established but upon which some sidewalks are now laid, such laying and relaying of walks of any such street shall be done to conform with the grade of the sidewalks as are now laid thereon. (Ord. 00-12. Passed 5-10-00.)

905.04 RESPONSIBILITY FOR SIDEWALKS.

(a) Sidewalks are desirable in order to enhance the safety of pedestrian traffic. Accordingly, the Village shall consider their installation on all through streets and arterial highways. No later than the March Council meeting each year the Sidewalk Committee shall recommend that year's sidewalk program. Public input will be accepted prior to the next Council meeting before plan approval.

(b) Where sidewalks are in need of repair or in cases where sidewalks existed but are now missing, it shall be the property owner's responsibility to make repair and to replace missing portions of sidewalk per the Village specifications. The Mayor shall appoint a Sidewalk Committee which shall have authority to enforce this section.

(c) On existing streets where no sidewalk exists the Village shall bear fifty percent (50%) of any sidewalk deemed necessary and the property owners on the side of the street where the sidewalk is to be placed shall be assessed the remaining fifty percent (50%) in order to install new sidewalks on either or both sides as the Village deems appropriate.

(d) The Village may determine that it shall bear the costs of sidewalk installation where there are unusual circumstances or costs involved due to terrain, difficult conditions or other similar problems.

(e) On new streets and developments, the Planning Commission shall require sidewalks in any site plan review at the developer's expense. Refer to Section 1111.05 Table 1 (c). (Ord. 00-12. Passed 5-10-00.)

(f) The Village may determine on existing streets where no sidewalks exist that due to terrain the installation of sidewalks will be cost prohibitive. (Ord. 00-39. Passed 7-12-00.)

905.05 APPEAL.

Any owner who believes the actions of the Sidewalk Committee pursuant to this chapter are improper may appeal the decision of the Sidewalk Committee to Council. At conclusion of the appeal hearing, the Council may affirm, modify or rescind the decision of the Sidewalk Committee. (Ord. 00-12. Passed 5-10-00.)

905.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). Each day on which a violation occurs or continues shall be deemed a separate offense. (Ord. 00-12. Passed 5-10-00.)

TITLE THREE - Utilities

Chap. 921. Water.

Chap. 923. Sewers.

Chap. 925. Provisions Applicable to Water and Sewer Accounts.

Chap. 927. Sanitary Sewer Discharge Regulations.

CHAPTER 921

Water

EDITOR'S NOTE: A set of rules, regulations and by-laws for the Garrettsville Water and Waste Water Systems has been adopted by the Board of Trustees of Public Affairs, effective January 1, 1977. Copies are available from the Clerk's office.

921.01	Rates.	921.05	Mandatory water connection.
921.02	Tap-in permit; fees.	921.06	Separate meters and shut-off valves required.
921.03	Exemptions for Municipal buildings and land.	921.07	Backflow protection.
921.04	Water shortage emergency.	921.08	Collection of charges; delinquent bills.
		921.99	Penalty.

CROSS REFERENCES

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

Water pollution - see Ohio R.C. 715.08, 743.24 et seq.

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

Management and control of water works - see Ohio R.C. 735.28 et seq.

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

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

921.01 RATES.

(a) Rate Structure: In order to provide for the expenses of conducting and managing the waterworks of the Village of Garrettsville, including operating and maintenance expenses and the costs of permanent improvements, the following schedule of monthly rates for metered water consumption for industrial, commercial, single-family dwellings and individual living units served by one meter within the Village, and periodic increases of such rates, are hereby established:

- (1) Effective January 1, 2017, a minimum charge of \$14.11 per month for consumption up to 1,333 gallons, and a consumption rate of \$0.00632 per gallon for usage exceeding 1,333 gallons in the monthly billing period;

- (2) Effective January 1, 2018, a minimum charge of \$15.10 per month for consumption up to 1,333 gallons, and a consumption rate of \$0.00676 per gallon for usage exceeding 1,333 gallons in the monthly billing period;
- (3) Effective January 1, 2019, a minimum charge of \$16.16 per month for consumption up to 1,333 gallons, and a consumption rate of \$0.00723 per gallon for usage exceeding 1,333 gallons in the monthly billing period;
- (4) Effective January 1, 2020, a minimum charge of \$16.97 per month for consumption up to 1,333 gallons, and a consumption rate of \$0.00759 per gallon for usage exceeding 1,333 gallons in the monthly billing period;
- (5) Effective January 1, 2021, a minimum charge of \$17.82 per month for consumption up to 1,333 gallons, and a consumption rate of \$0.00797 per gallon for usage exceeding 1,333 gallons in the monthly billing period;
- (6) Effective January 1, 2022, a minimum charge of \$18.18 per month for consumption up to 1,333 gallons, and a consumption rate of \$0.00813 per gallon for usage exceeding 1,333 gallons in the monthly billing period;
- (7) On January 1, 2023 and each succeeding January 1 thereafter, the monthly metered water rates for customers within the Village shall be increased by two percent (2%) over the rates in effect the previous calendar year.

(b) Where one meter serves multiple industrial, commercial or residential units, charges shall be as follows: the monthly minimum charge shall be multiplied by the number of units served by the meter for consumption up to 1,333 gallons multiplied by the number of units on the meter, and the consumption rate shall be charged for volumes exceeding 1,333 gallons multiplied by the number of units on the meter. (Ord. 2017-35. Passed 11-8-17.)

(c) Outside Village Users. The rate for users outside of the Village shall be one hundred twenty-five percent (125%) of the current approved rate. (Ord. 2010-61. Passed 12-10-10.)

(d) Bulk Water Rates. Bulk water haulers shall be charged at one hundred twenty-five percent (125%) of the consumption rate. Bulk water haulers are those persons purchasing water by the truckload in amounts of 1,000 gallons or more. There shall be a minimum charge of 1,000 gallons.

- (1) As of the effective date of this section, no additional bulk water customers will be accepted, nor new accounts for bulk water created. Bulk water haulers shall be subject to the Garrettsville Board of Public Affairs Rules and Regulations pertaining to Bulk Water Sales.
- (2) A temporary water use permit may be granted at the discretion of the Water Superintendent for any special event or activity of limited duration (less than one month and less than 5,000 gallons per day). All applicants must set up a billing account with the Village Clerk, fill out a bulk water use permit and pay all applicable fees. All temporary water usages shall be metered at the bulk station or by a water meter supplied by the Village. Temporary uses are subject to bulk rates and are payable at the next monthly billing cycle. All applications exceeding one month's duration or 5,000 gallons per day shall require Board of Public Affairs approval. All temporary permits may be revoked at the discretion of the Water Superintendent. (Ord. 2011-47. Passed 9-14-11.)

921.02 TAP-IN PERMIT; FEES.

(a) No person, firm or corporation shall tap into the Village of Garrettsville Water System without first securing a permit and paying established capacity, inspection, tap-in and meter installation fees.

(b) Capacity Fees. A water user capacity fee will be charged for each tap made or each metered service. Fees for capacity shall be as follows:

3/4 inch tap	\$400.00
1 inch tap	500.00
1 ½, 2, 3 inch tap	1500.00
4, 6 inch tap	2000.00
8, 10 inch tap	2500.00

(c) Capacity fees shall be assessed on connections of future mains for any new street. (Ord. 97-53. Passed 1-14-98.)

(d) Tap-in Fees. Each property owner, contractor or developer who applies for a water permit shall pay a tap-in fee, to the Village of Garrettsville, except for connections that are constructed within a recorded, platted subdivision or water service lines above one inch in size. Tap-in costs relative to the installation cost of service lines within a recorded, platted subdivision or above one inch in size are the responsibility of the applicant. Fees for water tap-in shall be as follows:

3/4 inch tap	\$2,350.00
1 inch tap	2,765.00

(Ord. 2018-38. Passed 8-8-18.)

