

CODIFIED ORDINANCES OF HURON

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE ONE - Street and Sidewalk Areas

- Chap. 901. Excavations.
- Chap. 903. Sidewalk Construction.
- Chap. 905. Culverts, Drains and Ditches.
- Chap. 907. Trees.
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TITLE ONE - Street and Sidewalk Areas

- Chap. 901. Excavations.
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 Chap. 907. Trees.
 Chap. 909. Assessments.

CHAPTER 901 Excavations

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| <p>901.01 Definitions.</p> <p>901.02 Permit required; exception.</p> <p>901.03 Permit fee; deposit required.</p> <p>901.04 Liability insurance required.</p> <p>901.05 Conditions of permit issuance.</p> <p>901.06 Backfill and restoration supervision by City; cost borne by permittee.</p> | <p>901.07 Protection of openings.</p> <p>901.08 Deposit return; deficiency.</p> <p>901.99 Penalty.</p> |
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CROSS REFERENCES

- Power to establish and care for streets - see Ohio R.C. 715.19, 717.01, 723.01
- Division of Streets and Parks - see ADM. Ch. 149
- Driving on street posted as closed for repair - see TRAF. 331.26
- Barricades and warning devices - see GEN. OFF. 521.03
- Sidewalk construction - see S.U. & P.S. Ch. 903
- Culverts, drains and ditches - see S.U. & P.S. Ch. 905
- Grading and paving in subdivisions - see P. & Z. 1117.05 et seq.
- Street pavements in subdivisions - see P. & Z. 1119.01 et seq.

901.01 DEFINITIONS.

Wherever the words "street", "alley" and "sidewalk" are used in this chapter, such words shall mean that land lying between private lot lines and dedicated for public use. (Ord. 1962-20. Passed 7-23-62.)

901.02 PERMIT REQUIRED; EXCEPTION.

Before any person other than a duly authorized City officer or employee makes any opening in any street, boulevard, avenue, alley, highway or other public grounds in the City, or removes the surface of any sidewalk or any part thereof, or opens any sidewalk in the City, such person shall file with the Division of Utilities, a written or the printed application therefor. Such application shall set forth and accurately indicate location, kind and extent of the proposed opening or removal of sidewalk, and the number, purpose and size of the openings or excavations which are desired or necessary.

Nothing herein contained shall be deemed applicable to any contracts with the City with respect to street openings. (Ord. 1962-20. Passed 7-23-62.)

901.03 PERMIT FEE; DEPOSIT REQUIRED.

If any openings or excavations are for a purpose other than pursuant to a contract with the City, the applicant shall pay to the Division of Utilities, or its duly appointed designee, a permit fee of fifty dollars (\$50.00) and shall post either five hundred dollars (\$500.00) cash or a surety bond in the amount of five thousand dollars (\$5,000) to cover the cost and supervision of backfilling, repairing, restoring and relaying the pavement to its former condition. The amount of the deposit may be increased when the nature, size and location of the proposed opening warrants such increase, which shall be determined by the Service Director. (Ord. 2004-7. Passed 5-10-04.)

901.04 LIABILITY INSURANCE REQUIRED.

Before any permit is issued, the applicant shall also deposit with the Division of Utilities, or its duly appointed designee, an insurance policy, issued by a company authorized to write insurance in the State of Ohio, designating the City as an additional insured therein, by the terms of which the City is saved harmless from any and all claims for bodily injury and property damage within the limits of one million dollars (\$1,000,000) for each accident arising or growing out of the street opening or removal of the surface of any sidewalk or opening in any sidewalk, or the prosecution of the work for which the permit is obtained, or in any manner arising or growing out of the work necessary or incident to the issuance of the permit or that may be occasioned by reason of any opening or anything else done pursuant to the permit. (Ord. 2004-7. Passed 5-10-04.)

901.05 CONDITIONS OF PERMIT ISSUANCE.

A condition of the issuance of any street opening permit shall be that the applicant agrees to abide by all the provisions of any City ordinance or State law, and agrees, in the event of default, to reimburse the City for any additional costs incurred by the City, beyond the deposit required for such opening, in restoring the pavement to its former condition. (Ord. 1962-20. Passed 7-23-62.)

