

CHAPTER 913
Water Pollution Rules and Regulations

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PREAMBLE

The adoption of rules and regulations is not for the purpose of imposing unnecessary or burdensome regulations upon the use of the sewerage system, sewage treatment plant, or wastewater treatment plant of the City of Lorain, Ohio, the use of public and private sewers and drains, private sewage treatment, the installation and connections of building sewers, and the discharge of waters and wastes into public sewer systems and water courses, but only to provide for the orderly conduct of the business of the City Utilities Department, in order to prevent the pollution of our natural waterways and the protection of our environment.

(Ord. 19-91. Passed 3-18-91.)

REFERENCES

913.001 METHOD OF USING REFERENCES.

In order to establish a format which shall enable persons to read and interpret this chapter easily, references have been inserted. References shall be made both to specific Sections and to whole groups of titled Sections which shall be called Sub-Chapters.

(a) Whenever a reference is made to a specific Section, for example Section 913.055, only that Section referred to is pertinent.

(b) Whenever a reference is made to a specific Sub-Chapter, for example Sub-Chapter 913.400, the whole group of Sections within the titled Sub-Chapter shall be considered and any pertinent Sections shall apply.

(Ord. 19-91. Passed 3-18-91.)

GENERAL

913.010 DEFINITIONS.

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

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

(2) "Administrator" means the Administrator of the Environmental Protection Agency, or any person authorized to act for him.

(3) "Appeal Board" means that Board as designated in Sub-Chapter 913.950.

(4) "A.S.T.M." means the American Society of Testing Materials.

(5) "BOD" (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Centigrade, expressed in milligrams per liter.

(6) "Building drains" means that part of the lowest horizontal piping of a drainage system which receives discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building wall.

A. "Building drain - combined" means a building drain which conveys sewage and storm water or other drainage.

- B. "Building drain - sanitary" means a building drain which conveys sewage only.
- C. "Building drain - storm" means a building drain which conveys storm water or other drainage, but no sewage.
- (7) "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.
- A. "Building sewer - combined" means a building sewer which conveys both sewage and storm water or other drainage.
- B. "Building sewer - sanitary" means a building sewer which conveys sewage only.
- C. "Building sewer - storm" means a building sewer which conveys storm water or other drainage, but no sewage.
- (8) "Chemist" means a person employed at the City Water Pollution Control with a degree in chemistry or microbiology from an accredited university.
- (9) "City" means the City of Lorain, Ohio.
- (10) "City Engineer" means a person employed by the City with a degree in civil, sanitary, or chemical engineering and who supervises the Engineering Department for the City of Lorain.
- (11) "COD"(Chemical Oxygen Demand) means the quantity of oxygen required to satisfy the carbon in a waste as determined by chemical oxidation of the waste with a strong oxidation agent - acid solution.
- (12) "Combined sewer" means a sewer receiving both surface drainage and runoff from roof downspouts, exterior foundation drains, street drains, etc., and also sanitary sewage.
- (13) "Cooling water" means water discharged from any system of condensation, air conditioning, cooling, refrigeration, or any other systems and shall have the quality characteristics of an "unpolluted water."
- (14) "Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the State of Ohio.
- (15) "Director of Public Service and Safety" means the duly appointed Director of all the Service and Safety Departments in the City of Lorain as agent for the Mayor and as defined and designated by the Ohio Revised Code.
- (16) "Director of Utilities" means the duly appointed supervisor of the Utilities Department for the City of Lorain.
- (17) "District area storm drainage" means the stream or conduit transporting the major storm drainage within its natural water shed area or total catchment basin. This major storm drainage provision is in addition to providing the storm drainage facility for the initial storm run off, varying from an expected frequency of recurrence of once in two years, to once in five years, in the district subcatchment areas and discharged into a subcatchment tributary stream or conduit. Provisions shall be made to obviate major property damage and loss of life for that storm run off expected to occur once each twenty-five years Such provisions are known as major drainage systems in an area district.
- (18) "Environmental Protection Agency" or "EPA" means the United States or Federal Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- (19) "Federal Act" means the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, and any amendments thereto; as well as any guidelines, limitations, and standards promulgated by the U.S. Environmental Protection Agency pursuant to the Act.
- (20) "Foreign accounts" means the water or sewerage accounts of any political subdivision, other than the City, which supplies or is supplied sewerage service.

(21) "Garbage" means solid wastes from the domestic and commercial preparation, cooking, or dispensing of food, or from the handling, storage, or sale of produce.

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

(23) "Holding tank waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

(24) "Incompatible pollutant" means a waste constituent which interferes with the operation and performance of the wastewater treatment works.

(25) "Indirect discharge" means the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(26) "Intercepting sewer" means a sewer intended to receive flows from both combined sewers and sanitary sewers; or a sewer whose primary purpose is to transport wastewater from collector (local) sewers to a Wastewater Treatment Plant.

(27) "Maintenance" means the upkeep and repair costs required to maintain the wastewater treatment works structures and equipment in efficient operating condition during the service life of such works.

(28) "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(29) "NPDES" or "National Pollutant Discharge Elimination Systems permit" means any permit or equivalent document or requirements issued by the State water pollution control agency to regulate the discharge of pollutants from the wastewater treatment works.

(30) "Ohio Environmental Protection Agency (OEPA)" means the department of the State of Ohio assigned and designated as the legal authority of administration, supervision and regulation of wastewater (municipal, private, and industrial) treatment plants in Ohio, under amended State Bill 397, and any subsequent amendments.

(31) "O, M & R Contingency Fund" means a separate fund under the Capital Improvements section of the annual budget that must be kept at a certain percentage of the previous year's actual operation, maintenance and replacement cost.

(32) "O, M & R Cost" means the operation, maintenance and replacement cost to efficiently operate and maintain the City of Lorain's wastewater works as defined in this chapter.

(33) "Operation" means any physical and mechanical actions, processes or functions required to efficiently operate the wastewater treatment works as defined herein.

(34) "Person, enterprise, establishment, or owner" means any individual, partnership, firm, company, association, society, corporation or any other entity using the sewage works or sewerage system.

(35) "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(36) "Phosphorus" means a constituent in wastewater as identified in "Standard Methods for the Examination of Water and Wastewater."

(37) "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(38) "Pollution" means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(39) "POTW"(Publicly Owned Treatment Works) means a treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewer, or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" also includes any sewers that convey wastewaters to the POTW from persons outside the City of Lorain who are, by contract or agreement with the City of Lorain, users of the City of Lorain's POTW

(40) "POTW treatment plant" means that portion of the POTW designed to provide treatment of wastewater.

(41) "Properly shredded garbage" means the wastes from the preparation, cooking, or dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

(42) "Public sewer" means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(43) "Replacement" means expenditures for obtaining and installing equipment, accessories or appurtenances necessary to retain design capacity and performance of the wastewater treatment works throughout the City's jurisdiction.

(44) "Sanitary sewer" means a sewer which carries sewage and industrial waste and to which storm, surface, or groundwaters are not intentionally admitted.

(45) "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface or stormwaters as may be present.

(46) "Sewage service charge" means the fee required to maintain sewers and to cover the cost of treating "normal sewage" in the City of Lorain, at a rate passed by Council in ordinance.

(47) "Sewage treatment plant", "wastewater treatment plant", or "water pollution control plant" means any arrangement of devices and structures used for treating sewage.

(48) "Sewage works", "wastewater treatment works", or "sewerage system" means all facilities for collecting, pumping, treating or disposing of sewage.

(49) "Sewer" means a pipe or conduit for carrying sewage.

(50) "Shall" is mandatory; "May" is permissive.

(51) "S-Meter" means:

A. A meter or meters used on a water supply other than a municipal water supply, such as wells, private water company, etc., and/or surcharge.

B. A meter or meters used to supplement the meter or meters measuring a municipal water supply and considered necessary in the determination of the sewerage service charge and/or surcharge.

(52) "State" means the State of Ohio.

(53) "Storm drain" or "storm sewer" means a pipe or conduit which carries storm and/or surface waters and/or drainage, but excludes sewage and/or industrial wastes; it may, however, carry cooling waters and/or unpolluted waters.

(54) "Storm water" means any flow occurring during or following any form of natural precipitation and resulting therefrom.

(55) "Superintendent" means the Superintendent of Water Pollution Control of the City of Lorain.

(56) "Suspended solids" means solids that either float on the surface of, or are in suspension in

water, sewage, or other liquids, and which are removable by laboratory filtering.

(57) "Unpolluted water or waste" means the minimum conditions applicable to all waters at all places and at all times.

(58) "User" means any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

(59) "User charge" means a charge levied on users of the wastewater treatment works for the operation, maintenance and replacement costs of such works.

(60) "Volatile organic matter" means the material in the sewage solids transformed to gases or vapors when heated at 550 degrees Centigrade for fifteen to twenty minutes.

(61) "Wastewater" or "sewage" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(62) "Water distribution system" means all the facilities for treating, pumping, or distribution of potable water.

(63) "Water pollution control plant" means any arrangement of services or structures used for treating sewage.

(64) "Water supply meter" means any meter used on any water supply line supplying water to a premise from any source, whether municipal or private, such as meters on service branches from municipal water mains, meters on service branches from private water company water mains, meters on lines from wells or any other meters as shall be determined by the City of Lorain.

(65) "Watercourses" means a channel in which a flow of water occurs, either continuously or intermittently.

(66) "Waters of the State" as referred to under Ohio R.C. 6111.01(H), means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, which are situated wholly or partly within, or border upon, this State, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface or underground waters. Also those waters which drain to or effect a junction with other waters draining to the Black River and Lake Erie from the territory within the Lake Erie watershed.

(67) "W.P.C.F." means the Water Pollution Control Federation.

(Ord. 19-91. Passed 3-18-91.)

SEWER INSTALLATION

913.020 AUTHORIZATION TO WORK ON SEWERS.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the City Engineer.

(Ord. 19-91. Passed 3-18-91.)

913.021 DESTRUCTION OF SEWAGE WORKS EQUIPMENT.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest and fine through the local court as prescribed in Sub-Chapter 913.600.

(Ord. 19-91. Passed 3-18-91.)

913.022 UNAUTHORIZED LIQUID DISCHARGE IN SEWERS.

No person without proper authorization from the City Water Pollution Control Board or the

Superintendent of Water Pollution Control shall lift, remove or tamper with a manhole cover or lid, or make any opening into a manhole for the purpose of draining rain, ground or wastewaters into the sewer manhole. Any person violating this provision shall be guilty of a misdemeanor and fined as provided for in Sub-Chapter 913.600. (Ord. 19-91. Passed 3-18-91.)

913.023 UNAUTHORIZED MATERIAL DISCHARGES IN SEWERS.

No person without written authorization from the Water Pollution Control Board or the Superintendent of Water Pollution Control, shall place any materials or substance into any sewer through a manhole leading to the sewer. Any offender shall be guilty of a misdemeanor and fined as provided for in Sub-Chapter 913.600. Each offense shall be considered to be a separate offense. (Ord. 19-91. Passed 3-18-91.)

913.024 BONDING AND LICENSE REQUIRED FOR SEWER WORKERS.

No person shall construct, connect or repair any sanitary sewer or construct or repair any sewer drain connection with a City storm sewer or inlet, or do any work in connection therewith, unless he has secured a license from the City Engineer, which license shall be for a period extending from the date of issuance to December 31st of the same year, upon payment of a fee of thirty dollars (\$30.00), and bond in the sum of twenty-five thousand dollars (\$25,000), executed by a surety company doing business in Ohio, conditioned that they indemnify the City from all loss or damage that may be occasioned or caused by the want of care, skill or attention on the part of the person obtaining the permit in the installation of such work. The bond shall be approved by the Law Director and the Mayor and filed in the Auditor's Office.

Homeowners may repair and/or install sanitary sewer laterals, on the condition that they obtain a sewer permit, and subsequently have the work inspected, subject to the same standards as a licensed contractor. In the event damage occurs during this work and the homeowner refuses to correct the problem, the City will make the necessary repairs and put a lien on the property for the cost of these repairs. In addition, the City may also cease providing water and/or sewer service until the problem is corrected.

(Ord. 161-09. Passed 11-16-09.)

913.025 SEWER PERMITS .

(a) There shall be three classes of building sewer permits:

- (1) For residential and commercial service;
- (2) For service to establishments producing industrial wastes;
- (3) For storm drainage service.

(Ord. 19-91. Passed 3-18-91.)

(b) The owner or his agent shall make application on a special form furnished by the City. The permit application shall be considered pertinent in the judgment of the City Engineer. A permit and inspection fee of eighty dollars (\$80.00) for residential, eighty dollars (\$80.00) for commercial, and eighty dollars (\$80.00) for industrial building sewer permit fees shall be paid to the City, at the City Engineer's office, when the application for each required permit is made.

(Ord. 47-05. Passed 3-21-05.)

913.025A RESIDENTIAL OR COMMERCIAL BUILDING SEWER APPLICATION.

CLASS OF PERMIT _

The city of _____ :

The undersigned, being the _____ of the

(Owner, Owner's Agent)

property located at _____, does
(Number) (Street)

hereby request a permit to install and connect a building sewer to serve the
_ at said location.

(Residence, Commercial Building, etc.)

1. The following indicated fixtures will be connected to the proposed building sewer:

- | | | | |
|--------|---------------|--------|------------------|
| Number | Fixture | Number | Fixture |
| __ | Kitchen sinks | __ | Water closets |
| __ | Lavatories | __ | Bath tubs |
| __ | Laundry tubs | __ | Showers |
| __ | Urinals | __ | Garbage grinders |

Specify other fixtures_

- The maximum number of persons who will use the above fixtures is_
- The name and address of the person or firm who will perform the proposed work is_
- Plans and specifications for the proposed building sewer are attached hereto as Exhibit "A".

In consideration of the granting of this permit, the undersigned agrees:

- To accept and abide by all provisions of the Lorain Codified Ordinances.
- To maintain the building sewer at no expense to the (City).
- To notify the (City Engineer) when the building sewer is ready for inspection and the connection to the public sewer is completed. The sewer conduit shall remain exposed until inspected and approved. Only approved sections shall be backfilled.

Does the applicant have existing indebtedness to the Division of Utilities? YES_ NO_

Date: Signed_

(Applicant)

(Address of Applicant)

Applicant approved and permit issued:

Date: Signed _____
City Engineer

Date: Signed _____
Plumbing Inspector

(Ord. 19-91. Passed 3-18-91.)

913.025B INDUSTRIAL SEWER CONNECTION APPLICATION.

To the City of _____ :

The undersigned being the_ of the
(Owner, Lessee, Tenant, etc.)

property located at_
does hereby request a permit to_ an industrial
(Install, Use)

sewer connection serving the_, which company
is engaged in_
at said location.