(e) Inspection and Meter Installations Fees. A water meter inspection and installation fee will be charged for each water tap made or each metered service. The inspection and meter installation fee is hereby fixed at one hundred dollars (\$100.00).

(f) The Village, after payment of fees set forth herein, shall make the connection from the main to the curb shut-off except connections that are constructed within a recorded, platted subdivision or that are above one inch in size. The applicant shall be responsible for the costs from the curb shut-off to the house in connections that are constructed within a recorded, platted subdivision or that are above one inch in size.

(g) Any person, firm or corporation, upon installation of a fire sprinkler system, will be charged a separate capacity fee as follows:

2, 3 inch tap	\$1500.00
4, 6 inch tap	2000.00
8, 10 inch tap	2500.00

(Ord. 97-53. Passed 1-14-98.)

921.03 EXEMPTIONS FOR MUNICIPAL BUILDINGS AND LAND.

All buildings and land owned by the Village are henceforth exempt from water and sewer charges. (Ord. 91-24. Passed 8-14-91.)

921.04 WATER SHORTAGE EMERGENCY.

(a) The existence of a water shortage emergency shall be established by proclamation of the Mayor or designee, when he has determined, after consultation with the Water Superintendent if practicable, that a serious shortage of water supply exists which threatens the public health and safety. The maximum period of duration of such emergency by proclamation shall be thirty days unless, before the expiration of such time, the Mayor or designee shall request and obtain the consent of Council to extend such emergency; in which case the emergency shall be extended for either a time certain or an indefinite period, depending on the action taken by Council.

(b) In the proclamation of a water shortage emergency, the Mayor or designee shall indicate the nature of the water shortage and the category of water uses and/or curtailments invoked, in his discretion and upon consultation with the Water Superintendent, in accordance with the restrictive categories established by the Board of Trustees of Public Affairs and documented in the rules, regulations and by-laws for the Village of Garrettsville Water and Wastewater Systems.

(c) The Mayor or designee shall cause the proclamation of water shortage emergency and all subsequent changes of category, if any, to be released immediately upon his signature to all news media serving the Municipality; and he shall cause the proclamation and other information to be published as soon as practicable in a newspaper of general circulation within the Municipality.

(d) During any period of water shortage emergency proclaimed by the Mayor or by any other legally constituted and authorized authority, no person (including partnerships and corporations) shall use water in violation of such proclamation and the categories of use prohibition and/or curtailment invoked from time to time. Anyone violating this section is subject to the enforcement actions established by the Board of Trustees of Public Affairs. (Ord. 89-20. Passed 7-12-89.)

921.05 MANDATORY WATER CONNECTION.

(a) All persons, firms or corporations developing property that is accessible to the water system of the Village of Garrettsville shall connect with the water system within sixty days after the development of any vacant lot. (If weather does not permit connection within sixty days, extension may be granted by the Board of Public Affairs.)

(b) Any failure to comply with this section shall subject the violators to the penalties as set forth in Section 921.99. (Ord. 98-49. Passed 8-12-98.)

921.06 SEPARATE METERS AND SHUT-OFF VALVES REQUIRED.

(a) A readily accessible exterior shut-off valve located in the utility easement or public right of way and Village supplied water meter shall be installed for each property serviced or to be serviced by the Village water system as follows:

- (1) One meter and shut-off for each dwelling or structure designed or used for occupancy by a single family.
- (2) One meter and shut-off for each unit designed or used for occupancy by a single family in two-family, three-family or multi-family structures.
- (3) At least one meter and shut-off for each business or commercial enterprise or as approved by the Board of Public Affairs.
- (4) At least one meter and shut-off for each industrial operation, or as approved by the Board of Public Affairs.
- (5) No person shall alter or change any water service or meter without permission from the Board of Public Affairs.

(b) In existing cases where two- or more family units are served by a single meter and shut-off, all water usage for that property shall be billed directly to the property owner pursuant to the formula contained in Section 921.01(a)(1)B. (Ord. 2009-64. Passed 1-13-10.)

921.07 BACKFLOW PROTECTION.

(a) If, in the judgment of the Superintendent of Water, an approved backflow prevention device is necessary for the safety of the public water system, the Superintendent of Water will give notice to the water consumer to install such an approved device on or before December 31, 1991 or at such earlier time as is established by the Rules and Regulations set up pursuant to this ordinance. The water consumer shall, at his own expense, install such an approved device at a location and in a manner of such approved devices as required by the Superintendent of Water.

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

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

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

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

(f) The Board of Public Affairs is hereby directed to adopt reasonable rules and regulations governing the administration of this section, which rules and regulations shall be submitted to Council for adoption. (Ord. 89-50. Passed 2-14-90.)

921.08 COLLECTION OF CHARGES; DELINQUENT BILLS.

Charges for services furnished the Village and its inhabitants and other users by the Village water supply system shall be rendered and collected monthly by the Board of Trustees of Public Affairs. Should the bill for any service rendered by the water supply system remain unpaid for a period of eighteen (18) days, a penalty of ten percent (10%) of such billing shall be added thereto. The Board of Trustees of Public Affairs is authorized to cut off water service to the premises involved if the bill remains unpaid for the time period set forth in their Rules and Regulations, and service shall only be resumed upon compliance with said Rules and Regulations. Further, if such bill is not paid as provided in the Rules and Regulations of the Board of Public Affairs, the Clerk is authorized and directed to certify the delinquent bill to the County Auditor for collection as and at the same time that other taxes and assessments are collected. (Ord. 2011-07. Passed 3-9-11.)

921.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day of violation shall be considered a separate violation. (Ord. 81-18. Passed 9-2-81.)

CHAPTER 923
Sewers

EDITOR'S NOTE: A set of rules, regulations and by-laws for the Garrettsville Water and Waste Water System has been adopted by the Board of Trustees of Public Affairs, effective January 1, 1977. Copies may be obtained from the Clerk.

<p>923.01 Connection to sanitary sewers mandatory.</p> <p>923.02 Permit required; application; fee.</p> <p>923.03 Sewer construction and specifications.</p> <p>923.04 Surface waters prohibited in sanitary sewers.</p> <p>923.05 Other prohibited water and wastes.</p> <p>923.06 Grease traps and filters.</p> <p>923.07 Inspection openings.</p> <p>923.08 Notice to correct; compliance required.</p>	<p>923.09 Rates generally.</p> <p>923.10 Rate for schools located outside Village limits. (Repealed)</p> <p>923.11 Collection of charges; delinquent bills.</p> <p>923.12 Liability of owners and lessees; discontinuance of service.</p> <p>923.13 Assessments.</p> <p>923.14 Tap-in charges generally.</p> <p>923.15 Extending utility service outside Village.</p> <p>923.99 Penalty.</p>
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CROSS REFERENCES

Power to license sewer tappers and vault cleaners - see Ohio R.C. 715.27
 Power to regulate water closets and privies - see Ohio R.C. 715.40
 Power to construct sewerage system - see Ohio R.C. 715.40, 717.01
 Compulsory sewer connections - see Ohio R.C. 729.06
 Sewerage rates - see Ohio R.C. 729.49, 729.52
 Management and control of sewerage system - see Ohio R.C. 729.50
 Regulations to control house sewers and connections - see Ohio R.C. 729.51
 Interference with sewage flow - see Ohio R.C. 4933.24

923.01 CONNECTION TO SANITARY SEWERS MANDATORY.

(a) All persons, firms or corporations owning property which is accessible to the general sanitary sewer system of the Village shall connect with the sewer system within a reasonable time after the service is available, and upon failure to make the connection as is hereinafter provided, shall be subject to refusal by the Board of Public Affairs to furnish water supply. A reasonable time is hereby defined to be sixty days from the date when the sanitary sewer system is open for general use or becomes available. (If weather does not permit connection within sixty days, extension may be granted by the Board of Public Affairs.)

(b) Where a newly installed sewer line is constructed any existing dwelling with an approved and functioning septic system shall have to connect to the newly available sewer within ten (10) years of the date the connection becomes available or upon the failure of the existing septic system whichever shall occur first. In the event the property owner ties in within five (5) years of the availability of the new service the Village shall waive the then existing capacity fee.

(c) In addition, any person who violates this section is subject to the penalties as set forth in Section 923.99(b). (Ord. 2005-28. Passed 6-8-05.)

923.02 PERMIT REQUIRED; APPLICATION; FEE.

No person, firm or corporation shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Mayor or other designated Village official.

Application for such a permit shall be made on a form prescribed by the Mayor and shall be accompanied with a fee of three dollars (\$3.00). (Ord. 436. Passed 5-4-60.)

923.03 SEWER CONSTRUCTION AND SPECIFICATIONS.

(a) All connections shall be subject to specifications hereinafter set forth and no connections shall be completed and the trench therefor covered until due and proper inspection and approval by the Mayor or other official as may be hereafter designated.

(b) The cost of covering and constructing the sewer from the main sewer to the individual service shall be borne by the property owner who shall indemnify and save harmless the Village from any loss or damage which may directly or indirectly occur as the result of such installation.

(c) All excavations shall be adequately guarded and barricaded by the owner.

(d) Sidewalks, roads and streets damaged by the installation of building sewers shall be restored to their original condition at the property owner's expense. (Ord. 436. Passed 5-4-60.)

(e) Materials and joint specifications shall be those established by the Board of Public Affairs and set forth in their rules and regulations. (Ord. 91-27. Passed 8-14-91.)

(f) Building sewer shall be no less than six inches in diameter with gastight and watertight joints. If cast-iron pipe is used, joints shall be leaded.

(g) If possible, building sewer pipe shall be installed so as to provide a minimum fall of one-quarter inch per foot to insure a proper fall to the sewer main.

(h) In the event the flow of building sewage by gravity into the main is impossible, the property owner may install, at his expense, a pump for lifting sewage into the sewer, subject to the approval of the Mayor or other designated official. (Ord. 436. Passed 5-4-60.)

923.04 SURFACE WATERS PROHIBITED IN SANITARY SEWERS.

No storm water, roof water or other surface water shall be discharged into or connected in any way to the public sanitary sewer. (Ord. 436. Passed 5-4-60.)

923.05 OTHER PROHIBITED WATER AND WASTES.

The following water and wastes shall not be discharged or permitted to go into the public sewer:

- (a) Hot water, i.e. water having a temperature of 160 degrees Fahrenheit or more.
- (b) Waters containing a high percentage of greases, oils or fats.
- (c) Gasoline, benzene, oils or other oily petroleum products or by-products.
- (d) Ashes, cinders, sand, silt or other inorganic solids.
- (e) Garbage, not properly shredded. After shredding, the largest dimension should be no greater than one-half inch.
- (f) Any substance that will produce poisonous or explosive gases.
(Ord. 436. Passed 5-4-60.)
- (g) Any other substance that the Board of Public Affairs may determine to be harmful or dangerous as is set forth in their rules and regulations.
(Ord. 91-28. Passed 8-14-91.)

923.06 GREASE TRAPS AND FILTERS.

The Mayor or other designated official may require the installation of grease traps or filters if found to be necessary for the proper use of the system by property owners or property discharging excess grease, sand or other prohibited materials into the public sewer.
(Ord. 436. Passed 5-4-60.)

923.07 INSPECTION OPENINGS.

The Mayor or other designated official may require inspection openings, properly located in the building sewers of commercial buildings, if deemed necessary because of the nature of the sewage to be discharged into the public sewer.
(Ord. 436. Passed 5-4-60.)

923.08 NOTICE TO CORRECT; COMPLIANCE REQUIRED.

All persons, firms or corporations failing to comply with the provisions of Sections 923.01 through 923.07 shall be notified in writing of such noncompliance. No person shall fail to make corrections or comply with such provisions within a reasonable time, usually ten days.
(Ord. 436. Passed 5-4-60.)

923.09 RATES GENERALLY

The following shall be the flat monthly rate for the supply of sanitary sewage system and sewage disposal plant services by the Village effective with April 1, 2011 billing.

- | | | |
|-----|--|---------|
| (a) | <u>Domestic Monthly Flat Rate.</u> | |
| (1) | One-family residence | \$52.66 |
| (2) | Multiple residence including apartments
(each family) | 52.66 |
| (b) | <u>Commercial Monthly Flat Rates.</u> | |
| (1) | Offices and small businesses employing
no more than two persons. | 52.66 |
| (2) | Retail establishments, offices, shops,
factories, and other places of business
employing no more than ten persons nor
less than three persons | 78.01 |

- (3) Rooming houses, motels, hotels not serving food or beverage. 78.01
(for each sleeping room for rent in excess of four an additional charge of fifty cents (\$.50) per room per month shall be added).
- (4) Pool and billiard rooms, bowling alleys, public meeting halls, clubs, churches and lodges not serving food or beverage for profit. \$78.01
- (5) Restaurants, dairy bars or stores, supermarkets, commercial garages, laundries, school garage, dry cleaning establishments, funeral homes, gasoline stations, auto laundries, establishments selling food or beverage, establishment using or selling gasoline, lubricants, cleaning fluids or other substances, in quantity that contain grease or solvents. 103.39
- (6) Businesses and industries employing more than ten persons according to the following schedule:

<u>Number of Employees</u>	<u>Rate per Month</u>
11-30	\$103.39
31 and over	\$154.12

Each business or industry employing more than ten persons shall furnish the Clerk of the Board of Trustees of Public Affairs such information he/she may require in order to establish the proper rate to be charged.

- (7) Schools at the rate of \$154.12 per month per building.
- (8) Rates for other unclassified users are to be established upon application to the Board of Trustees of Public Affairs.
- (9) Effective April 1, 2011, there shall be a charge of \$0.00362 per gallon, rounded to the nearest penny, for usage over 8,333 gallons per month or for usage over 3,000 gallons per unit per month where a single meter served three (3) or more units in a multi-family dwelling.

The foregoing charges are minimum charges not maximum charges and the Village reserves the right and is obligated to increase the same at any time should the revenues of the sanitary sewerage system and sewage disposal plant prove insufficient to pay the operating and maintenance expenses of construction of such systems and plant.
(Ord. 2010-61. Passed 12-10-10.)

923.10 RATE FOR SCHOOLS LOCATED OUTSIDE VILLAGE LIMITS.

(REPEALED)

(EDITOR'S NOTE: Former Section 923.10 was repealed by Ordinance 86-21, passed August 13, 1986.)

923.11 COLLECTION OF CHARGES; DELINQUENT BILLS.

Charges for services furnished the Village and its inhabitants and other users by the sanitary sewerage system and sewage disposal plant shall be rendered and collected monthly by the Board of Trustees of Public Affairs. Should the bill for any service rendered by the sanitary sewerage system and sewage disposal plant remain unpaid for a period of eighteen (18) days, a penalty of ten percent (10%) of such billing shall be added thereto. The Board of Trustees of Public Affairs is authorized to cut off water service to the premises involved if the bill remains unpaid for the time period set forth in their Rules and Regulations, and service shall only be resumed upon compliance with said Rules and Regulations. Further, if such bill is not paid as provided in the Rules and Regulations of the Board of Public Affairs, the Clerk is authorized and directed to certify the delinquent bill to the County Auditor for collection as and at the same time that other taxes and assessments are collected.
(Ord. 2011-08. Passed 3-9-11.)