- A plat of the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit "A".

- 2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as Exhibit "B".
- 3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses is attached hereunto as Exhibit "C".
- 4. Triplicate copies of Industrial Waste Questionnaire (913.153).
- 5. The name and address of the person or firm who will perform the work covered by this permit is_

In consideration of the granting of this permit the undersigned agrees:

- 1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the (Superintendent of Sewage Works).
- 2. To accept and abide by all provisions of Ordinance No._ of the (City of_), and of all other pertinent ordinances or regulations that may be adopted in the future.
- 3. To operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved, in an efficient manner at all times, and at no expense of the (City).
- 4. To cooperate at all times with the (Superintendent of Sewage Works) and his representatives in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.
- 5. To notify the (Superintendent of Sewage Works) immediately in the event of any accident, negligence, or other occurrence that occasions discharge to the public sewers of any wastes of process waters not covered by this permit.

Date: Signed_ (Applicant)

(Address of Applicant)

Applicant approved and permit granted:

Date: Signed_ (City Engineer)

Date: Signed_ (Plumbing Inspector)

(Ord. 19-91. Passed 3-18-91.)

913.025C STORM DRAINAGE CONNECTION APPLICATION.

O.P. Deposit_ Permit No. _
Sr. Charge __ Vol. _ Page _

THE CITY OF LORAIN, OHIO

TO THE CITY ENGINEER:

Date _
 Name Property Owner _
 Address of Property Owner _
 Name of General Contractor _
 Lot Number_ Addition_ Side of Street_ Street_

I hereby apply for a permit to connect above property to the City Sewer system and authorize _ a City Licensed sewer digger to do the work.

In applying for and accepting said permit, it is expressly understood and agreed:

- (1) That the above property owner shall, in consideration of the rights granted in said permit, hold the City harmless for any loss or damage that may in any way result from or be occasioned by such connection;
- (2) That said owner shall maintain said connection or sewer in a serviceable condition at his own cost and expense;
- (3) That any part of said connection or sewer construction under said permit, in a public street, may, where deemed in public interest, be appropriated by the City as a public sewer;
- (4) That use and construction of said connection or sewer shall be subject to all regulations set forth in City Ordinances controlling use and construction of storm sewers.

Signed _
 (Property Owner or Contractor Acting as Owner's Agent)

SEWER DIGGER'S CONTRACT

I hereby agree to install the above sewer in accordance with laws, ordinances, and the standard plans and specification of the City of Lorain, Ohio, my bond on file being subject to the above contract.

Signed_
 (Sewer Digger)

Date _
 (Ord. 19-91. Passed 3-18-91.)

913.026 PLUMBING INSPECTOR'S APPROVAL.

Before the application for a sewer builder's license is accepted by the City Engineer, the applicant must obtain the approval of the Plumbing Inspector, approving the applicant as a duly qualified and licensed sewer builder. Such approval shall be endorsed by the Plumbing Inspector in the application blank supplied therefore.

(Ord. 19-91. Passed 3-18-91.)

913.027 PERMIT REGISTRATION WITH UTILITIES DIRECTOR.

Any licensed sewer digger who has obtained a sewer permit must have such permit registered with the Director of Utilities within seventy-two hours. Any licensed sewer digger in violation of this provision shall be guilty of a misdemeanor and subject to be fined the sum of twenty-five dollars (\$25.00).

(Ord. 19-91. Passed 3-18-91.)

913.028 COST OF SEWER INSTALLATION.

All costs and expenses incident to the installation or connection of the building sewer shall be at the expense of the owner. The owner shall indemnify the City from any loss or damage that may

directly or indirectly be occasioned by the installation of the building sewer.

(Ord. 19-91. Passed 3-18-91.)

913.029 REQUIRED INDEPENDENT SEWERS.

Where more than one building requiring sanitary sewerage is constructed on a single parcel of land, a separate and independent building sewer shall be provided for each building.

(Ord. 19-91. Passed 3-18-91.)

913.030 OLD BUILDING SEWERS.

Old building sewers may be used in connection with new buildings, provided the sewers are all premium joint pipe and only when they are found on examination and test by the City Water Pollution Control Board or the Director of Utilities or the City Engineers or their representatives, to meet all requirements of this chapter.

(Ord. 19-91. Passed 3-18-91.)

913.031 SEWER INSTALLATION METHODS.

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, or backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Standard for Test-Materials and Water Pollution Control Federation Manual of Practice No. 9 shall apply, and any amendments thereto. See also Section 913.044 for Grease and Sand Traps.

(Ord. 19-91. Passed 3-18-91.)

913.031.1 SEWER EASEMENTS.

The City Building Department should determine from the City Engineer and the Utilities Department if a proposed building structure, fence, and any other permanent facility is on a water or sewer easement. If an easement does exist, the permit shall be denied.

(Ord. 19-91. Passed 3-18-91.)

913.032 SEWER BLOCKAGE INSPECTION.

(a) In the event any person or company cleaning a private building sewer is not able to clear the obstruction to the main sewer, they may elect to have the City excavate the existing sewer connection under the pavement between the main sewer conduit and one foot back of the existing curb to examine for breakage. If the sewer connection is broken, the City shall bear all costs necessary to repair the damage, backfill the aforementioned excavation limits and repair the pavement.

(b) If upon excavation, the sewer connection is found to be intact, the person or company requesting the excavation shall pay the total cost of excavation, inspection, backfill, and repair of the street. Such costs shall be determined by the Director of Utilities under direction of the Sewer Collections System Superintendent.

(c) Prior to any requested excavation, the person or company shall place a five hundred dollar (\$500.00) deposit with the Utilities Department. Such money shall be refunded in full should the sewer connection be found broken. Should the connection be shown to be intact, only that amount of money in excess of the City's expenses for excavation, inspection, backfill, and street repair shall be refunded: if any additional funds in excess of the deposit are required to complete the inspection, backfill and street repair, the Director of Utilities shall bill the person or company requesting the inspection for the additional money.

(Ord. 19-91. Passed 3-18-91.)

913.033 SEWER ELEVATION.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the building sewer, the sanitary sewage carried by such building drain shall be lifted or gravity drained by a method approved by the City Engineer to discharge the sewerage to the building sewer.

(Ord. 19-91. Passed 3-18-91.)

913.034 PROHIBITION OF CONNECTION OF SURFACE WATER

No person shall make connection of roof downspouts, storm water sump pumps, exterior foundation drains, areaway drains, or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(Ord. 19-91. Passed 3-18-91.)

913.034.1 BLOCKAGE OF PROHIBITED CONNECTION AS PROVIDED FOR IN SECTION 913.034.

Any existing connection in violation of Section 913.034 shall be disconnected and the piping blocked with sufficient concrete and fill to prevent further discharge to the public sanitary sewer. This work shall be accomplished under the direct supervision and inspection of representatives from the Utility Department or the Engineering Department. The completed work shall be approved by letter from either the Superintendent of Water Pollution Control or the Director of Utilities or the City Engineer.

(Ord. 19-91. Passed 3-18-91.)

913.034.2 VIOLATION PENALTY OF 913.034.

Any person in violation of Section 913.034 will be given a first notice to correct the connections to the specifications of this chapter and have said work finished within ninety days. A second notice to correct the connections will be given if action to the first notice was not completed within ninety days. If the connections are not corrected within ninety days after the second notice, a third notice will be issued and the violator will be guilty of a misdemeanor.

(Ord. 19-91. Passed 3-18-91.)

913.035 REGULATIONS OF SEWER CONSTRUCTION.

The connection of a building sewer into a public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9 and any amendments thereto. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and material requirements must be approved by the Director of Utilities, the City Engineer or their representatives prior to such installation.

(Ord. 19-91. Passed 3-18-91.)

913.035.1 EXISTING SEWER SYSTEM REHABILITATION EQUIPMENT.

Any rehabilitation on existing sewers shall have equipment consultation and mutual approval between the City Engineer and the Utilities Department. If any equipment or structure is determined to present a maintenance or safety problem by the Superintendent of Sewer Collections System, the City Engineer shall design or select an approved alternate structure or equipment. (Ord. 19-91. Passed 3-18-91.)

913.036 SEWER CONNECTION INSPECTION.

The applicant for the building sewer permit shall notify the Director of Utilities and the City Engineer or their representatives when the building sewer is ready for inspection and connection to the public sewer. All exterior foundations drains, roof downspouts, areaway drains, building drains,

or building sewers shall be exposed and not backfilled so that all piping or connections can be inspected. Any person filling the trenches previous to inspection shall be required to re-excavate the trenches at his own expense before inspection, approval and connection to the public sewer can be made. The connection shall be made under the supervision of the Director of Utilities or the City Engineer or their representatives. One foot above the top of the pipe and the bedding around the pipe shall be granular material backfill or as directed by the City Engineer.

(Ord. 19-91. Passed 3-18-91.)

913.037 WORK INSPECTION AND REGULATIONS.

All work prosecuted or performed under a permit by a licensed sewer builder shall be subject to periodic inspection during construction by the City Engineer or his designated agents. All such work shall comply with the Standard Designs, Specifications and Ordinances of the City, and shall also comply with the State of Ohio's laws and regulations governing this work.

(Ord. 19-91. Passed 3-18-91.)

913.038 ACCEPTANCE OF SEWERS.

A new sewer or old sewer, where changes or modifications have been made thereto, shall not be accepted by the City until a final inspection has been made and the sewer approved for public use by the City Engineer. The final inspection for all sanitary sewers shall include a leak test, a T.V. inspection and a visual inspection performed by the Utilities Department. A low pressure air test shall be performed by a licensed sewer contractor. All storm sewers shall be T.V. inspected.

(Ord. 19-91. Passed 3-18-91.)

913.039 FEES FOR FINAL INSPECTION.

(a) The fee for T.V. inspection, and testing for leaks of all sanitary sewers and storm sewers constructed in new subdivisions under a private contract, shall be paid for by the subdivider, directly to the City.

(b) On an assessed project, after completion of the sewer and prior to acceptance of the sewer by the City, there shall be a T.V. inspection, and testing for leaks of the sewer by the Utilities Department. The fee for this inspection shall be charged to the project, and included in its cost.

(Ord. 19-91. Passed 3-18-91.)

(c) The fee for final sewer inspection including T.V. inspection shall be one dollar (\$1.00) per each lineal foot of storm and/or sanitary sewer to cover the cost of the use of test equipment and labor. (Ord. 47-05. Passed 3-21-05.)

913.040 SEWER SIZE.

No sanitary sewer main shall be less than eight inches in diameter. No service connection shall be less than six inches in diameter. All sanitary sewer main lines and service connection installations shall be designed by a qualified license professional engineer in accordance with accepted engineering standards and practices to assure proper installation, operation, health and safety.

(Ord. 161-09. Passed 11-16-09.)

913.041 GUARDING EXCAVATIONS AND REPAIRING PUBLIC PROPERTY.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the health, welfare and safety of the public. Streets, sidewalks, parkways, or other public property damaged in the course of the work shall be restored in a manner satisfactory to the City.

(Ord. 19-91. Passed 3-18-91.)

913.042 PAVEMENT OPENING PERMIT REQUIRED.

When excavations for building sewer installations are made in a hard surface pavement, such as Portland cement concrete or asphaltic concrete, the licensed sewer builder shall secure an opening pavement permit as required under Chapter 901 of the Codified Ordinances.

(Ord. 19-91. Passed 3-18-91.)

913.043 SEWER PERMIT CONDITIONAL.

No sewer permit shall be issued to any new connection to the treatment works unless there is capacity in all downstream sewers, lift stations, force mains, and the treatment plant itself including capacity for B.O.D., suspended solids and phosphorus. (Ord. 19-91. Passed 3-18-91.)

913.044 GREASE AND SAND TRAPS.

Greased oil or sand interceptors or traps shall be provided when, in the opinion of the Superintendent of Water Pollution Control, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand or other harmful ingredients except that such interceptors or traps shall not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Superintendent of Water Pollution Control or the Director of Utilities and shall be located as to be readily and easily accessible for cleaning and inspection. Grease or oil interceptors or traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Where installed, all grease, oil or sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (Ord. 19-91. Passed 3-18-91.)

913.048 MANHOLE COVER OBSTRUCTION.

No person shall obstruct, block, cover, construct over the top of, or in any way hinder access to a manhole cover at any time. The person who caused the obstruction shall remove the obstruction to provide access suitable to the Superintendent of the Sewer Collections System. If the person does not remove the obstruction(s) within seventy-two hours, the Utilities Department will remove the obstruction(s) and charge the person for time and materials.

(Ord. 19-91. Passed 3-18-91.)

**913.049 VIOLATIONS OF SECTION 913.020 THROUGH 913.049,
INCLUSIVE.**

Violators of any provision under Sections 913.020 through 913.049 shall be fined not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000), and not more than thirty days in jail. Each violation shall be considered a separate offense.

(Ord. 19-91. Passed 3-18-91.)

USE OF PUBLIC SEWERS**913.050 INTRODUCTION; FINDINGS; DECLARATION OF POLICY.**

The City Division of Water Pollution Control, hereby finds that the requirements for the issuance of federal grants and the acceptance of such grants by the Division, under Title II of the Federal Water Pollution Control Act Amendments of 1972, as amended (Public Law 92-500, as amended) and the regulations of the United States Environmental Protection Agency, for the construction of waste treatment works to improve the quality of effluent discharges from the City sewer system establish the necessity for direct and indirect contributors into the wastewater collection and treatment system to develop certain limitations on the quality and quantity of discharge to the POTW.

(Ord. 19-91. Passed 3-18-91.)

913.051 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this Sub-Chapter shall be defined in Sub-Chapter 913.010.

(Ord. 19-91. Passed 3-18-91.)

913.052 PURPOSE AND INTENT.

The purpose of this Sub-Chapter is to provide the legislative enactments required under Public Law 92-500, as amended, and applicable federal regulations for the acceptance of construction grants, to prevent the introduction of pollutants into the City wastewater system which will interfere with the operation of the system or contaminate the resulting sludge, to prevent the introduction of pollutants into the City wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system, to improve the opportunity to recycle and reclaim wastewaters and sludges from the system and to provide for equitable distribution of the cost of the City wastewater system. (Ord. 19-91. Passed 3-18-91.)

913.053 PROHIBITION OF UNSANITARY DEPOSITS.

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

(Ord. 19-91. Passed 3-18-91.)

913.054 PROHIBITION OF DRAINAGE INTO SANITARY SEWERS.

No person in constructing a sanitary sewer, building or house connection, shall leave same open, unsealed, or incomplete in such a fashion as to permit storm, surface, or subsurface water to enter such sewers.

(Ord. 19-91. Passed 3-18-91.)