923.12 LIABILITY OF OWNERS AND LESSEES; DISCONTINUANCE OF SERVICE.

The owner of private property which is served by the sanitary sewerage system and sewage disposal plant by pipes connected with such system and plant to convey sanitary sewerage therefrom shall, as well as the lessee of the premises, be liable to the Village for all sanitary sewerage to such system and plant from such premises. Where sewerage service charges are not paid the Village shall have the right to shut off the water supply or to remove or close sewer connections, or both, until payments are made.
(Ord. 401. Passed 3-24-59.)

923.13 ASSESSMENTS.

(a) Corner lots assessed for sewer improvement shall be assessed for the foot frontage toward the street which the building actually fronts or faces.

(b) Property shall be assessed for the sewer only for the frontage along which the sewer is actually constructed, unless the property is serviced by sewer lines so that further extension is unnecessary. However, in the event the sewer line is extended at a future time, such portion of the property not now assessed shall be assessed at the rate established at the time of the additional installation.
(Res. 474. Passed 9-5-62.)

923.14 TAP-IN CHARGES GENERALLY.

(a) No person, firm or corporation shall tap into or use the Garrettsville wastewater treatment system without first securing a sewer use permit and inspection permit and paying all applicable fees. The fees shall be computed as follows:

- (1) Sewer User Permit - All Classifications - \$100.00
- (2) Inspection Permit - Single and Two-Family Dwellings - \$100.00
Commercial, Industrial and Multi-Family Dwellings - \$200.00
- (3) Capacity fee - Shall be computed as hereafter set forth in subsection (b) hereof.

Each property owner or sewer contractor shall also submit a deposit to assure the compliance with the Village's requirements for inspection, testing and final cleanup of the proposed service connections. These deposits shall be refunded promptly by the Village upon completion of all service connection installation requirements. The deposit for service connections that do not encompass any roadway excavation shall be set at not less than one hundred fifty dollars (\$150.00) each and service connections encompassing an opening of the roadway shall be set at not less than three hundred dollars (\$300.00) each. These rates may be increased at the discretion of the Board of Trustees of Public Affairs should conditions warrant. (Ord. 2004-43. Passed 12-8-04.)

(b) Capacity fees for all property owners shall be calculated as follows commencing January 1, 2011:

- (1) For wastewater treatment capacity and trunk sewer capacity:
 - A. For a single-family dwelling: \$7,657.69
 - B. For a two-family dwelling: \$15,315.38
 - C. For industrial and commercial establishments: nine dollars and fifty-seven cents (\$9.57) per gallon estimated daily wastewater flow with a minimum charge of \$5,743.27. Daily wastewater flow shall be estimated using the latest standards or averages established by the State of Ohio, Department of Health for such wastewater flow.
 - D. For multi-family dwellings: \$3,828.85 for the first unit and \$3,828.85 for each additional unit. A unit shall be defined as any single resident dwelling place within the multi-family dwelling.
 - E. For dwellings in "Senior Housing Overlay District" developments, as set forth in Section 1171.06 of the Garrettsville Codified Ordinances, \$3,828.85 for each individual living unit.
 - F. A capacity fee and separate service connection shall be required for each dwelling unit in a multi-family multi-structure development.
- (2) Such capacity fee shall be paid for or secured to be paid for before a permit is issued by the Village.
- (3) Where special conditions exist, the Board of Trustees of Public Affairs may make adjustments as it deems fair and just.
(Ord. 2010-64. Passed 11-17-10.)

(c) All service connections made on or after the effective date of this section shall be made in accordance with the provisions of this section.

(d) (EDITOR'S NOTE: Former subsection (d) was repealed by Ordinance 99-26, passed April 14, 1999.)

(e) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor and shall be fined not to exceed one hundred dollars (\$100.00). Each day of the continued violation shall be deemed to be a separate violation.
(Ord. 2004-43. Passed 12-8-04.)

923.15 EXTENDING UTILITY SERVICE OUTSIDE VILLAGE.

(a) No new water or water lines shall be extended beyond the corporation limits of the Village until all Village residents are afforded these services.

(b) Where water service is available single-family homes requiring only a service line may tap into an existing water main.

(c) No wastewater service shall be provided to properties outside the Village corporation limits.

(Ord. 91-44. Passed 12-11-91.)

923.99 PENALTY.

(a) Whoever violates any provisions of this chapter except for Section 923.14 shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six months or both (A.O.)

(b) Whoever violates Section 923.14 is guilty of a minor misdemeanor. Each day on which a violation occurs or continues shall be deemed a separate offense.

(Ord. 82-17. Passed 8-4-82.)

CHAPTER 925
Provisions Applicable to Water and Sewer Accounts

925.01 Responsibility for bills
upon sale of property.

925.01 RESPONSIBILITY FOR BILLS UPON SALE OF PROPERTY.

(a) Status Statement Required Prior to Property Sale. No person, agent, firm or corporation shall sell, by deed, land contract or otherwise, any interest in any real property located within the corporate limits of the Village which is supplied with water and sewer services by the Village, or property lying outside the corporate limits of the Village which is so served, without first furnishing the purchaser, prior to such sale of such real property, a statement from the Water and Sewer Department, setting forth the current status of the account of such real property, and, when an escrow has been established, depositing in such escrow prior to delivery of possession or transfer of title, a statement from the purchaser acknowledging the receipt of this document, and accepting responsibility for all water and sewer bills on such property accruing after the date of possession or title transfer, whichever shall sooner occur.

(b) Compliance by Escrow Agent. No person, agent, firm or corporation acting in the capacity of an escrow agent in any real property transaction involving the sale of any real property described in subsection (a) hereof, which is serviced or supplied by the Water and Sewer Department, shall disburse any funds unless the provisions of subsection (a) hereof have been complied with and met. Any amounts due and owing at the time of the account status statement, which have not previously been paid in full by the seller, shall be paid to the Village out of the proceeds due to the seller as a result of such sale.

(c) Duties of Seller. No seller of real property shall fail to pay the full amount due and owing up to the date of possession or title transfer, whichever occurs sooner, as reflected in the statement obtained pursuant to subsection (a) hereof.

(d) Injured Party May Collect. Conviction under any provision of this section shall not be a bar to the rights of:

- (1) The purchaser of the real property to recover, by civil suit, from the previous owner, seller, real estate agent or escrow agent, the amounts of money due for services supplied by the Water and Sewer Department to the previous owner or seller and paid for by the purchaser.
- (2) The Village of Garrettsville to recover, by civil suit, from either the previous owner, seller, real estate agent or escrow agent, the amounts of money due for services supplied by the Water and Sewer Department to the previous owner or seller and remaining unpaid after transfer of the property.

(e) Penalty. Whoever violates any provision of this section shall be guilty of a misdemeanor of the fourth degree.
(Ord. 2009-65. Passed 1-13-10.)

CHAPTER 927
Sanitary Sewer Discharge Regulations

927.01	General provisions.	927.07	Publication of users in significant noncompliance.
927.02	General sewer use requirements.	972.08	Administrative enforcement remedies.
927.03	Pretreatment of wastewater.	927.09	Judicial enforcement remedies.
927.04	Discharge exceedence requirements.	927.10	Wastewater treatment rates.
927.05	Compliance monitoring.	927.11	Miscellaneous provisions.
927.06	Confidential information.		