913.055 PROHIBITION OF UNPOLLUTED WATER IN SANITARY SEWERS.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(Ord. 19-91. Passed 3-18-91.)

913.056 UNPOLLUTED WATER DISCHARGES.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent of Water Pollution Control or the Director of Utilities. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City Water Pollution Control Board, to a storm sewer or natural outlet.

(Ord. 19-91. Passed 3-18-91.)

913.057 RESERVED FOR FUTURE LEGISLATION.

913.058 RESERVED FOR FUTURE LEGISLATION.

913.059 RESERVED FOR FUTURE LEGISLATION.

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913.065 RESERVED FOR FUTURE LEGISLATION.

913.066 RESERVED FOR FUTURE LEGISLATION.

913.067 RESERVED FOR FUTURE LEGISLATION.

913.068 RESERVED FOR FUTURE LEGISLATION.

913.069 PROHIBITION OF NEW PRIVATE TREATMENT FACILITIES.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of waste.

(Ord. 19-91. Passed 3-18-91.)

913.070 REQUIRED SEWER USE.

The owner of any house, building, or property used for human occupancy, employment, recreation, or other purpose, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located, a public sanitary or combined sewer of the City, is hereby required at his expense to install a suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of Sub-Chapter 913.020, within ninety days after date of official notice to do so, provided that said public sewer abuts the property line.

(Ord. 19-91. Passed 3-18-91.)

913.071 OPERATION OF PRIVATE TREATMENT FACILITIES.

An approval by the Superintendent of Water Pollution Control of existing facilities does not, in any way, guarantee that these facilities will function in the manner described by a person or a company; nor shall it relieve a person or a company of the responsibility of revamping, enlarging or otherwise modifying such facilities to accomplish the intended purpose.

(Ord. 19-91. Passed 3-18-91.)

913.072 CHARGES OF DISCHARGES INTO STREAMS OF POLLUTED WATERS.

(a) Any facility or premise, now discharging any effluent other than unpolluted water to any of the receiving waterways within the boundaries of the City, where an extension of the sewer system can be made to collect its wastes, shall be charged the sewage service charge and the sewage surcharge. The application of both charges shall be made, even if the facility or premise has received a temporary permit from the Ohio Water Pollution Control Board to discharge industrial wastes into the "waters of the State."

(b) Notification will be given the affected facility or premise, indicating the intentions of the City to make such charges, and accounts set up for the facility or premises, based upon an investigation by members of the staff of the Division of Water Pollution Control and their findings. The sewage service charge will apply on all waters discharged from the facility or premises, and the surcharge will apply on the strength of the waters discharged based on a chemical analysis of the total effluent.

(Ord. 19-91. Passed 3-18-91.)

913.073 RESERVED FOR FUTURE LEGISLATION.

913.099 RESERVED FOR FUTURE LEGISLATION.

ADMINISTRATIVE

913.200 TYPES OF ACCOUNTS.

(a) Regular. All regular accounts are continuous, and shall be either monthly or quarterly. The designation of individual accounts shall be by the Department of Utilities. All accounts that are designated as regular accounts shall be divided into categories as follows:

- (1) Domestic
- (2) Commercial
- (3) Industrial

(b) Seasonal. This type of account shall be for water service for certain periods of the year only, such as ice cream stands, etc.

(c) Hydrant. Hydrant accounts shall be those wherein contractors and others are permitted to take water from fire hydrants for construction or other temporary use.

(d) Fire Protection. This type of account is for water service for fire fighting only, through a system of pipelines terminating in private hydrants or sprinkler heads.

(Ord. 168-96. Passed 9-16-96.)

913.201 APPLICATION AND CONTRACT FOR WATER/SEWER SERVICE.

(a) An application for water/sewer service of any of the aforementioned types, made in accordance with these rules and regulations, when accepted by the Department of Utilities, shall constitute a contract. Service will be continuous so long as these rules and regulations are complied with, until termination is requested by the customer, except as elsewhere herein specified for seasonal or hydrant contracts.

(b) Application for all types of water/sewer service must be made at the Department of Utilities office on the forms provided. It must be signed by the person who is to be responsible for all charges arising from bills for water/sewer service supplied or meter repairs, or by his authorized agent. The customer shall be liable for charges for water/sewer service supplied and/or meter charges.

(c) The owner of the property shall be liable for any and all services, repairs and damages which in accordance with these rules and regulations are the responsibility of the property owner. The Director of Public Service may require a deposit from a property owner, if he deems it in the best interest of the Department of Utilities.

(Ord. 168-96. Passed 9-16-96.)

913.202 RESERVED.

913.203 RESERVED.

913.204 APPLICATION FOR SERVICE BY DELINQUENT CUSTOMERS.

Customers delinquent in payment for charges for water/sewer service supplied, or for meter or service repairs will not be given service to other properties owned or rented out by them until all bills owed by the applicant shall have been paid in full. Neither will service be given to his agent or tenant for property owned by the customer who is delinquent. (See Section 913.207.)

(Ord. 168-96. Passed 9-16-96.)

913.205 BANKRUPTCY PROCEEDINGS.

An adjudication of bankruptcy by a United States Bankruptcy Court shall discharge a customer's water/sewer service account to the extent so included in a schedule of bankruptcy. The Department of Utilities shall comply with the order of bankruptcy by discharging said debt and releasing said debt from its file of current outstanding accounts.

(Ord. 168-96. Passed 9-16-96.)

913.206 BILLING AND COLLECTION PERIODS.

(a) All accounts shall be billed monthly or quarterly as directed by the Director of Utilities and shall be paid on a monthly or quarterly basis. However, meters may be read monthly or quarterly, in both of which cases the exact date of reading and billing is to be determined by the Department of Utilities.

(b) Whenever customers are located in an area which is annexed to the City, the immediate billing following annexation shall be charged at the rate applicable to the major part of the billing period.

(Ord. 168-96. Passed 9-16-96.)

913.207 TIME LIMIT ON PAYMENTS.

(a) If bills payable monthly are not paid within seventeen days after the billing date, a ten percent (10%) late charge will be added to the current bill only. A two percent (2%) fee will be added on any arrears or unpaid balance thereafter on a monthly basis.

(Ord. 168-96. Passed 9-16-96.)

(b) In cases of all accounts, after sixty days the account is considered delinquent. A red bill of notification of the delinquency will be mailed. Water service may be discontinued at any time after mailing the red delinquent bill. Water service shall be discontinued and water shall not thereafter be turned on again until the bill is paid in full or partial payments are arranged with the Credit Counselor (see Section 913.209). If the water is turned off, the turn on charge shall be fifty dollars (\$50.00) [twenty-five dollars (\$25.00) to Water Funds; twenty-five dollars (\$25.00) to Water Pollution Control Funds].

(Ord. 47-05. Passed 3-21-05.)

(c) Bills for repairs, or other charges stipulated in these rules and regulations will be processed in the same manner, with the same periods for payment, as set forth herein for bills for water/sewer service supplied.

(d) If a tenant's landlord is responsible for the bill, the tenant should contact both his/her landlord and the Utilities Department immediately. A tenant has the right to continuous water/sewer service so long as the tenant pays the current month's bill every month by the seventh of each month. The tenant also has the right to a hearing. If the tenant asks for a hearing within seven days of the date of this notice, his/her water will not be shut off until after the hearing. The tenant may request a hearing concerning the following issues:

- (1) Dispute of the amount due;
- (2) Suffering from financial hardship;
- (3) Suffering from medical hardship; or
- (4) Some other good cause.

(Ord. 168-96. Passed 9-16-96.)

913.208 ESTIMATED BILLS.

(a) Once a bill is established, based on the last two reads, the bill will continue for the same consumption until another valid read is obtained.

(b) A correction of estimated bills will not be made until the next billing is made on the basis of an actual meter reading. Refund of overpayments will not be made, but will be credited to the customer's account. If the customer terminates his water/sewer service account, any refund due will be credited on the final bill.

(c) When a remote reader is installed, the Department of Utilities requires that inspection shall be made of the meter by the Department of Utilities whenever it is deemed necessary. (Ord. 168-96. Passed 9-16-96.)

913.209 NO PARTIAL PAYMENTS ACCEPTED.

Partial payment of water/sewer bills will not be accepted unless, upon investigation by the Credit Counselor it is determined that unusual hardship will result, in which case arrangements may be made for partial payments.

(Ord. 168-96. Passed 9-16-96.)

913.210 BILLS MUST BE PAID IN THE ORDER CONTRACTED.

Water/sewer bills must be paid in the order in which they are contracted and accordingly the Department of Utilities will refuse to accept payment of a current bill when there is one delinquent

against the same property. The payment will be applied to the delinquency first and any balance will be applied to the current bill.

(Ord. 168-96. Passed 9-16-96.)

913.211 EXTENSION OF TIME OF PAYMENT.

Because of unusual conditions and upon proper investigation thereof, the Director of Utilities may extend the time of payment without penalty or may waive collection of the penalty charge. (Ord. 168-96. Passed 9-16-96.)

913.212 SERVICE CHARGE FOR BAD CHECKS.

There will be a thirty dollar (\$30.00) service charge [fifteen dollars (\$15.00) to Water Funds; fifteen dollars (\$15.00) to Water Pollution Control Funds] on all checks that are returned with insufficient funds, stop payment, account closed, or any other reason the check is not honored. (Ord. 47-05. Passed 3-21-05.)

913.213 FIRST BILL - NEW ACCOUNT.

The first bill for water/sewer service after the meter has been installed will be pro-rated in the exact manner prescribed for final bills.

(Ord. 168-96. Passed 9-16-96.)

913.214 FINAL BILLS.

(a) Customers wishing to terminate their water/sewer service contract may do so by notifying the Billing Office in person or by phone at least one business day in advance. Customers wishing to terminate water service fire contracts must do so in writing. When the Department of Utilities is notified that the customer wishes to terminate the service, a work order will be prepared to secure a reading from the master meter which will be used to prepare a final bill, stating thereon all the charges required to be paid by the customer. Customers having a master meter inside their properties must provide access to such for the final reading. If access is denied, the water service will be terminated until access is arranged.

If the customer fails to be home on the pre-arranged day, a thirty-five dollar (\$35.00) service charge [seventeen dollars and fifty cents (\$17.50) to Water Funds; seventeen dollars and fifty cents (\$17.50) to Water Pollution Control Funds] will be added to the billing for a return trip by the Meter Reader. On the same day, if an after-hour call is made, the charge will be one hundred dollars (\$100.00) [fifty dollars (\$50.00) to Water Funds; fifty dollars (\$50.00) to Water Pollution Control Funds].

(b) Change of Account Read. A new occupant can change the account into his name in person or by notarized card sent from the Utilities Department.

If a new occupant fails to notify the Department of Utilities of the change of account, he will be fined thirty dollars (\$30.00) [fifteen dollars (\$15.00) to Water Funds; fifteen dollars (\$15.00) to Water Pollution Control Funds] for failure to do so. When the work order requesting a read from the meter is not secured, the Water Service Representative will leave a notice stating that he was not able to secure the read and water was discontinued. If a second trip has to be made on the same day, a fifty dollar (\$50.00) turn on charge [twenty-five dollars (\$25.00) to Water Funds; twenty-five dollars (\$25.00) to Water Pollution Control Funds] will be incurred and collected. If not, a reinstatement of service can be scheduled with one day's notice. A work order will be held for the duration of history on screen to allow time for the individual to request the water be turned back on, at which time the reading will be indicated on the work order and processed as usual. If request for a turn on is not received before closing for the month, the order will be sent back, etc.

(c) Turn Offs. Requests will be made either by phone or by the individual personally. Listed on the work order will be the telephone caller's name, the date called, the date the service is being

requested, and whether a.m. or p.m. The Meter Reader will make the call for the turn off at the date requested and if the premises is not open so the meter can be read or removed, he will leave a card saying "the service was turned off-please call office to reschedule." If, on the second day, he does not gain entrance and read the meter so a final bill can be processed, the water will be turned off, or left off until such time as a read from the meter can be obtained, the work order processed, and the customer billed for a missing meter. If later entrance is provided and the meter is removed and bill for the missing meter is canceled, the final bill will be processed and in addition, the customer will be charged thirty-five dollars (\$35.00) [seventeen dollars and fifty cents (\$17.50) to Water Funds; seventeen dollars and fifty cents (\$17.50) to Water Pollution Control Funds] for the extra service.

(d) New Meter Settings - New Construction. When a contractor fails to notify the Department of Utilities for an appointment to set meter prior to occupancy in a home, building or new construction, said party shall be fined thirty dollars (\$30.00) [fifteen dollars (\$15.00) to Water Funds; fifteen dollars (\$15.00) to Water Pollution Control Funds] and be charged double the estimated water consumption from date of occupancy. If the amount is not collected from the contractor, the contractor is liable for payment of said charges.

If the Water Service Representative is not able to gain entrance, he will leave. If, on the second try, he cannot gain entrance, the water will be turned off and a notice left that the water is off and that a new request for service must be made. When this request is received by the Department of Utilities, a positive appointment will be made. If, during this period the wiring for remote meters is found to be incorrect, the deficiencies will be noted and the customer informed. If these are not corrected, the water will be turned off. In either case, the customer will be charged thirty-five dollars (\$35.00) [seventeen dollars and fifty cents (\$17.50) to Water Funds; seventeen dollars and fifty cents (\$17.50) to Water Pollution Control Funds] for a turn on when the third call is made.

(Ord. 47-05. Passed 3-21-05.)

913.215 OWNER MAY HAVE TENANT PAY WATER/SEWER BILL.

(a) The owner may arrange to have the tenant or lessee pay the water/sewer bill but such arrangement shall not relieve the owner of responsibility for payment of any delinquencies that may accrue.

(b) Only such existing agreements with tenants will be honored after passage of this section. No new agreements with tenants shall be made with the Department of Utilities after passage of this section, unless specifically provided for in this section. When an existing tenant moves out, the landlord will take over the bill at the premises.

(c) To comply with Section 8 and the Discounted Water/Sewer Rate available under Section 913.307, applicants will be allowed to have the water and sewer bill put into their name, but such arrangement where the tenant has received the Discounted Water/Sewer Rate shall not relieve the property owner from liability for any delinquency that may occur regarding the water and sewer bill at the residence. When a tenant who has been receiving the Discounted Water/Sewer Rate vacates the premises, the billing for the water and sewer services shall automatically revert to the owner of the residence.

(Ord. 139-99. Passed 9-7-99.)

913.216 DELIVERY OF BILLS.

When bills are sent or delivered to premises supplied with water, the occupant shall pay the bill if he is the customer or if not, return the bill to the Department of Utilities accompanied by a statement as to why the bill is being returned. Failure to receive the bill shall not relieve any person of their obligation to pay the bill, provided that failure to receive a bill was through no fault or neglect of the Department of Utilities.

(Ord. 168-96. Passed 9-16-96.)

913.217 CHARGES FOR WATER/SEWER ARE A LIEN AGAINST PROPERTY.

(a) All charges for water/sewer are assessed against the property to which the service is rendered and are a lien against such property collectable as other liens and taxes.

(b) The lien list will be completed as deemed necessary. The lien list will be forwarded to the County through the City Auditor. Once submitted, the list must remain unchanged save for legal or court directives. After the lien list is submitted, all references and payments are to be made to the County.

(c) Failure to investigate such charges and services does not relieve the new owner of debt of such charges against said property and shall be cause for the Department of Utilities to refuse water/sewer service to said property until all charges against said property are paid in full.

(Ord. 168-96. Passed 9-16-96.)

913.218 APPLICANTS MUST AGREE TO CONFORM TO BYLAWS.

Applications for water/sewer service shall be in writing and the applicant shall make such deposit or pay such assessments as may be required under the rules and regulations of the Divisions of Water and Water Pollution Control. It is understood that the signature of the applicant on the application is the applicant's guarantee that the applicant agrees to comply with the rules and regulations of the Divisions of Water and Water Pollution Control as stipulated in said ordinances and those rules and regulations established by the Director of Public Service under rights granted to him under the Ohio R.C. 743.02, 743.03 and 743.04.

(Ord. 168-96. Passed 9-16-96.)

913.219 RESERVED.

913.220 WATER MAY BE SHUT OFF AGAINST DELINQUENTS.

Whenever an owner becomes delinquent in the payment of water/sewer bills or of any other obligation to the Department of Utilities, the supply of water may be shut off from any premises of such owner or consumer, notice having previously been given as provided in these regulations, regardless of whether such indebtedness was incurred at the premises where the service is discontinued or at any other property of such owner or consumer.

(Ord. 168-96. Passed 9-16-96.)

913.221 WATER TO BE TURNED OFF AT MAIN FOR PROTECTION AND CHARGE THEREFOR.

In the case of water being turned off at the curb stop for nonpayment of bills and it is found to have been turned on again without authorization, or where in the opinion of the Director of Utilities turning off the water at the curb stop is insufficient protection against unauthorized use of the water, the pavement will be opened and the ferule removed at the main. The owner shall pay for the labor involved in removing the ferule and shall pay for such labor and material that may be required in the excavation and repaving necessary when the ferule is finally reconnected. Payment for such extraordinary work will not relieve him of payment for certain other fixed charges as may accrue and as are established elsewhere in these regulations.

(Ord. 168-96. Passed 9-16-96.)

913.222 WATER/SEWER MAY BE REFUSED DELINQUENT PERSONS.

No water shall be supplied to any premises, the owner of which is delinquent in the payment of water/sewer bills or who is indebted to the Department of Utilities for materials, supplies or work done or in any other manner, until that indebtedness is paid, whether the indebtedness was incurred at the premises for which service is applied or at any other place within the service area. The

Department of Utilities reserves the right to shut off the water from any premise owned by a person so delinquent upon giving five days notice. The delivery of such notice to the premises is to be considered sufficient notification. It will not be turned on until all delinquencies have been paid, together with a charge of fifty dollars (\$50.00) [twenty-five dollars (\$25.00) to Water Funds; twenty-five dollars (\$25.00) to Water Pollution Control Funds] to defray the expense of turning on the water.

(Ord. 47-05. Passed 3-21-05.)

913.223 ADJUSTMENT OF BILLS.

(a) All water that passes through a meter shall be charged for whether used or wasted, or lost by leakage. The only basis for adjusting a bill is an inaccurate meter.

(b) If a customer feels that the meter is inaccurate, the Department of Utilities will honor a request to have the meter tested, as provided in Section 911.525. If the meter is found to be accurate within the allowable limits (three percent (3%) plus or minus), the testing charge will be retained to cover our costs. If it is found to be inaccurate beyond the allowable limits (three percent (3%) plus or minus), the meter may be replaced at the discretion of the Department Utilities. The current bill only will be adjusted, either increased or decreased, by the percentage of inaccuracy beyond the allowable limits and the testing charge returned to the customer.

(c) If, after the above action has been completed, the customer feels that he is still unjustly charged, he may forward in writing all facts pertinent to his account in question to the Director of Public Service.

(d) The Director of Utilities will review the facts of the case and shall forward all pertinent information, together with his recommendation, to the Director of Public Service for a final decision.

(e) If, after an investigation has been completed and facts determine the Utilities Department's actions were not responsible for the discrepancy, the account will be charged for the current cost of service call. (Ord. 168-96. Passed 9-16-96.)

913.224 IF METER FAILS TO REGISTER.

If a meter fails to register, or is found to be out of order, the customer will be charged at the estimated consumption, as shown by the meter when in order and registering accurately. (Ord. 168-96. Passed 9-16-96.)

913.225 NO ALLOWANCE OR REBATE ON ACCOUNT OF LEAKS.

No deductions shall be made or rebate allowed to any consumer of water under meter control by or on account of leakage or alleged leakage in any water pipe, tank or other apparatus or device. The amount of water registered by any meter shall be charged and paid for in full irrespective of whether such water, after having been registered, was lost by leakage, accident or otherwise. (Ord. 168-96. Passed 9-16-96.)

913.226 REMOTE REGISTER FAILURE.

If the remote register fails to read accurately, the inside meter is the master meter and the reading on this master meter shall prevail. (Ord. 168-96. Passed 9-16-96.)

913.227 WATER FOR PUBLIC IMPROVEMENTS, WHEN TO BE PAID.

Water used for public improvements performed under contract with the City of Lorain shall be paid for before receiving the final estimate from the Utilities Department, Division of Engineering. (Ord. 168-96. Passed 9-16-96.)

913.228 DEDUCTION OF WATER USED FOR FIRE PROTECTION.

A deduction may be made for metered water used to put out or prevent the spread of fire, provided, however, that such use of water be immediately reported by the Fire Department and/or property

owner to the Department of Utilities in writing. Otherwise the same shall be paid for according to the regular rates.

(Ord. 168-96. Passed 9-16-96.)

913.229 SEASONAL ACCOUNTS.

(a) An application for seasonal water service must be made at the office of the Department of Utilities. The contract shall be for a period of less than twelve consecutive months.

(b) The Department of Utilities shall furnish and set the meter in the location provided by the customer. Approved meters will be furnished at a price determined by the Department of Utilities. The Department of Utilities will determine the dates when seasonal meters shall be activated and inactivated. A work order will be issued at the appropriate time for the turn on and the turn off. All meters will remain in place unless the customer elects to have it removed. The inlet valve to the meter will be sealed when the seasonal meter is inactivated. In the event the seal is broken by anyone other than the Department of Utilities serviceman, the Department of Utilities will bill the customer to the previous billing period. When a compound meter is used on a seasonal account, the bypass on the meter setting shall be eliminated.

(Ord. 168-96. Passed 9-16-96.)

(c) A fifty dollar (\$50.00) charge [twenty-five dollars (\$25.00) to Water Funds; twenty-five dollars (\$25.00) to Water Pollution Control Funds] will be required for reactivating the account. This charge is for meters left in place. If the seasonal customer wants the meter removed, tested and stored at the Department of Utilities, the cost shall be for actual cost to the Department of Utilities.

(Ord. 47-05. Passed 3-21-05.)

913.230 SEWER ONLY ACCOUNTS.

(a) An application for sewer service must be made at the Department of Utilities. The customer will pay sewer service charges that will be determined by the Director of Utilities.

(b) The customer will be billed monthly or quarterly for the sewer service as determined by the Director of Utilities. The billing will be at the same time that the water and sewer bills are due in the location of the customer.

(Ord. 168-96. Passed 9-16-96.)

913.240 RESERVED.

913.241 RESERVED.

913.242 PROVIDING NOTICE TO A PURCHASER OF REAL PROPERTY AS TO THE STATUS OF THE WATER AND SEWER ACCOUNT.

The Codified Ordinances of the City of Lorain, Ohio, hereby provide notice to a purchaser of real property as to the status of the water and sewer account of said real property prior to sale.

(Ord. 168-96. Passed 9-16-96.)

913.246 RIGHTS OF PURCHASER.

Conviction under any section of this chapter shall not be a bar to the rights of the purchaser of real property to recover by civil suit from either the previous owner, seller, real estate agent or escrow agent the amounts of money due for water and sewer services supplied by the Department of Utilities to the previous owner or seller and paid for by the purchaser.

(Ord. 168-96. Passed 9-16-96.)

913.249 ADDENDUM: LISTING OF CHARGES.

As per Ohio Revised Code Sections 743.02, 743.03 and 743.04:

| | | |
|-----|--|------------------------------|
| | | \$50.00 |
| (a) | Section <u>913.207</u> Turn on charge | (\$25.00 Water; \$25.00 WPC) |
| | | \$30.00 |
| (b) | Section <u>913.212</u> Service Charge for Bad Checks. | (\$15.00 Water; \$15.00 WPC) |
| | | \$35.00 |
| (c) | Section <u>913.214</u> . Failure to be home for pre-arranged appointment | (\$17.50 Water; \$17.50 WPC) |
| | | \$100.00 |
| | After hour charge | (\$50.00 Water; \$50.00 WPC) |
| | | \$30.00 |
| | Failure to notify office of new occupant | (\$15.00 Water; \$15.00 WPC) |
| | | \$50.00 |
| | Turn on charge | (\$25.00 Water; \$25.00 WPC) |
| | | \$35.00 |
| | Extra service charge | (\$17.50 Water; \$17.50 WPC) |
| | | \$30.00 |
| | New meter setting - new construction: Failure to notify Utilities Department | (\$15.00 Water; \$15.00 WPC) |
| | | \$35.00 |
| | Second attempt to gain entrance | (\$17.50 Water; \$17.50 WPC) |
| | | \$50.00 |
| (d) | Section <u>913.222</u> . Turn on charge | (\$25.00 Water; \$25.00 WPC) |
| | | \$50.00 |
| (e) | Section <u>913.229</u> Seasonal accounts reactivation charge | (\$25.00 Water; \$25.00 WPC) |

(Ord. 47-05. Passed 3-21-05.)

**SANITARY SEWER SYSTEM - TAP-IN,
SERVICE CHARGE AND CAPITAL IMPROVEMENT CHARGES
913.250 SANITARY SEWAGE SYSTEM TAP-IN AND SERVICE CHARGE.**

A fee shall be paid at the time an applicant applies for a sewer permit at the City Engineer's office for sanitary sewage tap-in and service charge. All new buildings are required to pay sanitary sewage tap-in and service charges. Residential homes that have been razed and rebuilt with the same type of structure within a 2-year period shall have this fee waived. Such fees shall be deposited in the Sewer Revenue Fund for tap-in fees and shall be as follows:

- (a) Single family dwelling - one thousand dollars (\$1,000.00).
- (b) Two family (side by side) dwelling, one connection shall be required for each unit - one thousand dollars (\$1,000.00) for each unit.

(c) Two family dwellings (up and down), one connection - one thousand dollars (\$1,000.00); two connections (one for each unit) - one thousand dollars (\$1,000.00) for each unit.

(d) Multi-dwelling structures - each family unit shall be charged one thousand dollars (\$1,000.00).

(e) For any structure intended partially or wholly for commercial purposes - one thousand five hundred dollars (\$1,500.00) for each commercial unit. Dwelling units in commercial structures shall be charged as provided in subsection (d) hereof. "Commercial" is defined as an establishment whose principal activity is to provide merchandise or services to those who need them. A commercial unit shall consist of a structure or part thereof having 15,000 square feet or less in floor area. If the floor area of the commercial structure exceeds 15,000 square feet, it shall be charged as an additional commercial unit for each additional multiple of 15,000 square feet and any fractional part thereof remaining of floor area shall be charged at the rate of eighty dollars (\$80.00) per thousand square feet.

(f) For any structure intended partially or wholly for industrial purposes for which a sewer permit is needed, the charge shall be two thousand dollars (\$2,000.00) for each industrial unit proposed for the structure. Commercial units in industrial structures will be charged as provided for in subsection (e) hereof. "Industry" is defined as any activity where materials are received, are altered by one or more internal operations and then dispatched in the altered form. An industrial unit shall consist of a structure or part thereof having 45,000 square feet or less in floor area. If the floor area of the industrial structure exceeds 45,000 square feet, it shall be charged as an additional industrial unit for each additional multiple of 45,000 square feet, and any fractional part thereof remaining, shall be charged at the rate of forty-five dollars (\$45.00) per thousand square feet.

(g) All municipal, County and State activities shall be classed as commercial for the purpose of subsection (e) hereof.

(h) All churches, schools, hospitals and other service organizations shall be classed as commercial for the purposes of subsection (e) hereof.

(i) For all other structures and business activities other than those listed in subsections (a) through (h) hereof, a sanitary sewerage tap-in and service charge shall be determined in accordance with the following rules and regulations established by the Director of Public Service and Safety under authority vested in him by subsection (j) hereof and Ohio R.C. 735.02, et al.

(j) (1) After reviewing existing records of the City Water Department, it was estimated that the average amount of water used by a standard single family residential dwelling amounts to 300 gallons per day. Therefore, charges shall be determined by using a standard single family residential dwelling as the basic unit. The charge for a basic unit shall be one thousand dollars (\$1,000.00) per each 300 gallons of water or part thereof used per day. However, regardless of water usage or type of structure, the minimum tap- in and service charge shall be in the amount of one thousand dollars (\$1,000.00).

(2) In estimating water used by installations other than family dwelling units, the records of the City Water Works will be used for similar installations that are existing in the City that have been metered and a recorded quantity of actual water used has been determined. The fee shall be determined by multiplying the amount of water used per day by one thousand dollars (\$1,000.00) per 300 gallons of water, or part thereof, used per day.

(3) For other installations, if no similar installation exists with recorded and metered flows, then the owner or applicant shall submit detailed specifications and projected activities in said installation. A calculation shall then be made on the basis of submitted data to determine the estimated amount of water per day that may be used by the installation. The fee shall be determined

Permit Issued
(Date)

Signed
(City Engineer)

Copy forwarded to the Director of Utilities
(Date)

(Ord. 19-91. Passed 3-18-91.)

913.252 ISSUANCE OF PERMIT.

Upon payment of the sewer tap-in and service charge, the necessary sewer permits shall be issued as provided in these rules and regulations.

(Ord. 19-91. Passed 3-18-91.)

913.253 NO WAIVER OF PERMITS FEES.

The sewer tap-in and service charge shall be charged to all buildings, lots and lands and shall not be waived. (Ord. 19-91. Passed 3-18-91.)