927.01 GENERAL PROVISIONS.

(a) Purpose and Policy. The following discharge limitations are established to provide uniform requirements for Users of the Publicly Owned Treatment Works for the Village of Garrettsville and enables the Village of Garrettsville to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (3) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- (5) To enable the Village of Garrettsville to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

The following regulations shall apply to all Users of the Publicly Owned Treatment Works.

(b) Abbreviations. The following abbreviations, when used in this chapter, shall have the designated meanings:

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – Code of Federal Regulations
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
gpd – gallons per day
IU – Industrial User
mg/l – milligrams per liter
NPDES – National Pollutant Discharge Elimination System
NSCIU – Non-Significant Categorical Industrial User
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Noncompliance
TSS – Total Suspended Solids
U.S.C. – United States Code

(c) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

- (1) Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
- (2) Authorized or Duly Authorized Representative of the User.
 - A. If the User is a corporation:
 - (i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (ii) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - B. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

- C. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D. The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Village.
- (3) Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
 - (4) Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 927.02(a)(1) and (a)(2) [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. [Note: BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.]
 - (5) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
 - (6) Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
 - (7) Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
 - (8) Control Authority. The Board of Public Affairs or BPA.
 - (9) Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
 - (10) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
 - (11) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
 - (12) Existing Source. Any source of discharge that is not a "New Source."

- (13) Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (14) Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source.
- (15) Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (16) Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Village of Garrettsville's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- (17) Local Limit. Specific discharge limits developed and enforced by the Village upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in the National Pretreatment Standards 40 CFR 403.5(a)(1) and (b).
- (18) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (19) Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- (20) Monthly Average Limit. 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 that month.
- (21) New Source.
- A. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
- (i) The building, structure, facility, or installation is constructed at a site at which no other source is located;
- or

- (ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - (iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- B. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (c)(2)A(ii) or (iii), above, but otherwise alters, replaces, or adds to existing process or production equipment.
- C. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - (i) Begun, or caused to begin, as part of a continuous onsite construction program
 - a. Any placement, assembly, or installation of facilities or equipment; or
 - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (22) Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (23) Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Village of Garrettsville's NPDES permit, including an increase in the magnitude or duration of a violation.
- (24) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

- (25) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- (26) Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (27) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- (28) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- (29) Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- (30) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 927.02(a) of this chapter.
- (31) Publicly Owned Treatment Works or POTW. A treatment works, as defined in section 212 of the Act (33 U.S.C. section 1292), which is owned by Village of Garrettsville. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
- (32) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (33) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- (34) Significant Industrial User (SIU). A Significant Industrial User is:
- A. An Industrial User subject to categorical Pretreatment Standards; or
 - B. An Industrial User that:
 - (i) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - (ii) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

- (iii) Is designated as such by the Village on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- (35) Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 927.02(a) of this chapter. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
- (36) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (37) Superintendent. The person designated by the Village to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter. The term also means a Duly Authorized Representative of the Superintendent.
- (38) Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
- (39) User or Industrial User. A source of indirect discharge.
- (40) Village. The Village of Garrettsville.
- (41) Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (42) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste. (Ord. 2020-06. Passed 3-11-20.)

927.02 GENERAL SEWER USE REQUIREMENTS.

- (a) Prohibited Discharge Standards.
 - (1) General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
 - (2) Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - A. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;

- B. Wastewater having a pH less than 6.5 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;
- C. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference [but in no case solids greater than one half inch (1/2") or 1.27 centimeter (1.27 cm) in any dimension];
- D. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
- E. Wastewater having a temperature greater than 120 degrees F (48.9 degrees C)], or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
- F. Petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin, or flammable substances;
- G. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- H. Trucked or hauled Wastewater or pollutants;
- I. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- J. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Village's NPDES permit;
- K. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- L. Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the BPA
- M. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- N. Medical Wastes;
- O. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- P. Detergents, surface-active agents, or other substances that cause excessive foaming in the POTW;
- Q. Fats, oils, or greases of animal or vegetable origin in concentrations greater than six (6) mg/l;
- R. Treated or untreated flowback brine from the production of or drilling for oil or gas.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(b) National Categorical Pretreatment Standards. Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

(c) State Pretreatment Standards. Users must comply with State of Ohio Pretreatment Standards codified at Chapter 3745-3 of the Ohio Administrative Code.

(d) Local Limits.

(1) The Village Local Limits are based on a justification report prepared by the Village's consulting engineer as most recently revised and set forth in "Exhibit 1" of the Rules and Regulations of the Board of Trustees of Public Affairs.

(2) The Village Local Pollutant Limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing the listed pollutants in excess of the Daily Maximum Discharge Limit.

The Local Limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Village may impose mass limitations in addition to the concentration-based limitations set forth in "Exhibit 1" of the Rules and Regulations of the Board of Trustees of Public Affairs.

(e) Village's Right of Revision. The Village reserves the right to establish, by ordinance or in individual wastewater discharge permits more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this chapter.

(f) Dilution. No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Village may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.
(Ord. 2020-06. Passed 3-11-20.)

927.03 PRETREATMENT OF WASTEWATER.

(a) Pretreatment is mandated under the federal Clean Water Act and the Ohio EPA Pretreatment Unit is responsible for both the implementation and regulation of any industrial users in the Village.

Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 927.02(a) of this chapter within the time limitations specified by EPA, the State, or the Village, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Village for review, and shall be acceptable to the Village before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable under the provisions of this chapter.

- (b) Additional Pretreatment Measures.
- (1) The Village may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow.
 - (2) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Village, shall comply with Portage County Plumbing Code and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in order to comply with Village Rules and Regulations by the User at their expense. (Ord. 2020-06. Passed 3-11-20.)

927.04 DISCHARGE EXCEDENCE REQUIREMENTS.

(a) Sample Excedence. In the event that sample test results from any User discharge indicate contaminants exceeding the Village discharge limits, the Village will conduct a second sampling and shall notify the User in writing of the violation. In the event the second sample test results indicate contaminants in excess of Village discharge limits, the User shall have thirty (30) consecutive calendar days to submit a mitigation plan for review, including an implementation schedule satisfactory to the Village, and shall be required to make necessary corrections within the approved implementation schedule.

(b) Reports of Changed Conditions. Each User must notify the Village of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least one hundred twenty (120) days before the change.

- (1) The Village may require the User to submit such information as may be deemed necessary to evaluate the changed condition before any changes are approved.

(c) Reports of Potential Problems.

- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- (2) Within five (5) days following such discharge, the User shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

- (3) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency procedure.
- (d) The Discharge of Hazardous Waste is strictly prohibited
- (e) Sample Collection. Samples collected by the User to quantify discharge levels must be as follows:
 - (1) Except as indicated in subsection (e)(2) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the Village, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Village, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
 - (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. (Ord. 2020-06. Passed 3-11-20.)

927.05 COMPLIANCE MONITORING.

- (a) Right of Entry: Inspection and Sampling. The Superintendent shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this chapter and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
 - (1) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent shall be permitted to enter without delay for the purposes of performing specific responsibilities.
 - (2) The Superintendent shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

- (3) The Superintendent may require the User to install sampling and/or monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be born by the User.
- (5) Unreasonable delays in allowing the Superintendent access to the User's premises shall be a violation of this chapter.

(b) Search Warrants. If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Village designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Village may seek issuance of a search warrant from the Common Pleas Court of Portage County, Ohio. (Ord. 2020-06. Passed 3-11-20.)

927.06 CONFIDENTIAL INFORMATION.

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (Ord. 2020-06. Passed 3-11-20.)

927.07 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.