913.254 DEDUCTION FROM TAP-IN AND SERVICE CHARGE.

A deduction may be made from the sewerage system tap-in and service charge herein imposed, whenever and to the extent that the owner of the property can show that a special assessment or trunk sanitary sewer benefit charge has been paid, provided that such deduction shall be limited to the amount of such original payment.

(Ord. 19-91. Passed 3-18-91.)

913.255 CAPITAL IMPROVEMENT FEE.

(a) The Director of Public Service and Safety shall levy a capital improvement fee of seven hundred ninety-two dollars (\$792.00) on each domestic, industrial or commercial tap at the time the applicant for such connection applies therefor, at the office of the City Engineer. All new buildings are required to pay a capital improvement fee. Residential homes that have been razed and rebuilt with the same type of structure within a 2-year period shall have this fee waived.

(b) The provisions of subsection (a) hereof shall be applied as an incremental cost to fees for sewage treatment plant expansions costs or improvements and pump station additions or improvements as established by the Director and in effect, or as an incremental cost to such fees when, as and if revised by the Director.

(c) For determination of the application of subsection (a) hereof, one fee shall be charged for each 3,600 square feet of total building floor area including the basement floor area and excluding the garage floor area to be served by the respective sanitary sewer connection and for each additional square foot, the fee shall increase at the rate of twenty-two cents (\$0.22) per square foot.

(d) For sanitary service connections to serve building floor areas of 100,000 square feet and over and 0.5 million gallons of sewage per day, the applicant shall be given the option of paying the fee determined on the rate as heretofore stated, or shall enter into contract with the City for a rate of ten percent (10%) per year above the sewage service fee over the period of years agreed upon until the amount of the fee determined in the manner heretofore stated is paid.

The capital improvement fee shall be figured as follows:

\$792.00 First 3,600 square feet of building floor area including basement area and excluding the garage floor areas

\$0.22 For each additional square foot of floor area
 A flat fee of \$792.00 shall be charged for any area which is less than 3,600 square feet of total building floor area.

(Ord. 161-09. Passed 11-16-09.)

913.256 DESCRIPTION AND METHOD FOR DISTRIBUTING COST OF LORAIN-SHEFFIELD TOWNSHIP- ELYRIA TOWNSHIP SANITARY SEWER DISTRICT OF THE CITY OF LORAIN SOUTHEAST INTERCEPTOR SEWER.

(a) Description. In general terms, the Lorain-Sheffield Township-Elyria Township Sanitary Sewer District is the area that had no sanitary sewers prior to 1980 and is tributary to the City of Lorain, Ohio Southeast Interceptor Sewer Project constructed in 1979. This area is roughly bounded on the north and west by the Black River, on the south by State Route 2, and on the west by Broadway.

Specifically, this area is bounded by the Black River from Henderson to the Sheffield Township-Elyria Township boundary, the Sheffield Township Elyria Township boundary from the Black River west to the L. & W.V. Railroad tracks, the L. & W.V. Railroad tracks from the Sheffield Township-Elyria Township boundary west to the Baltimore & Ohio Railroad tracks, the Baltimore & Ohio Railroad tracks from the L. & W.V. Railroad tracks south to Ohio State Route 2, Ohio State Route 2 from the Baltimore & Ohio Railroad tracks west to Middle Ridge Road, the rear lot lines of the properties on Middle Ridge Road from Ohio State Route 2 north to Cooper Foster Park Road (State Route 254), the City of Lorain-Sheffield Township boundary from Cooper Foster Park Road north to North Ridge Road, north along the projected centerline of Lexington Avenue to West 39th, west along the projected centerline of west 39th to Falbo, north along the centerline of Falbo to West 20th, and east along West 20th to Henderson.

(b) Method. In addition to the fee schedule as stated herein, the method for the distribution of cost of the Project to landowners in the Lorain-Sheffield Township-Elyria Township Sewer District of the City of Lorain Southeast Interceptor Sewer, the following cost shall be added:

(1) Charge every homeowner receiving a service connection on the Southeast Interceptor Sewer a cost of six hundred dollars (\$600.00).

(2) Charge every owner that is able to tie into the Interceptor Sewer for local service, the equivalent of a ten inch sewer minus the established cost to provide a riser. This cost is based on a front foot basis of twenty dollars (\$20.00) per foot. There are approximately 52,000 front feet in the Southeast Interceptor Project.

(3) There shall be an area wide fee based on lot size acreage at a cost of three hundred fifty dollars (\$350.00) per acre. This fee shall also apply to any area whose laterals are tied into the Southeast Interceptor Sewer.

SAMPLE COST CALCULATION FOR A TYPICAL 50 FOOT x 100 FOOT LOT WITH HOUSE:

| | |
|---|--------------|
| Service Connection Charge | \$ 600.00 |
| Front Footage Charge (50 f.f. x \$20.00/f.f.) | 1000.00 |
| Area Charge (50 ft. x 100 ft. = 0.115 ac.) (0.115 act x \$350.00/ac.) | <u>40.25</u> |

Total Charge to Landowner for Sewer \$1640.25

The charge in this section is in addition to the City fee schedule as established in this chapter.

- (4) The map is recorded in the City Engineer's Office of the City of Lorain.
(Ord. 19-91. Passed 3-18-91.)

913.257 DESCRIPTION AND METHOD FOR DISTRIBUTING COST FOR NEW FEDERALLY FUNDED WESTSIDE SANITARY INTERCEPTOR SEWERS CONSTRUCTED IN THE CITY OF LORAIN UNDER FEDERAL GRANT NO. C-391087-03.

(a) Description. All newly constructed westside sanitary interceptor sewers in the City of Lorain under Federal Grant No. C-391087-03, which are also identified as Contract Nos. 4, 5 and 6. All maps and improvement plans for these projects and Districts are recorded in the City Engineer's office of the City of Lorain.

(b) Method. In addition to the fee schedule as stated in Sub-Chapter 913.250, the methods for the distribution of the cost of this project to landowners serviced by Contract Nos. 4, 5 and 6 shall be as follows:

- (1) A flat fee of one thousand six hundred and sixty-seven dollars (\$1,667) will be charged each existing structure tapping into the new westside sanitary sewer in lieu of a cost per front foot charge.

- (2) For all developments and structures that are constructed after the date of passage of this chapter located within the boundaries of the westside sanitary interceptor sewer district served under Federal Grant Number C-391087-03, there shall be an area wide fee charge based on acreage at a cost of four hundred and twenty-five dollars (\$425.00) per acre plus a front foot charge of twenty-two dollars (\$22.00) per foot of property frontage located along the existing westside sanitary interceptor sewer constructed by the City under Federal Grant Number C-391087-03.

(Ord. 19-91. Passed 3-18-91.)

- (3) For all existing developments and structures not fronting on the project and that tap in the tributary to the west side sanitary interceptor sewer district as described above, the area-wide fee schedule set forth in subsection (b)(2) hereof shall be used to determine the fee charge.

(Ord. 161-09. Passed 11-16-09.)

913.258 DESCRIPTION AND METHOD FOR DISTRIBUTING COST OF THE WESTSIDE SANITARY INTERCEPTOR SEWERS CONSTRUCTED IN THE CITY OF LORAIN NOT FUNDED UNDER FEDERAL GRANT NO. C-391087-03.

(a) Description. For new westside sanitary interceptor sewers constructed in the City of Lorain on Oak Point Road South of Yorktown Road to Cooper Foster Park Road and on Baumhart Road south from Terminal Drive to the City's south corporation limits which are completely funded by the City. All maps and improvement plans for these projects and Districts are recorded in the City Engineer's office of the City.

(b) Method. In addition to the fee schedule as stated in Sub-Chapter 913.250, the method for the distribution of the cost of the above-described projects shall be as follows:

- (1) A flat fee of two thousand one hundred and seventy-five dollars (\$2,175) will be charged each existing structure tapping into the new westside sanitary interceptor sewer, in lieu of a cost per front foot charge.

- (2) For all developments and structures that are constructed after the date of passage of this chapter located within the boundaries of the westside sanitary interceptor sewer district as described above, there shall be an area wide fee charge based on acreage at a cost of four hundred and

twenty-five dollars (\$425.00) per acre plus a front foot charge of twenty-eight dollars (\$28.00) per foot of property frontage located along the existing westside sanitary interceptor sewer constructed by the City.

(Ord. 19-91. Passed 3-18-91.)

(3) For all existing developments and structures not fronting on the project and that tap in the tributary to the west side sanitary interceptor sewer district as described above, the area-wide fee schedule set forth in subsection (b)(2) hereof shall be used to determine the fee charge.

(Ord. 161-09. Passed 11-16-09.)

DISTRICT AREA STORM DRAINAGE FACILITIES

TAP-IN AND SERVICE CHARGE

913.270 DISTRICT AREA STORM DRAINAGE SYSTEM TAP-IN AND SERVICE CHARGE.

A fee shall be charged by the City at the time an applicant applies for a permit to tap in to a storm drainage sewer service connection or a storm drainage sewer. This fee shall be collected by the City Engineer's Office. All new buildings are required to pay storm drainage system tap-in fees. Residential homes that have been razed and rebuilt with the same type of structure within a 2-year period shall have this fee waived. Such collected fees shall be deposited into the City District Area Storm Drainage Revenue Fund to be used for capital improvements in the respective district area storm drainage facilities.

- (a) Single family dwelling - eight hundred dollars (\$800.00).
- (b) Two family (side by side) dwelling, one connection shall be required for each unit - eight hundred dollars (\$800.00).
- (c) Two family dwellings (up and down), one connection - one thousand dollars (\$1,000.00); two connections (one for each unit) - eight hundred dollars (\$800.00) for each unit.
- (d) Multi-dwelling structures - each family unit shall be charged eight hundred dollars (\$800.00).
- (e) For any structure intended partially wholly for commercial purposes - one thousand five hundred dollars (\$1500.00) for each commercial unit. Dwelling units in commercial structures shall be charged as provided in subsection (d) hereof. "Commercial" is defined as an establishment whose principal activity is to provide merchandise or services to those who need them. A commercial unit shall consist of a structure or part thereof having 15,000 square feet or less floor area. If the floor area of the commercial structure exceeds 15,000 square feet, it shall be charged as an additional commercial unit for each additional multiple of 15,000 square feet and any fractional part thereof remaining of floor area shall be charged at the rate of eighty dollars (\$80.00) per thousand square feet.
- (f) For any structure intended partially or wholly for industrial purposes for which a sewer permit is needed, the charge shall be two thousand dollars (\$2000.00) for each industrial unit proposed for the structure. Commercial units in industrial structures will be charged as provided for in subsection (e) hereof. "Industry" is defined as any activity where materials are received, are altered by one or more internal operations and then dispatched in the altered form. An industrial unit shall consist of a structure or part thereof having 45,000 square feet or less in floor area. If the floor area of the industrial structure exceeds 45,000 square feet, it shall be charged as an additional industrial unit for each additional multiple of 45,000 square feet, and any fractional part thereof remaining, shall be charged at the rate of forty-five dollars (\$45.00) per thousand square feet.
- (g) All municipal, County and State activities shall be classed as commercial for the purpose of subsection (e) hereof.
- (h) All churches, schools, hospitals and other service organizations shall be classed as

commercial for the purposes of subsection (e) hereof.

(Ord. 161-09. Passed 11-16-09.)

913.271 SEWER TAP-IN APPLICATION.

The applicant shall make application on a form marked 913.271A provided by the City for a storm drainage sewer tap into the Municipal sewer system at the City Engineer's office, with a copy sent to the Director of Public Service and Safety. The City Engineer shall make the calculation of the fee according to the above rules. The fee shall be collected by the City Engineer's office and shall be deposited into the District Area Storm Drainage Sewer Revenue Fund for Tap-In Fees with a report to be made each month to the Director of Public Service and Safety showing the amount collected.

(Ord. 19-91. Passed 3-18-91.)

913.271A SEWER TAP-IN APPLICATION FORM.

DEPARTMENT OF PUBLIC SERVICE
Division of Engineering

DISTRICT STORM DRAINAGE SEWER PERMIT NO. VOID 1 YEAR FROM DATE
DISTRICT

Permission is hereby granted to to connect
premises located at Lot Blk. Addition
with the main Sewer located in Street, said applicant in
accepting this permit agrees in consideration of the rights and privileges granted:

- (1) To hold the City harmless for any loss or damage that may in any way result from or be occasioned by such connection:
- (2) That said owner shall maintain said connection or sewer in a serviceable condition from the building to the Tee, 'Y', or Tap in the main sewer, all at his own cost and expense:
- (3) That any part where deemed in public interest, be appropriated by the City as a public sewer;
- (4) That the use and construction of said connection or sewer shall be subject to and in conformance with all regulations and conditions set forth in City Ordinances controlling the use and construction of District Area Storm Drainage facilities.

Permit charges due and payable prior to issuance of permit:

- Sewer Permit Fee
- Tap-In and Service Charge (Calculations on reverse side)
- Deferred Assessment Charge (Calculations on reverse side)
- Pavement Opening Deposit Permit Issued on , 198
- Deposit Refunded , 198
- Other Charges (See reverse side)

TOTAL CHARGES

Licensed Sewer Contractor (authorized by the Owner)
(Licensed Contractor)

Permit Issued

Date _

Signed _
(City Engineer)

Copy forwarded to the Director of Utilities _
(Date)

(Ord. 19-91. Passed 3-18-91.)

913.272 ISSUANCE OF PERMIT.

Upon payment of the storm drainage sewer tap-in and service charge, the necessary sewer permits shall be issued as provided in these rules and regulations.

(Ord. 19-91. Passed 3-18-91.)

913.273 NO WAIVER OF PERMIT FEES.

The sewer tap-in and service charge shall be charged to all buildings, lots and lands and shall not be waived. (Ord. 19-91. Passed 3-18-91.)

913.274 DEDUCTION FROM TAP-IN AND SERVICE CHARGE.

A deduction may be made from the sewerage system tap-in and service charge herein imposed, whenever and to the extent that the owner of the property can show that a special assessment or District Area Storm Drainage benefit charge has been paid, provided that such deduction shall be limited to the amount of such original payment.

(Ord. 19-91. Passed 3-18-91.)

SANITARY SEWER RATES

913.300 NEED FOR SEWER RENTAL CHARGE.

For the purpose of providing revenue to help finance the construction, operation, maintenance, or improvements to the sewage treatment plant, sewer system, or pump stations, a sanitary sewer rental charge shall be charged to the users of the sewerage system of the City.

(Ord. 19-91. Passed 3-18-91.)

913.301 SEWER REVENUE FUND.

The funds received from the collection of the rates and charges as provided in Sub-Chapter 913.300 shall be deposited daily with the City Treasurer, who shall keep the same in a separate fund designated Sewer Revenue Fund and money s in said Fund shall be used for the payment of the cost and expense of the operation, maintenance, repair and management of the system, and for the payment of debt charges on bonds issued for extensions and improvements of such system. Any surplus in said Fund over and above the requirements before mentioned may be used for the enlargement and replacement of the system and parts thereof, but shall not be used for the extensions of the system to serve unsewered areas or for any other purpose whatsoever.

(Ord. 19-91. Passed 3-18-91.)

913.302 READINESS TO SERVE CHARGE.

All users supplied with sewer service by the City shall be charged a readiness to serve fee based on the size of water meter as follows:

Readiness to Serve Charge

| <u>Meter Size (inches)</u> | <u>Per Month</u> |
|----------------------------|------------------|
| 5/8 | \$ 0.30 |

| | |
|-------|--------|
| 3/4 | 0.90 |
| 1 | 1.20 |
| 1 1/2 | 3.20 |
| 2 | 4.50 |
| 3 | 10.00 |
| 4 | 18.00 |
| 6 | 40.00 |
| 8 | 80.00 |
| 10 | 120.00 |

(Ord. 19-91. Passed 3-18-91.)

913.303 SANITARY SEWER RENTAL CHARGE.

All premises within the corporation limits of the City of Lorain, Ohio shall pay a sewer rental charge based upon the quantity of water used on the premises, unless specified otherwise in Section 915.700.

| | |
|---|-------------|
| Effective in the January 2010 billing, the sewer rental rate shall be as follows: | |
| | <u>2010</u> |
| Total per 100 cu. ft. | \$ 4.35 |
| Effective in the January 2012 billing, the sewer rental rate shall be as follows: | |
| | <u>2012</u> |
| Total per 100 cu. ft. | \$ 4.70 |
| Effective in the January 2013 billing, the sewer rental rate shall be as follows: | |
| | <u>2013</u> |
| Total per 100 cu. ft. | \$ 5.07 |
| Effective in the January 2014 billing, the sewer rental rate shall be as follows: | |
| | <u>2014</u> |
| Total per 100 cu. ft. | \$ 5.48 |
| Effective in the January 2015 billing, the sewer rental rate shall be as follows: | |
| | <u>2015</u> |
| Total per 100 cu. ft. | \$ 5.92 |
| Effective in the January 2016 billing, the sewer rental rate shall be as follows: | |
| | <u>2016</u> |
| Total per 100 cu. ft. | \$ 6.01 |
| Effective in the January 2017 billing, the sewer rental rate shall be as follows: | |
| | <u>2017</u> |
| Total per 100 cu. ft. | \$ 6.10 |
| Effective in the January 2018 billing, the sewer rental rate shall be as follows: | |
| | <u>2018</u> |
| Total per 100 cu. ft. | \$6.19 |
| Effective in the January 2019 billing, the sewer rental rate shall be as follows: | |
| | <u>2019</u> |
| Total per 100 cu. ft. | \$ 6.28 |
| Effective in the January 2020 billing, the sewer rental rate shall be as follows: | |
| | <u>2020</u> |

| | |
|-----------------------|---------|
| Total per 100 cu. ft. | \$ 6.38 |
|-----------------------|---------|

Summer Sewer Average

During the months of June, July and August, the amount charged for residential sewer usage shall be based on the average consumptions calculated during the previous twelve (12) months (May through previous June), unless the consumption is less than the average for the calculated twelve month period.

The minimum charge shall be 300 cubic feet per month. All revenue shall be deposited in the Sewer Revenue Fund as provided in Section 913.301.

GOLDEN AGERS AND DISABILITY CUSTOMERS

See Section 913.307.

(Ord. 97-11. Passed 7-5-11.)

913.304 DETERMINATION OF APPLICATION OF RATES AS TO INSIDE AND OUTSIDE OF CITY LIMITS.

The rates to be applied shall be determined by the location of the premises. Premises located entirely within the corporation limits of the City of Lorain, Ohio shall be subject to the rates in Section 913.303.

Premises partially or totally outside the corporation limits of the City of Lorain, Ohio shall be subject to the rates in Section 913.305.

(Ord. 19-91. Passed 3-18-91.)

913.305 RATES FOR SEWER RENTAL OUTSIDE CITY LIMITS.

The rates for sewer rental use for premises outside the City limits shall be as provided for at one hundred and thirty percent (130%) of the cost of the City rate as established in Section 913.303, plus an additional one hundred fifty percent (150%) of the cost of debt reduction and capital improvements, plus, an operations and maintenance fee as established in the schedule included in this section except in cases where an agreement has been established with the outside entity or municipality.

| Operations and Maintenance Fee Schedule | |
|--|-------------------|
| 2013 | \$10.94 per month |
| 2014 | \$11.49 per month |
| 2015 | \$12.06 per month |
| 2016 | \$12.66 per month |
| 2017 | \$13.30 per month |

(Ord. 130-12. Passed 9-17-12.)

913.306 RATE PAYMENT PENALTY.

If bills payable monthly are not paid within twenty days after the billing date, a ten percent (10%) late charge will be added to the current bill only. A two percent (2%) fee will be added on any arrears or unpaid balance thereafter on a monthly basis.

(Ord. 19-91. Passed 3-18-91.)

913.307 EXCEPTIONS TO THE SANITARY SEWER RENTAL CHARGES.

(a) Any person who:

- (1) Is sixty-five years of age or older or, permanently and totally disabled as established by the Social Security Administration and verified by a physician's medical certificate; and
- (2) Is the owner or tenant of the residence being serviced, and can only be applied to the

property that the applicant lives in; and

(3) Is the head of his or her household; and

(4) Has a total income of twenty thousand eight hundred dollars (\$20,800) or less, including the income of all other residents living at the property;

Shall be entitled to a sewer rental rate equal to fifty percent (50%) of the rates established in Section 913.303 on the basis of 100 cubic feet of water used, provided however, that this rate shall not be available to that part of a household's usage which exceeds 400 cubic feet in any month; nor shall these rates be available where a member of the household has earnings above the federal poverty guidelines.

(b) To be eligible for the reduced rates provided for in this section, a person must submit an application furnished by the Department of Utilities, which application must be approved by the Director of Public Service.

(Ord. 46-99. Passed 4-5-99; Ord. 138-99. Passed 9-7-99.)

913.399 OPERATIONS, MAINTENANCE AND REPLACEMENT COST RECOVERY.

There is hereby established a committee comprised of the Director of Utilities, the City Auditor and the Director of Public Service, whose function shall be to review the sewer rental charges of the Water Pollution Control Department on a biennial basis in accordance with 40 CFR Sec. 35.929-2(b) of the Federal Register. Beginning in 1997 and on or about March 10th of every other year thereafter, the City Auditor shall submit a report of all expenditures of the Water Pollution Control Department for the previous biennial period to said committee and to Council. Thereafter on or about April 1st of each such biennial year, said committee shall calculate and compare the operation, maintenance and replacement costs of the Water Pollution Control Department for the immediately preceding biennial period to those of the operation, maintenance and replacement costs of the second immediately preceding biennial period and make recommendations to the Service Director and to Council as to suggested adjustments, if any, to the sewer rental rates in accordance with the difference reflected between those comparative operation, maintenance and replacement cost figures. The purpose of any such adjustment shall be to reflect in the sewer rental rates the actual cost for the operation, maintenance and replacement of the Water Pollution Control Department and/or any anticipated expenditure pertaining to the operation, maintenance and replacement costs proportionately among the users of the sewerage system. However, Council as set forth in Ohio R.C. 729.49 retains final authority to establish just and equitable rates or charges of rents to be paid to the municipal corporation for the use of such sewerage services by every person, firm, or corporation whose premises are served by a connection thereto.

(Ord. 56-97. Passed 4-7-97.)

913.400 ESTABLISHMENT OF OPERATION, MAINTENANCE AND REPLACEMENT CONTINGENCY FUND.

There is hereby established within the Water Pollution Control Department's budget a separate fund which shall be known as the Operation, Maintenance and Replacement Contingency Fund. Initially the amount of said fund shall be twelve and one-half percent (12 ½%) of the actual operation, maintenance and replacement costs of the year immediately preceding the effective date of this section. Thereafter, said fund shall be maintained in an amount equivalent to twelve and one-half percent (12 ½%) of the previous year's actual operation, maintenance and replacement costs. The moneys in said fund shall be used only for unusual, extraordinary or emergency expenses incurred in the operation, maintenance and replacement of the Water Pollution Control Department. Any moneys used from said fund shall be returned to it no later than the first Monday of the month

of February of the following fiscal year.
 (Ord. 168-96. Passed 9-16-96.)

PRIVATE SEWAGE DISPOSAL

913.450 PROHIBITION OF NEW PRIVATE SEWAGE DISPOSAL FACILITIES.

Except as hereinafter provided in this chapter, it shall be unlawful to construct or maintain any private disposal systems, holding tanks, outhouses, privies, vaults, cesspools, or small wastewater treatment plants or any other facility intended or used for the disposal of sewage in the City of Lorain, Ohio.

Where exceptions are made, the regulations of the Ohio Department of Health Home Sewage Disposal Rules 37-29-01 to 37-29-21 of the Ohio Administrative Code shall apply.
 (Ord. 19-91. Passed 3-18-91.)

913.451 INSTALLATION PERMIT AND OPERATION PERMIT.

(a) No person shall install or alter a household sewage disposal system without an installation permit issued to him by the Lorain Board of Health. The owner as designated agent shall obtain such designated permit from the Ohio Department of Health for the installation of a household disposal system prior to the start of construction of a dwelling.

(b) All installers of household sewage disposal systems and/or parts thereof and repairs shall register with the City Board of Health.

(c) Said installers and/or repair shall be required to have a sewer builder's license from the office of the City Engineer's Department.
 (Ord. 19-91. Passed 3-18-91.)

913.452 HOME SEWAGE DISPOSAL RULES.

All applicable laws of the Ohio Department of Health pertaining to Home Sewage Disposal Rules 37-29-01 to 37-29-21 inclusive, of the Ohio Administrative Code shall be part of this chapter. (Ord. 19-91. Passed 3-18-91.)

913.453 ALLOWANCE OF EXISTING PRIVATE DISPOSAL FACILITIES.

Where a public sanitary or combined sewer is not available under the provisions of Section 913.070, the building sewer shall be connected to a private sewage disposal system provided said facility was installed previous to passage of this chapter and provided that said facility complies with all the provisions of this Sub-Chapter.

(Ord. 19-91. Passed 3-18-91.)

913.454 REQUIRED ABANDONMENT OF PRIVATE DISPOSAL FACILITIES.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 913.070, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material approved by the Director of Utilities, the City Engineer, or their representatives. The private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(Ord. 19-91. Passed 3-18-91.)

913.455 REGULATION OF PRIVATE DISPOSAL FACILITIES.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Ohio Environmental Protection Agency. No private sewage disposal system shall employ subsurface soil absorption facilities where the area of the lot is less than 3,000 square

feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Ord. 19-91. Passed 3-18-91.)

913.456 INSPECTIONS OF PRIVATE SEWAGE TREATMENT.

(a) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City. There shall be an inspection once every month and the owner shall pay the City sewer charges to the amount of thirty percent (30%) of water usage to pay for the cost of inspection of facility.

(b) Any monthly re-inspection deemed necessary by the Superintendent of Water Pollution Control to maintain the standards of the City Water Pollution Criteria shall be made no sooner than seven days after the previous inspection and shall require a fee of ten dollars (\$10.00) for each reinspection.

(Ord. 19-91. Passed 3-18-91.)

913.457 VIOLATION PENALTY OF SUB-CHAPTER 913.450.

Any owner of a facility which is not operated and maintained to the satisfaction of the Superintendent of Water Pollution Control and the requirements of the Ohio Environmental Protection Agency after a reinspection has been made, upon conviction thereof, shall be guilty of a misdemeanor for continued operation of the facility and shall be subject to a penalty as provided for in Sub-Chapter 913.600.

(Ord. 19-91. Passed 3-18-91.)

913.458 NEW ADDITIONAL REQUIREMENTS OF PRIVATE DISPOSAL SYSTEMS.

No statement contained in Sub-Chapter 913.450 shall be construed to interfere with any additional requirements that may be imposed by the Ohio Environmental Protection Agency, or the Water Pollution Control Board, or both.

(Ord. 19-91. Passed 3-18-91.)

SEPTIC TANK WASTE DISPOSAL

913.500 LICENSE TO OPERATE SEPTIC TANK CLEANING UNITS.

(a) No person shall perform septic tank cleaning services without first having procured an annual tank truck permit as required in Section 913.502 which shall also serve as a license to do so as herein provided. The Superintendent of Water Pollution Control shall examine or cause to be examined the qualifications of the applicant for such license and/or permit and shall grant such license and/or permit if the applicant is found to be qualified therefor and complies with the requirements of this Sub-Chapter.

(b) The applicant must have a minimum of one year of acceptable experience in the business of septic tank cleaning. The applicant must also possess all equipment necessary in the judgment of the Superintendent of Water Pollution Control or his authorized representative to adequately perform septic tank cleaning and repair. Such equipment shall be of adequate capacity and maintained in proper working order so as to provide adequate performance at all times.

(c) Fraudulent statements or misrepresentations made by the applicant in his applications for a license and/or permit or failure to show adequate performance in the service of septic tank cleaning or repair shall be grounds for denial or revocation of the license and/or permit by the Director of Public Service and Safety. The Director shall have the power to suspend the license for such time as he may deem proper or revoke the same as he may deem appropriate in the public interest.

(Ord. 19-91. Passed 3-18-91.)

913.501 PROHIBITION OF SEPTIC TANK DISCHARGES.

No person, firm or corporation shall discharge septic tank wastes into any manhole or other

appurtenance of any sanitary or storm sewer or into any watercourse within or flowing into the City of Lorain, Ohio corporation limits.

(Ord. 19-91. Passed 3-18-91.)

913.502 ANNUAL TANK TRUCK PERMIT.

Applications for a septic tank discharge permit shall be submitted on a form provided by the City and filed with the Superintendent of Water Pollution Control. A separate permit shall be obtained for each tank vehicle and shall be displayed at all times on the vehicle and upon payment of a fee of one hundred dollars (\$100.00) per vehicle per year. Permits must be renewed annually.

(Ord. 19-91. Passed 3-18-91.)

913.502A SEPTIC TANK WASTE DISCHARGE PERMIT.

To the City of Lorain, Ohio:

The undersigned, being the _
(Owner, Manager, Agent)

of the_ , does hereby
(Name of Company)

request a permit to discharge septic tank waste sludge unto the properly designated facility at the Water Pollution Control Plant.