(a) The Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates subsections (a)(3), (4) or (8) of this Section) and shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 927.01(c);
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined in Section 927.01(c) multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a Pretreatment Standard or Requirement as defined in Section 927.01(c) (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s), which may include a violation of Best Management Practices, which the Superintendent determines will adversely affect the operation of the POTW.
(Ord. 2020-06. Passed 3-11-20.)

927.08 ADMINISTRATIVE ENFORCEMENT REMEDIES.

(a) Notification of Violation. When the Superintendent finds that a User has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may serve upon that User a written Notice of Violation. Within seven (7) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Superintendent. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action.

(b) Consent Orders. The Superintendent may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 927.08(d) and (e) of this chapter and shall be judicially enforceable.

(c) Show Cause Hearing. The Superintendent may order a User which has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven (7) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 927.01(c). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

(d) Compliance Orders. When the Superintendent finds that a User has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be terminated unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(e) Cease and Desist Orders. When the Superintendent finds that a User has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Superintendent may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(f) Administrative Fines.

- (1) When the Superintendent finds that a User has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may fine such User in an amount not to exceed one thousand dollars (\$1,000.00). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- (2) Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of 1/3 percent (1/3 %) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties if necessary.
- (3) Users desiring to dispute such fines must file an appeal of the fine pursuant to Section 927.08(i) herein, along with full payment of the fine amount within seven (7) days of being notified of the fine. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

(g) Emergency Suspensions. The Superintendent may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (1) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 927.08(h) of this chapter are initiated against the User.
- (2) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Sections 927.08(c) or (h) of this chapter.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

(h) Termination of Discharge. Any User who violates the following conditions is subject to discharge termination:

- (1) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (2) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (3) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- (4) Violation of the Pretreatment Standards in Section 927.02 of this chapter.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 927.08(c) of this chapter why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the User.

(i) Right of Appeal. Any discharger found by the Superintendent to have violated any provision of this chapter, its wastewater discharge permit or an order of the Village shall have the right to appeal the Superintendent's findings to the Board of Public Affairs. The appeal shall be perfected by filing a notice of appeal which states the reasons therefor with the Superintendent no more than seven (7) days following the issuance of his order, notice or other proposed sanction. Within seven (7) working days, the Superintendent shall then transmit the notice, his order, notice or other proposed sanction to the Board of Public Affairs.

Within seven (7) working days after receiving the notice of appeal and other papers from the Superintendent, the Board of Public Affairs shall fix a time for a hearing of the appeal and shall give the discharger at least twenty (20) days prior written notice of the time and place of the hearing.

The discharger and the Superintendent shall have the right to appear before the Board and to be represented by counsel, call witnesses and present evidence at the hearing. The Board shall receive any relevant evidence and testimony offered by either as it shall determine. Testimony received at the hearing shall be under oath. The Board of Public Affairs shall then affirm, modify or reverse the finding of the Superintendent. The Board of Public Affairs shall also prepare written conclusions of the facts found by it, its decision and its reasons therefor. The Board shall determine its own procedures not inconsistent with these provisions.

Appeal from a decision of the Board of Public Affairs shall be made pursuant to Chapter 2506 of the Ohio Revised Code. (Ord. 2020-06. Passed 3-11-20.)

927.09 JUDICIAL ENFORCEMENT REMEDIES.

(a) Injunctive Relief. When the Superintendent finds that a User has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may petition the Court of Common Pleas of Portage County, Ohio through the Village Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the User. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

(b) Civil Penalties.

- (1) A User who has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the Village for a maximum civil penalty of twenty-five thousand dollars (\$25,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (2) The Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Village.
- (3) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- (4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

(c) Criminal Prosecution.

- (1) A User who willfully or negligently violates any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor of the first degree.
- (2) A User who willfully or negligently introduces any substance into the POTW which cause personal injury or property damage shall, upon conviction, be guilty of a misdemeanor of the first degree. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- (3) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be guilty of a misdemeanor of the first degree.
- (4) Each day on which a violation occurs or continues shall be deemed a separate and distinct violation.

(d) Remedies Nonexclusive. The remedies provided for in this chapter are not exclusive. The Superintendent may take any, all, or any combination of these actions against a non-compliant User. Enforcement of discharge violations will generally be in accordance with these regulations. However, the Superintendent may take other action against any User when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any non-compliant User.
(Ord. 2020-06. Passed 3-11-20.)

927.10 WASTEWATER TREATMENT RATES.

See Section 923.09.

(Ord. 2020-06. Passed 3-11-20.)

927.11 MISCELLANEOUS PROVISIONS.

(a) Pretreatment Charges and Fees. The Village may adopt reasonable fees for reimbursement of costs of setting up and administering these regulations, which may include:

- (1) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- (2) Fees for reviewing and responding to accidental discharge procedures and construction;
- (3) Fees for filing appeals;
- (4) Fees to recover administrative and legal costs associated with the enforcement activity taken by the Superintendent to address IU noncompliance; and
- (5) Other fees as the Village may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the Village.

(b) Severability. If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect. (Ord. 2020-06. Passed 3-11-20.)

TITLE FIVE - Other Public Services
 Chap. 941. Garbage Collection and Disposal.
 Chap. 945. Park Cemetery.
 Chap. 949. Parks.
 Chap. 951. Alarm Systems.

CHAPTER 941
 Garbage Collection and Disposal

941.01	Authority to contract for services.	941.04	Container covers.
941.02	Bond; effective period of contract.	941.99	Penalty.
941.03	Disposal of garbage.		

CROSS REFERENCES

Collection and disposal - see Ohio R.C. 715.43, 717.01
 Employment of scavengers - see Ohio R. C. 3707.39
 Loads dropping or leaking - see TRAF. 339.08
 Shifting loads; loose loads - see TRAF. 339.09
 Littering and deposit of garbage - see GEN. OFF. 517.08

941.01 AUTHORITY TO CONTRACT FOR SERVICES.

In an endeavor to assist the residents of the Village in the sanitary disposal of garbage, the Mayor and the Clerk are hereby authorized to enter into an exclusive contract with any individual, firm or corporation for the collection and disposal of garbage, upon such terms as may be found reasonable and proper, the expenses of such collection to be paid by the individual users of such services and with the understanding that the Village is or shall be in no way accountable for any expense connected therewith.
 (Ord. 337. Passed 5-5-54.)

941.02 BOND; EFFECTIVE PERIOD OF CONTRACT.

Upon the approval of the contract for such garbage disposal service, the operator shall file a bond, approved by the Mayor, conditioned upon faithful performance of the contractual obligations. The contract shall be for not more than one year, but subject to proper renewal.
 (Ord. 337. Passed 5-5-54.)

941.03 DISPOSAL OF GARBAGE.

No person, firm or corporation shall dispose of garbage within the Village except by incineration or by proper burial thereof, or otherwise complying with the requirements of law. (Ord. 337. Passed 5-5-54.)

941.04 CONTAINER COVERS.

No person, firm or corporation occupying any property within the Village shall suffer or permit garbage containers of any description to be maintained on such property unless such containers are provided with covers sufficient to keep the contents contained securely therein and unless such containers are securely covered at all times. (Ord. 528. Passed 5-6-64.)