1. Each vehicle will be required a permit.
2. Permits must be renewed annually.
3. Permits must be displayed on the vehicle.
4. Permittee must comply with all the provisions of Sub-Chapter 913.500 and comply with the provisions of the negotiations with the Director of Public Service and Safety with regard to a holding tank facility (Section 913.505).

This permit is for truck _
(Name, Number)
bearing_ Ohio license plate number_
(Year) (Number)
for the period_ to_

Date_ Signed_
(Applicant)
-
(Address of Applicant)

Date_ Signed_
(Director of Utilities)

(Ord. 19-91. Passed 3-18-91.)

913.503 TANK TRUCK WASTE TREATMENT FEE.

Any person, firm, or corporation discharging such wastes into the facilities of the City sewerage system must comply with a discharging rate and use those locations designated by the Superintendent of Water Pollution Control and shall pay a rate of fifty dollars (\$50.00) per 1,000 gallons as a disposal charge. Payment procedure shall be established by the Director of Utilities. (Ord. 19-91. Passed 3-18-91.)

913.504 VIOLATION PENALTY FOR SUB-CHAPTER 913.500.

Any person, firm, or corporation violating the provisions of this Sub-Chapter shall be subject to a penalty of one thousand dollars (\$1000) per violation. In addition, such person, firm, or corporation shall be liable for any expense, loss or damage occasioned by reason of such violation. (Ord. 19-91. Passed 3-18-91.)

913.505 HOLDING TANK REQUIREMENT.

If it is deemed necessary by the Director of Public Service and Safety to construct a holding tank on the Water Pollution Control Plant property to better control all septic tank waste, no septic tank waste discharge permit will be issued until the private septic tank cleaners have entered into negotiations with the Director and contracted for a holding tank of adequate design at the Water Pollution Control Plant to permit storage and a controlled rate of discharge of the septic wastes into the plant. (Ord. 19-91. Passed 3-18-91.)

913.506 PROHIBITED WASTES.

Wastes prohibited in Chapter 915 shall be prohibited to tank truck waste haulers. Any violation of the prohibited waste discharge shall be subject to penalties under Section 913.504. (Ord. 19-91. Passed 3-18-91.)

913.507 SAMPLING.

The operator of the hauling truck shall take a sample for laboratory analyses in a container supplied by the Superintendent of Water Pollution Control. Such analyses shall be taken to determine proper compliance with Section 913.506. (Ord. 19-91. Passed 3-18-91.)

913.508 MARINA WASTE.

Tank wastes from boat holding tanks can be discharged into the system under all the same provisions as a septic tank cleaning unit. The treatment fee shall be seventeen dollars and fifty cents (\$17.50) per 500 gallons. (Ord. 19-91. Passed 3-18-91.)

913.509 TRUCKED AND HAULED WASTES.

No person shall access the sewer system or POTW for any activity including discharge of hauled septic or industrial wastes except at locations and at times as designated by the City. Any removal of manhole lids, or other access to the sewer system for the purpose of discharging wastes at times and/or locations other than those designated by the City, or without the expressed permission of the City, shall be considered a violation and shall be subject to enforcement action including fines and penalties allowed under Section 913.504. (Ord. 19-91. Passed 3-18-91.)

POWERS AND AUTHORITY

913.600 POWER TO ENTER PREMISES.

The City Water Pollution Control Board and other duly authorized employees of the City, bearing proper credentials and identification, may enter, at any time, all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of Sections 915.309 and 915.310. The Superintendent of Water Pollution Control or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining,

ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(Ord. 19-91. Passed 3-18-91.)

913.601 INJURY OR LOSS WHILE ON PREMISES.

While performing the necessary work on private properties referred to in Section 913.600, the Superintendent of Water Pollution Control, or duly authorized employees of the City, shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(Ord. 19-91. Passed 3-18-91.)

913.602 POWER TO ENTER EASEMENT PROPERTIES.

The Superintendent of Water Pollution Control and other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, or maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 19-91. Passed 3-18-91.)

913.603 POWER TO ACCEPT OR REJECT WASTES.

The Superintendent of Water Pollution Control shall make and enforce rules and regulations, establishing the types and characteristics of sanitary sewage and industrial wastes and other matter, not specifically covered in this chapter or covered by the City Water Pollution Control Board, which shall not be discharged into the City sewerage system and the types and characteristics of sanitary sewage and industrial wastes admissible to the City sewerage system only after pretreatment. Such rules and regulations shall be subject to appeal to the Water Pollution Control Board, which Board shall hear the appeal and shall affirm or reject the ruling of the Superintendent of Water Pollution Control.

(Ord. 19-91. Passed 3-18-91.)

913.604 POWER TO DETERMINE SURCHARGE FOR SPECIAL WASTES.

When necessary, by contract or ordinance, to establish additional rates to be charged for specific types of wastes not covered in the surcharge computation, the Director of Utilities shall determine a method by which to establish such a rate.

(Ord. 19-91. Passed 3-18-91.)

913.605 POWER TO ESTABLISH REGULATIONS.

The City Water Pollution Control Board shall make recommendations and enforce all additional rules and regulations to the ordinance as established by the Director of Public Service and Safety of any discharges of waters, wastes, or wastewaters to any natural outlet, whether it be river, lake, stream, creek, etc., as the need for such additional rules and regulations arises. Such rules and regulations shall be subject to appeal to the Appeal Board, which shall hear the appeal and shall affirm or reject the ruling of the City of Lorain Water Pollution Control Board.

(Ord. 19-91. Passed 3-18-91.)

913.606 REGULATING AND ENFORCING AGENCIES.

The City Water Pollution Control Department, the Director of Public Service and Safety and the

City Water Pollution Control Board shall be the sole regulating and enforcing agencies of water pollution for the City of Lorain, Ohio.

(Ord. 19-91. Passed 3-18-91.)

913.607 POWER TO REGULATE FOREIGN ACCOUNTS IN SEWER SYSTEM.

The rules, regulations, and penalties as designated by this chapter, shall govern all sewer systems not within the corporation limits of the City, which are connected to the City sewerage system. (Ord. 19-91. Passed 3-18-91.)

913.608 POWER TO REGULATE FOREIGN ACCOUNTS IN WATERWAYS.

The rules, regulations, and penalties as designated by this chapter shall govern all discharges of wastes or wastewaters to any natural outlet not within the corporation limits of the City which contributes in reducing the conditions of the watercourse as it enters the corporation limits of the City below the minimum stream standards as established by the Ohio Water Pollution Control Board.

(Ord. 19-91. Passed 3-18-91.)

913.609 WRITTEN NOTICE OF VIOLATIONS.

Any person found to be violating any provision of this chapter, shall be served by the City with written notice stating the nature of the violation. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(Ord. 19-91. Passed 3-18-91.)

913.610 CONTINUANCE OF VIOLATION.

Any person who continues any violation beyond a time limit provided for in Section 913.609, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined as provided for in Section 913.611. Each day any such violation continues shall be deemed a separate offense. The minimum fine and/or sentence shall not be suspended.

(Ord. 19-91. Passed 3-18-91.)

913.611 POWER TO ISSUE CITATIONS.

The City Water Pollution Control Board or its duly authorized employees of the City, bearing proper credentials, may issue citations and may request a warrant be issued for the arrest of any violator of any Section of this chapter, unless said Section makes provision for a specific action to be taken. The violator shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined no less than one hundred dollars (\$100.00), and not more than five hundred dollars (\$500.00), plus thirty days in jail. For each offense after the first, the minimum fine shall be increased fifty dollars (\$50.00) for each offense. (Ord. 19-91. Passed 3-18-91.)

913.612 LIABILITY TO CITY.

Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

(Ord. 19-91. Passed 3-18-91.)

913.612.1 DETERMINATION OF DAMAGE COSTS.

All damage costs shall be determined by the Superintendent of Water Pollution Control.

(Ord. 19-91. Passed 3-18-91.)

913.613 DETERMINATION OF PENALTIES.

All fines and penalties for citations may be determined by the Water Pollution Control Board and paid at the office of the Director of Utilities.

(Ord. 19-91. Passed 3-18-91.)

PENALTIES

913.650 PENALTIES.

(a) Whoever violates any section of the City of Lorain, Ohio, Water Pollution Control Rules and Regulations shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined.

(b) Fines and penalties for specific violations listed within the rules and regulations in specific sections are as summarized:

- (1) Section 913.027 Failure to Register Sewer Permit. Twenty-five dollars (\$25.00).
- (2) Section 913.049 Violations of Section 913.020 Through 913.049. Fined not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000), and not more than thirty days in jail.
- (3) Reserved for future legislation.
- (4) Reserved for future legislation.
- (5) Reserved for future legislation.
- (6) Reserved for future legislation.
- (7) Reserved for future legislation.
- (8) Reserved for future legislation.
- (9) Section 913.214(a) Change of Account. Fine of twenty-five dollars (\$25.00) for failure to notify.
- (10) Section 913.214(c) New Meter-New Construction. Twenty-five dollars (\$25.00) and an estimated bill plus ten percent (10%).
- (11) Section 913.306 Rate Payment Penalty. Ten percent (10%) late charge on current bill and two percent (2%) extra charge per month on arrears.
- (12) Reserved for future legislation.
- (13) Reserved for future legislation.
- (14) Section 913.504 Violation of Sub-Chapter 913.500 (Septic Tank Disposal). One thousand dollars (\$1,000) per violation.
- (15) Section 913.611. Refer to Section 913.611 concerning citations and violations of this chapter.
- (16) Section 913.06 Littering Waterways. Fifty dollars (\$50.00) first offense and one hundred dollars (\$100.00) for each subsequent offense.
- (17) Section 913.899 Dredging in Waters (Section 913.807). Fine of five hundred dollars (\$500.00) for each day.

(c) Whoever violates any Section of the City of Lorain, Ohio, Water Pollution Control Rules and Regulations which is not listed in the above summary, shall be guilty of a misdemeanor, and upon conviction thereof, fined not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00), plus thirty days in jail. For each offense after the first, the minimum fine shall be increased fifty dollars (\$50.00) for each offense.

(Ord. 19-91. Passed 3-18-91.)

913.651 PAYMENT OF PENALTIES.

All fines collected for violations of the City of Lorain, Ohio, Water Pollution Control Rules and Regulations shall be collected by the Clerk of Courts and paid to the City Treasurer and credited to the Sewer Rental Fund.

(Ord. 19-91. Passed 3-18-91.)

PERMITS TO DISCHARGE INTO NATURAL WATERWAYS

913.700 CLASSES OF PERMITS.

There is hereby established the following six classes of permits:

- (a) For residential or commercial building sewers;
- (b) For industrial sewer connections;
- (c) For storm drainage services;
- (d) For discharge of any waters or wastewaters to any natural outlet within the City (wastewater discharge permit);
- (e) For installation and operations of private sewage disposal; and
- (f) For septic tank waste discharge. (Ord. 19-91. Passed 3-18-91.)

913.701 PERMIT TO DISCHARGE INTO WATERWAYS.

(a) It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters to any watercourse within the City, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter, or a temporary permit by the City has been issued.

(b) To obtain a permit to discharge any waters or wastewaters to any natural outlet within the City, the following conditions shall be met:

- (1) Proof of a permit from the Ohio Environmental Protection Agency to discharge into State of Ohio watercourses.
- (2) Applying for and completing all applications and all analysis of wastewater as required.
- (3) The Minimum Stream Water Quality Criteria set by the Ohio Environmental Protection Agency of the State of Ohio, as provided for in Sub-Chapter 913.800, shall apply at all times.
(Ord. 19-91. Passed 3-18-91.)

913.702 REQUIREMENTS OF DISCHARGE PERMIT INTO WATERWAYS.

All persons must obtain a permit to discharge any waters or wastewaters to any natural outlet within the City. Under no circumstances does a permit from Ohio Water Pollution Control Board excuse any person from obtaining a permit from the City Water Pollution Control Superintendent. . It shall be understood that those persons or firms who are currently under permit to the Ohio Environmental Protection Agency must also apply for permit from City of Water Pollution Control Board.

(Ord. 19-91. Passed 3-18-91.)

913.703 OBTAINING PERMIT.

Application for annual permits, renewal permits, and annual contracts, must be made in writing directly to the Superintendent of Water Pollution Control. The permit fees shall be paid at the office of the Director of Utilities. An annual fee of ten dollars (\$10.00) shall be charged for each permit for private dwelling discharges and one hundred dollars (\$100.00) for commercial and industrial businesses.

(Ord. 19-91. Passed 3-18-91.)

913.704 WATERWAY JURISDICTION AREA.

It shall be understood that this chapter also governs all that area of Lake Erie from the corporation limit to corporation limit and said limits connected by parallel lines due north to the Canadian Territorial Waters.

(Ord. 19-91. Passed 3-18-91.)

STREAM QUALITY STANDARDS

913.800 MINIMUM CONDITIONS FOR STREAM QUALITY STANDARDS.

The waters and waterways of the City shall be:

- (a) Free from substances attributable to municipal, industrial or other discharges, or agricultural practices that will settle to form putrescent or otherwise objectionable sludge deposits.

(b) Free from floating debris, oil, scum and other floating materials attributable to municipal, industrial, agricultural, or other discharges in amounts sufficient to be unsightly or deleterious.

(c) Free from materials attributable to municipal, industrial, agricultural, discharges producing color, odor or other conditions in such degree as to create a nuisance.

(d) Free from substances attributable to municipal, industrial, agricultural discharges in concentrations or combinations which are toxic or harmful to human, animal, plant or aquatic life.

(Ord. 19-91. Passed 3-18-91.)

913.801 PROTECTION OF HIGH QUALITY WATERS.

Waters whose existing quality is better than the established standards as of the date on which such standards become effective shall be maintained at their existing high quality, pursuant to the Ohio Water Pollution Control statutes, so as not to interfere with or become injurious to any assigned uses made of, or presently possible, in such waters. This shall require that any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required, as part of the initial project design, to provide the most effective waste treatment available under existing technology. The Ohio Environmental Protection Agency will cooperate with other agencies of the State, agencies of other states, interstate agencies and the Federal Government in the enforcement of this policy.

(Ord. 19-91. Passed 3-18-91.)

913.802 WATER QUALITY DESIGN FLOW.

Where applicable for the determination of treatment requirements, the water quality design flow shall be the minimum seven consecutive day average that is exceeded in ninety percent (90%) of the year. (Ord. 19-91. Passed 3-18-91.)