941.99 PENALTY.

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

CHAPTER 945
Park Cemetery

945.01	Fees for lots.	945.03	Interments.
945.02	Credit of moneys.	945.04	Indigent burial policy.

CROSS REFERENCES

Burials may be prohibited - see Ohio R.C. 759.05
 Management and control - see Ohio R.C. 759.20
 Union cemeteries - see Ohio R.C. 759.27 et seq.
 Burial permits - see Ohio R.C. 3705.24 et seq.
 Burial of indigent person - see Ohio R.C. 5113.15
 Board of Trustees of the Cemetery - see ADM. Ch. 147
 Cemetery Sexton - see ADM. Ch. 149

945.01 FEES FOR LOTS.

The following fee schedule for the sale of cemetery lots and other services is hereby established as follows:

(a)	<u>Sale Price for Grave Lots.</u>	
(1)	Village Resident	\$150.00
(2)	Non-resident of Village but resides within a Garrettsville Mailing address or is a resident of Nelson Township	\$350.00
(3)	Outside of Garrettsville mailing address	\$500.00
(b)	<u>Charge for Internment.</u>	
(1)	Adult	\$200.00
(2)	Baby	\$90.00
(3)	Child (less than 6 feet but over 3 feet)	\$140.00
(4)	Ashes	\$60.00
(c)	<u>Foundations.</u>	\$50.00 per sq. ft
(d)	<u>Transfer Fee.</u> To transfer a lot to a non-Village resident	\$300.00
(e)	<u>Weekend/Holiday Funerals.</u>	
(1)	Adult Internment fees (Saturday)	\$400.00
(2)	Ashes (Saturday)	\$120.00
(3)	Adult Internment fees (Sunday)	\$600.00
(4)	Ashes (Sunday)	\$240.00

The fees for Internment will double if the Cemetery crew is not through before 3PM Monday through Sunday (\$400.00 weekdays, \$800.00 Saturday, Sunday \$1200.00). Funerals on Thanksgiving, Christmas, New Years Day, Memorial Day, and Independence Day will all be double the Sunday rate (\$1200.00). (Ord. 2006-13. Passed 6-14-06.)

945.02 CREDIT OF MONEYS.

(a) The fees for opening a grave and for such other cemetery services as may be usual and ordinary to be furnished by the Sexton shall be payable to the Village and shall be credited to the Cemetery Fund with ten dollars (\$10.00) of each charge credited to the Cemetery Trust Fund. (Ord. 95-13. Passed 6-14-95.)

(b) No graves shall be opened nor other services rendered until such fees are paid or properly secured to be paid. (Ord. 943. Passed 12-1-76.)

945.03 INTERMENTS.

(a) All bodies must be casketed.

(b) Cemetery Employees shall conduct all interments.

(c) Cemetery Employees must install all monument footers.

(d) All interments shall be in a vault or grave liner made of concrete or steel and have a top seal only. Only an infant interment shall be permitted in a vault casket combination.

(e) Only one interment per grave is permitted, except by obtaining a special permission from the Cemetery Sexton or his designated representative. An infant burial over an adult grave may be permitted if the adult is buried at a sufficient depth. Four cremations are permitted over another burial, three with a baby. If a baby is first in a grave space otherwise not occupied only the baby shall be allowed except for cremated remains. An additional cost for open and close will apply with each interment a minimum of double open and closing will apply.

(f) If a grave is purchased for the purpose of interment of cremated remains only one upright monument is permitted on the site

(g) No ashes may be interred in cardboard.

(h) No above ground mausoleums.

(i) All headstones must conform to cemetery regulations and shall be at the head of the grave with the exception of Veteran markers.
(Ord. 2002-43. Passed 11-13-02.)

945.04 INDIGENT BURIAL POLICY

(a) Purpose. This indigent burial policy is enacted to comply with the provisions of Ohio R.C. 9.15 pertaining to the burial of indigent persons whose legal residence at the time of death was the Village of Garrettsville, who are not claimed by any person for private interment or cremation at the person's own expense, or interment or cremation when the body of an indigent person is claimed by an indigent person. The purpose of this policy is to provide for the burial of indigents, or the burial of an indigent person claimed by an indigent person, for reasons of public health and sensibilities.

(b) Application of Policy.

- (1) When the body of a dead person is found within this County or in another County of this State and such person was not an inmate of a correctional, benevolent, or charitable institution of this State; and the body is not claimed by any person for private interment or cremation at the person's own expense; or delivered for the purpose of medical or surgical study or dissection in accordance with Ohio R.C. 1713.34, the Village shall be liable for the cremation and interment expenses, in the amounts set forth herein, if:
 - A. The deceased is determined to be an indigent person; and
 - B. The person was a legal resident of the Village of Garrettsville at the time of their death.
- (2) When the body is claimed by an indigent person simply as that of a loved one, without undertaking to arrange and pay for private interment, the Village shall be liable for the cremation or interment expenses, in the amounts set forth herein, if:
 - A. The deceased is determined to be an indigent person; and
 - B. The person was a legal resident of the Village of Garrettsville at the time of their death; and
 - C. The claimant is determined to be an indigent person.

(c) Administration. The Mayor and the Clerk-Treasurer are hereby appointed as the proper officers of the Village, in accordance with Ohio R.C. 9.15, to be responsible for the administration of this indigent burial policy. If the next-of-kin of the deceased are not available or are unknown, the Mayor and the Clerk-Treasurer shall have the authority to sign all documents necessary for the cremation.

(d) Determining Indigence.

- (1) Prior to the cremation authorization the Mayor and the Clerk-Treasurer shall make reasonable attempt to determine whether the deceased person is in fact indigent and, where the deceased person is claimed by an indigent person, whether the claimant is in fact indigent.
- (2) "Indigent decedent" means a person who dies without leaving an ascertainable estate sufficient to pay part or all of the person's burial expenses and whose burial expenses are not payable by the State or County Veteran's Administration. The estate of the decedent shall include, but is not limited to, the ready availability of real or personal property owned; employment benefits; pensions; annuities; social security; unemployment compensation, inheritances; number and age of dependents; outstanding debts, obligations and liabilities; and any other relevant considerations concerning the financial condition of the individual.
- (3) The term "indigent claimant" encompasses individuals who are poor, needy, destitute, or in poverty. The criteria for determining whether an individual is indigent include the ready availability of real or personal property owned; employment benefits; pensions; annuities; social security; unemployment compensation, inheritances; number and age of dependents; outstanding debts, obligations and liabilities; and any other relevant considerations concerning the financial condition of the individual.

- (e) Determining Legal Residency.
- (1) Prior to the cremation authorization, the Mayor and the Clerk-Treasurer shall make reasonable attempt to determine whether the deceased person was a legal resident of the Village.
 - (2) "Legal Residency" means a physical presence in a particular location, coupled with the present intent to make that place a permanent residence for a period of time.
 - (3) In cases where the decedent was living in a nursing home or hospital located within the Village, legal residency shall mean intent to make the nursing home or hospital a permanent residence.
- (f) Policy.
- (1) Upon finding that the deceased was a legal resident of the Village and an indigent person, and where the deceased person is claimed by an indigent person, that the claimant is indigent, the Mayor and the Clerk-Treasurer shall authorize the funeral director or other party to cremate the decedent.
 - (2) The Village shall dispose of the remains of indigent persons by cremation only. The Village shall pay a maximum of eight hundred dollars (\$800.00) for the cremation and interment of the remains of the deceased. Said services shall include transportation of the deceased to the funeral home, necessary supplies and procedures, and a temporary urn for the storage of the deceased's cremated remains. The Clerk-Treasurer is hereby authorized to pay such expenses, upon certification from the Mayor and receipt of an invoice or bill from the funeral director.
 - (3) The cremated remains of the deceased may be released to the decedent's family. If the cremated remains are not claimed, the Village may cause the remains to be buried, and the Clerk-Treasurer is hereby authorized to pay such expenses, upon certification by the Mayor and receipt of an invoice or bill for the burial.
 - (4) The Village shall also provide at the grave of the person's cremated remains, if such remains are buried, a stone or concrete marker on which the person's name and age, if known, and date of death shall be inscribed.
- (g) Limitations.
- (1) If the body of an indigent person is claimed by relatives or friends who arrange for the funeral according to their wishes, the Village shall not pay all or any part of the expenses for the same.
 - (2) The Village's Indigent Burial Policy is not supplemental. The funeral director of funeral home personnel shall not ask for nor accept any funds above the amounts set forth herein. Upon completion of the cremation, the funeral director shall submit an itemized bill to the Clerk-Treasurer containing the following information:
 - A. The name and age of the deceased;
 - B. Place of burial;
 - C. Services performed;
 - D. Total costs of services;
 - E. Amount received from other sources; and
 - F. Amount due from the Village.