913.803 STREAM QUALITY CRITERIA.

(a) Public Water Supply. The following criteria are for evaluation of stream quality at the point at which water is withdrawn for treatment and distribution as a potable supply:

(1) Bacteria. Coliform group not to exceed 5,000 per 100 ml as a monthly average value (either MPN or MF count); nor exceed this number in more than twenty percent (20%) of the samples examined during any month; nor exceed 20,000 per 100 ml in more than five percent (5%) of such samples.

(2) Threshold-odor number. Not to exceed twenty-four (at 60 degrees C.) as a daily average.

(3) Dissolved solids. Not to exceed 500 mg/l as a monthly average value, nor exceed 750 mg/l at any time.

(4) Radioactivity. Gross beta activity not to exceed 1,000 picocuries per liter (pCi/l), nor shall activity from dissolved strontium-90 exceed 10 pCi/l, nor shall activity from dissolved alpha emitters exceed 3 pCi/l.

(5) Chemical constituents. Not to exceed the following specified concentrations at any time:

| <u>Constituent</u> | <u>Concentration (mg/l)</u> |
|-----------------------|-----------------------------|
| Arsenic | 0.05 |
| Barium | 1.0 |
| Cadmium | 0.01 |
| Chromium (hexavalent) | 0.05 |
| Cyanide | 0.025 |
| Fluoride | 1.0 |
| Lead | 0.05 |
| Selenium | 0.01 |

Silver

0.01

(b) Industrial Water Supply. The following criteria are applicable to stream water at the point at which the water is withdrawn for use (either with or without treatment) for industrial cooling and processing:

- (1) Dissolved oxygen. Not less than 2.0 mg/1 as a daily-average value, nor less than 1.0 mg/1 at any time.
- (2) pH. Not less than 5.0 nor greater than 9.0 at any time.
- (3) Temperature. Not to exceed ninety-five degrees Fahrenheit (95o F) at any time.
- (4) Dissolved solids. Not to exceed 750 mg/1 as a monthly average value, nor exceed 1,000 mg/1 at any time.

(c) Aquatic Life A. The following criteria are for evaluation of conditions for the maintenance of a well-balanced, warm-water fish population. They are applicable at any point in the stream except for areas necessary for the admixture of waste effluents with stream water:

- (1) Dissolved oxygen. Not less than an average of 5.0 mg/1 per calendar day and not less than 4.0 mg/1 at any time.
- (2) pH.
 - A. No value below 6.0 nor above 8.5.
 - B. Daily fluctuations which exceed the range of pH 6.0 to pH 8.5 and are correlated with photosynthetic activity may be tolerated.
- (3) Temperature.
 - A. No abnormal temperature changes that may affect aquatic life unless caused by natural conditions.
 - B. The normal daily and seasonal temperature fluctuations that existed before the addition of heat due to other than natural causes shall be maintained.
 - C. Maximum temperature rise at any time or place above natural temperatures shall not exceed five degrees Fahrenheit (5o F). In addition, the water temperature shall not exceed the maximum limits indicated in the following table.

Maximum Temperature in Degrees Fahrenheit During Month

| <u>WATERS</u> | <u>Jan.</u> | <u>Feb.</u> | <u>Mar.</u> | <u>Apr.</u> | <u>May</u> | <u>June</u> | <u>July</u> | <u>Aug.</u> | <u>Sept.</u> | <u>Oct.</u> | <u>Nov.</u> | <u>Dec.</u> |
|-------------------------------------|-------------|-------------|-------------|-------------|------------|-------------|-------------|-------------|--------------|-------------|-------------|-------------|
| <u>All waters except Ohio River</u> | <u>50</u> | <u>50</u> | <u>60</u> | <u>70</u> | <u>80</u> | <u>90</u> | <u>90</u> | <u>90</u> | <u>90</u> | <u>78</u> | <u>70</u> | <u>57</u> |

(4) Toxic Substances. Not to exceed one-tenth of the forty-eight hour median tolerance limit, except that other limiting concentrations may be used in specific cases when justified on the basis of available evidence and approved by the appropriate regulatory agency.

(d) Aquatic Life B. The following criteria are for evaluation of conditions for the maintenance of desirable biological growths and, in limited stretches of a stream for permitting the passage of fish through the water, except for areas necessary for admixtures of effluents with stream water:

- (1) Dissolved oxygen. Not less than 3.0 mg/1 as a daily-average value, nor less than 2.0 mg/1 at any time.
- (2) pH. Not less than 6.0 nor greater than 8.5 at any time.
- (3) Temperature. Not to exceed ninety-five degrees Fahrenheit (95o F.) at any time.
- (4) Toxic substances. Not to exceed one-tenth of the forty-eight hour median tolerance limit, except that other limiting concentrations may be used in specific cases when justified on the basis of available evidence and approved by the appropriate regulatory agency.

(e) **Recreation.** The following criterion is for evaluation of conditions at any point in waters designated to be used for recreational purposes, including but not limited to water-contact activities as swimming and water skiing:

(1) Free from substances attributable to municipal, industrial, agricultural, or other discharges that will settle to form putrescent or otherwise objectionable sludge deposits.

(2) Free from floating debris, oil, scum and other floating materials attributable to municipal, industrial, agricultural or other discharges in amount sufficient to be unsightly or deleterious.

(3) Free from substances attributable to municipal, industrial, agricultural or other discharges in concentrations or combinations which are toxic or harmful to human, animal, plant or aquatic life.

(Ord. 19-91. Passed 3-18-91.)

913.804 DUMPING DEBRIS INTO WATERWAYS.

No person shall throw, dump, deposit or cause or permit to be thrown, dumped or deposited, any garbage, refuse or other unwholesome substances, or any stone, timber, rubbish, junk, acid, oil or similar substances upon the margin or within the limits or into the waters of the harbor, or into the waters of Lake Erie. In addition to the power and authority to remove obstructions and debris in accordance with Section 913.805 and Ohio R.C. 715.44, the City Water Pollution Control Board may order the immediate removal of obstructions and debris in affected areas and, upon failure to act in compliance with such order, the Superintendent of Water Pollution Control may remove the obstruction or debris and the expense of removal shall be charged to the owners of such obstruction or debris or to the person causing the same.

(Ord. 19-91. Passed 3-18-91.)

913.805 OBSTRUCTION OF WATERWAYS.

No person shall drive any piles or deposit any timber, stone or other substance or structure so as to project above or below the surface of the waters of the harbor or any part thereof, or beyond the established dock lines, without written permission of the City Water Pollution Control Board and approval of the United States Corps of Engineers. All piling, timber, stone or other substance or structure so placed or laid is declared to be a public nuisance and subject to the provisions of Ohio R.C. 715.44 for abatement thereof.

(Ord. 19-91. Passed 3-18-91.)

913.806 LITTER IN WATERWAYS.

(a) As per Ohio R.C. 3767.32, no person shall, regardless of intent, throw, drop, discard, place, or deposit litter or cause litter to be thrown, dropped, discarded, placed, or deposited on any public property, on private property not owned by him, or in or on waters of the State.

(b) As used in this section, "waters of the State" means rivers, lakes, streams, or any other body of water used for public or recreational purposes. As used in Ohio R.C. 3767.32, "litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, grass, tree branches, or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person on public property, on private property not owned by him, or in or on waters of the State.

(c) As per Ohio R.C. 3767.99, whoever violates Ohio R.C. 3767.32, the penalty shall be considered a misdemeanor of the third degree and the fine shall be fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for each subsequent offense.

(d) This section shall include storm catch basins and storm sewers as outlets to any body of water. This anti-litter law of the Ohio Revised Code shall be enforced.

(Ord. 19-91. Passed 3-18-91.)

913.807 DREDGING IN WATERWAYS.

No person shall dump or deposit any dredgings into any watercourse within the City or any watercourse which enters into the City. All dredgings must be deposited on suitable land sites or placed within specially built retaining structures so designed as to be able to contain all the dredgings without an overflow of the solids into the watercourse. All proposed dredging operations shall be submitted in writing to the Superintendent of Water Pollution Control. Such description shall contain the time, date, location, method, quantity, and proposed method of disposal of the dredging operation. Upon written approval of the Superintendent of Water Pollution Control, the dredging shall proceed as described under inspection of the water Pollution Control Department. (Ord. 19-91. Passed 3-18-91.)

913.899 PENALTIES FOR SECTION 913.807.

Any violation of Section 913.807 shall be considered to be a misdemeanor, and upon conviction thereof, shall be fined five hundred dollars (\$500.00) for each day the violation continues. (Ord. 19-91. Passed 3-18-91.)

WATER POLLUTION CONTROL BOARD

913.900 WATER POLLUTION CONTROL BOARD MEMBERS.

The City of Lorain, Ohio Water Pollution Control Board shall be formed and shall consist of the Director of Public Safety/Service, the Director of Utilities, the Superintendent of Water Pollution Control, the Water Pollution Control Plant Chemist, and the City Engineer. The Chairman shall be the Director of Public Safety/Service of the City. The Secretary shall be either the Director of Utilities, or the Superintendent of Water Pollution Control, who is to be selected by the Mayor. This Board shall convene for a meeting at least once a month. The meeting date for each monthly meeting shall be determined by the Board members. The Director of Public Service and/or the Director of Utilities may call more meetings as the need requires. At least four members must be present to constitute a quorum.

(Ord. 5-00. Passed 1-18-00.)

913.901 AUTHORITY OF WATER POLLUTION CONTROL BOARD.

The Water Pollution Control Board shall have the power to:

- (a) Advise, consult and cooperate with other agencies of the State, the federal government, and other states and agencies, in the furtherance of the purposes of this chapter;
- (b) Encourage, participate in, or conduct studies, investigations, research or demonstrations relating to water pollution, and the causes, prevention, control or abatement thereof;
- (c) Adopt, modify, repeal or promulgate rules and regulations governing the procedure of the Board with respect to hearings, filing of reports, the issuance of permits and all other matters relating to procedure;
- (d) Issue, modify, or repeal orders, subject to this chapter, after a public hearing, prohibiting or abating discharges of sewage, industrial waste or other wastes into the waters within the jurisdiction of the City. Requiring necessary permits for pretreatment facilities, metering, gauging or other essentials needed in the abatement of water pollution by this chapter;
- (e) Issue, revoke, modify, or deny permits for the discharge of sewage, industrial waste or other waste into the waters within the jurisdiction of the City. The Board shall specify in permits for discharge of sewage, industrial waste or other waste which may be discharged. Exceptions are those that are under direct permit to the State of Ohio. Applications for permits shall be acted upon by the Board within sixty days of filing thereof;
- (f) Institute or cause to be instituted in the proper Court having jurisdiction, proceedings to compel compliance with such sections or with orders of the Board;
- (g) Exercise all incidental powers necessary to carry out the purposes of this chapter in the

abatement of water pollution within the City of Lorain, Ohio;

(h) Authorize certain personnel to cause a warrant to be issued for the arrest of violators of any Section of this chapter.

(Ord. 19-91. Passed 3-18-91.)

913.902 RIGHT TO APPEAL.

All actions by the City Water Pollution Control Board carried out in Sections 913.900, 913.901 and 913.902 in carrying out the enforcement of this chapter are subject to appeal to the Hearing Board established in Section 913.950.

(Ord. 19-91. Passed 3-18-91.)

WATER, SEWER AND WATER POLLUTION APPEAL BOARD

913.950 APPOINTMENT OF APPEAL BOARD.

(a) A Water, Sewer and Water Pollution Appeal Board shall be appointed to hear appeals from any decisions or actions taken under Chapters 913 and 915 on matters concerning interpretation and execution of the provisions of these Chapters. The cost of the arbitration will be divided between the City and the sewer user as follows: eighty percent (80%) by the user and twenty percent (20%) by the City of Lorain, Ohio.

(b) The Mayor shall appoint five members to the Appeal Board. The members of this Appeal Board shall select its own Chairman at a meeting to be held on the third Tuesday of each January of each calendar year for the purpose of selecting its Chairman.

(Ord. 19-91. Passed 3-18-91.)

913.951 REQUIRED QUORUM.

At no time shall a hearing of the Appeal Board be held unless there are at least five members present, this number constituting a quorum. A meeting shall be held at the request of the Chairman of the Appeal Board, whenever the need calls for it.

(Ord. 19-91. Passed 3-18-91.)

913.952 SALARY OF APPEAL BOARD MEMBERS.

Each member of the Appeal Board shall be paid fifty dollars (\$50.00) per day per hearing before it.

(Ord. 19-91. Passed 3-18-91.)

913.953 DEPOSIT FOR HEARING.

If a complaint is registered before the Appeal Board, the complainant shall deposit two hundred dollars (\$200.00) to the Department of Utilities which shall cover the first hearing day. If the hearing should proceed past one day, the complainant will be billed separately by the Department of Utilities for each day as per Sections 913.950 and 913.952.

(Ord. 19-91. Passed 3-18-91.)

913.954 RIGHT TO APPEAL.

Within ten days following any order pertaining to any provision of this chapter, an appeal may be filed in writing with the Appeal Board. In the event that such an appeal is filed, the Appeal Board shall hear such appeal within thirty days from and after its filing with the Appeal Board. Upon appeal, the Appeal Board may affirm, disaffirm or modify the judgment or order.

(Ord. 19-91. Passed 3-18-91.)

913.955 TIME AND PLACE OF HEARING.

Upon receipt of a timely appeal from any judgment or order, the Appeal Board shall set a time and place to hear such appeal as provided in Section 913.954, and shall notify the appellant and the appellee and their respective attorneys, if known, thereof.

(Ord. 19-91. Passed 3-18-91.)

913.956 AMENDMENT TO ORDERS.

The appellee may amend any such judgment or order at anytime prior to hearing of the appeal and appellee shall serve copies of the amended order upon the appellant and his attorney, if known, not less than ten calendar days before the time set for the hearing, as herein provided.
(Ord. 19-91. Passed 3-18-91.)

913.957 PROCEDURE.

- (a) Counsel. Either or both parties may be represented by legal Counsel.
- (b) Production of Evidence. Evidence should be produced in the following order:
 - (1) The appellee shall have the burden of proof and shall produce his evidence in support of the judgment or order.
 - (2) The appellant shall then produce such evidence as he may wish to present to repute such judgment or order.
 - (3) The appellee may then offer evidence in rebuttal.
 - (4) The Appeal Board may, in its discretion, permit evidence to be offered in surrebuttal.
- (c) Argument. The Appeal Board may, in its discretion, hear arguments from the parties. (Ord. 19-91. Passed 3-18-91.)

913.958 RULES OF EVIDENCE.

The production of evidence on the hearing of appeals and the decision thereon shall be governed in general by the rules of evidence, proof and burden of proof applied by the courts of Ohio in civil cases. (Ord. 19-91. Passed 3-18-91.)

MISCELLANEOUS

913.980 REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict with this chapter are hereby repealed.
(Ord. 19-91. Passed 3-18-91.)