- (3) The funeral director or funeral home shall reduce the cost to the Village by the amount of funds received from any other source. If additional funds are paid to the funeral director or funeral home after the Village has paid as herein provided, the Village shall be refunded the exact amount of the additional funds paid to the funeral director or funeral home within thirty days (30) days of the receipt thereof. The funeral director shall submit a notarized statement to the Clerk-Treasurer indicating his understanding and compliance with the provisions of this Policy.
- (4) In the event that it is found after the cremation of the deceased and payment of the cremation and/or burial expenses by the Village, that such indigent decedent and/or indigent claimant had means, assets, insurance or other benefits or allowances available for the payment of all or part of such expenses, such proceedings may be taken to recover such costs and expenses as may be authorized by law.

(h) Potters Field. There is hereby established and set aside for the burial of any person determined to be indigent pursuant to the provisions of this section, a "Potters Field" for Park Cemetery. The section of the cemetery for the purpose provided herein is more specifically described as Lots 102, 104, and 106 consisting of six (6) graves. (Ord. 2015-16. Passed 3-11-15.)

CHAPTER 949
Parks

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| 949.01 Regulations. | 949.99 Penalty. |
| 949.02 Use of Village athletic fields;
permit required. | |

CROSS REFERENCES

- Power to regulate vehicle speed in parks - see Ohio R.C. 4511.07(E)
 Disorderly conduct - see GEN. OFF. 509.03
 Intoxicating liquors defined - see GEN. OFF. 529.01
 Public indecency - see GEN. OFF. 533.07
 Destruction of trees and shrubs - see GEN. OFF. 541.06
 Weapons and explosives - see GEN. OFF. Ch. 549
 Open burning - see FIRE PREV. Ch. 1505

949.01 REGULATIONS.

The following rules and regulations are hereby adopted to govern the use of the Village park.

- (a) The unlawful possession, use or discharge of any type of a firearm, or the possession of any knife, switchblade, bow and arrow, air gun, paintball gun, BB gun, spring-operated gun, slingshot, or other offensive weapons within a Village park or recreation area is strictly forbidden. The throwing of stones or the use or launching of fireworks or other harmful projectiles within a Village park is forbidden. The term "firearm" as used in this section shall have the same meaning as in section 2923.11 of the Ohio Revised Code.⁶ (Ord. 2019-38. Passed 12-11-19.)
- (b) No person shall be permitted in the park between the hours of 9:30 p.m. and 6:00 a.m. from May 1 to October 31 or between the hours of 7:00 p.m. and 7:00 a.m. from November 1 to April 30, unless attending a regularly scheduled event.
- (c) No motor vehicle, including all recreational vehicles, shall be operated on the roads or highways within the park at a speed greater than ten miles per hour.
- (d) No person shall bring or consume intoxicating liquors on the park grounds.
- (e) Water provided at the park shall be for the use and enjoyment of all persons using the park and its facilities but shall not be taken from the park for purposes not connected with the use of the park.
- (f) No person shall park a motor vehicle in an area not designated for parking.
- (g) No person shall operate a motor vehicle, including recreational vehicles, on any of the courts, baseball fields or other grassed or play areas.
- (h) No person shall use profane or indecent language in or about the park.
- (i) No indecent, immoral or lewd behavior shall be permitted in the Village park.
- (j) Persons using the park shall conduct themselves in such a manner which will not unreasonably interfere with the use and enjoyment of the park by others.

- (k) No person shall intentionally or unreasonably damage or destroy the facilities, grounds, trees or other property in the Village park.
(Ord. 77-1. Passed 7-6-77.)
- (l) No fires shall be built for any purpose except in the fireplaces and grills provided for the convenience of persons using the park.
(Ord. 2011-35. Passed 7-14-11.)
- (m) Pets shall be leashed and kept under control by the owner or keeper.
(Ord. 77-1. Passed 7-6-77.)

⁶ See *Ohioans for Concelaed Carry, Inc. v. City of Oberline*, 2017-Ohio-36, 9th District Court of Appeals: qualifying language “unlawful” does not conflict with ORC 9.68.

949.02 USE OF VILLAGE ATHLETIC FIELDS; PERMIT REQUIRED.

Before a person, firm or corporation, which is unaffiliated with the Village of Garrettsville, may use any portion of the athletic fields situated within the Village parks, a permit must first be obtained from the Village Clerk-Treasurer. All permits shall be subject to the following requirements:

- (a) Tournament sponsor/organizer shall submit to the Village Clerk a non-refundable application and use fee of one thousand dollars (\$1,000.00) per calendar day.
- (b) A cash bond in the amount of one thousand dollars (\$1,000.00) must be deposited with the Village Clerk covering any expense, damage or liability of the Village resulting from such use of Village-owned property. Provided that the area is cleaned and any altered areas are returned to their original condition, such bond will be returned to the applicant subsequent to post-event inspection by the Village or its designee.
- (c) The applicant shall submit an original Certificate of Insurance in an amount not less than one million dollars (1,000,000) combined single limit bodily injury and property damage for each occurrence. The insurance certificate must list the village as an additional insured on the policy.
- (d) Each participant (or parent if a minor) shall be required to execute a personal injury waiver, a copy of which shall be supplied to the applicant at the time of application.
- (e) Any permit application is subject to rejection based upon pre-existing scheduling of Garrettsville, James A. Garfield School District or affiliated activities.

The permit shall be for a specific time and period and at the end of such period all vehicles and other equipment must be removed from the premises and the field or other Village-owned property left in as good a condition as it was prior to such use.
(Ord. 2011-45. Passed 10-12-11.)

949.99 PENALTY.

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

CHAPTER 951
Alarm Systems

951.01 False alarms.

951.01 FALSE ALARMS.

(a) In the event the Police Department receives in excess of two false alarms from any alarm system within any calendar month from and after the effective date of this section, the alarm user shall be served a certified letter notifying him that he shall be charged the sum of fifty dollars (\$50.00) per false alarm for each and every false alarm in excess of two false alarms for such monthly period.

(b) The Village Clerk Treasurer shall, upon notification of the Police Chief, give five days notice by regular mail to the alarm user to pay the assessment provided for in subsection (a) hereof. In the event the same is not paid within thirty days after mailing of such notice, then the amount shall be determined to be delinquent and shall be collected in a manner as is authorized by law.

(c) In addition, in the event the assessment provided for in subsection (a) hereof, is not paid within thirty days after the mailing of such notice, notice shall be sent to the alarm user by certified mail, ordering the alarm user to remove all equipment interconnecting the alarm system with the Police Department, to stop all local alarm systems or to stop operation of all alarm systems of transfer interconnect, which is used to alert the police through an alarm business operation. If the removal is not completed within thirty days, the Chief of Police is authorized to contact for such removal at the expense of the alarm user.

(d) Any alarm system disconnected pursuant to the provisions of subsection (c) hereof may be reconnected at the expense of the alarm user, provided, however, that the registration provided for by this chapter is completed and the delinquent assessments as provided for in this section are paid in full.
(Ord. 2008-09. Passed 7-9-08.)