**901.06 BACKFILL AND RESTORATION SUPERVISION BY CITY;
COST BORNE BY PERMITTEE.**

All openings made within the street lines or sidewalk removed shall be subject to the directions of and under the supervision of the Service Director. All paving, material, flagging, curbing and ballasting shall be carefully removed and preserved. After the work is done, as contemplated by the application for the permit herein referred to, the trench or opening shall be refilled and the flagging, concrete, paving or other paving material shall be properly replaced under the supervision and direction of the Service Director. Any costs incurred therefor shall be at the sole expense of the permit holder.

(Ord. 1962-20. Passed 7-23-62.)

901.07 PROTECTION OF OPENINGS.

All openings, obstructions or areas where the sidewalk is removed shall be carefully guarded, protected or barricaded at all times, and during the night season shall be defined by lights and such other precautions as shall be necessary to guard against accidents. The Service Director may issue any additional orders as he deems proper which shall be implicitly and promptly complied with. At all times the work shall be done so as to cause the least inconvenience to property owners and the general public. (Ord. 1962-20. Passed 7-23-62.)

901.08 DEPOSIT RETURN; DEFICIENCY.

When any work under any permit is completed and all the mandates of this chapter have been complied with as certified by the Service Director, the Director of Finance shall issue a warrant to return the deposit or any portion thereof to the permittee. If the deposit is insufficient to reimburse the City for any work performed by the City in the event of default, the Director of Finance shall certify the deficiency to the City Manager who shall notify the permittee of the deficiency and cause the same to be collected.

(Ord. 1962-20. Passed 7-23-62.)

901.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 903
Sidewalk Construction

903.01	Compliance with requirements of City Engineer.	903.03	Exceptions.
903.02	Permit required.	903.99	Penalty.

CROSS REFERENCES

Notice to construct or repair sidewalks - see Ohio R.C. 729.03 et seq.
 Construction or repair at owner's expense - see Ohio R.C. 729.04, 729.10
 Division of Streets and Parks - see ADM. Ch. 149
 Barricades and warning lights - see GEN. OFF. 521.03
 Excavations - see S.U. & P.S. Ch. 901
 Culverts, drains and ditches - see S.U. & P.S. Ch. 905
 Sidewalks in subdivisions - see P. & Z. 1117.09, 1119.08

903.01 COMPLIANCE WITH REQUIREMENTS OF CITY ENGINEER.

All sidewalks within the corporate limits of the City shall be constructed or repaired in accordance with the grade, plans and specifications as prepared by the City Engineer and to his satisfaction and approval. (Ord. 1962-20. Passed 7-23-62.)

903.02 PERMIT REQUIRED.

Any person constructing or repairing a sidewalk within the corporate limits of the City shall first secure a permit from the Division of Utilities. (Ord. 1962-20. Passed 7-23-62.)

903.03 EXCEPTIONS.

The provisions of Section 903.02 with respect to the requirement of a permit shall not apply to persons constructing or repairing sidewalks pursuant to notice served in accordance with Ohio R.C. Section 729.03 et seq.; however such persons shall comply with the requirements of Section 903.01 above. (Ord. 1962-20. Passed 7-23-62.)

903.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 905
Culverts, Drains and Ditches

905.01	Inspections for defective conditions.	905.05	Failure to comply; City action.
905.02	Notice to correct defects.	905.06	Building permit requirements.
905.03	New installation materials.	905.07	Appropriation of funds by Council
905.04	New installation; cost borne by owner.	905.08	Enforcement.
		905.99	Penalty.

CROSS REFERENCES

Notice to remove obstructions from culverts or covered drains, fill or drain lots- see Ohio R.C. 715.47
 Notice to construct or repair curbs or gutters - see Ohio R.C. 729.03 et seq.
 Division of Streets and Parks - see ADM. Ch. 149
 Removal of obstructions from culverts, etc. - see GEN. OFF. 521.05
 Pavements and curbs in subdivisions - see P. & Z. 1119.04
 Rain carriers - see BLDG. 1363.10

905.01 INSPECTIONS FOR DEFECTIVE CONDITIONS.

(a) The Service Director, by and through the Zoning Official or his designee is directed and instructed to make periodic inspections and examinations of the position and condition of all culverts, drains or drainage ditches to determine the need, if any, for them to be reset, cleaned or replaced.

(b) The City shall have the authority to maintain, repair, deepen, widen or clean any and all ditches, watercourses or drainage improvements within the City and such authority includes the right of ingress to and egress from the ditch, watercourse or drainage improvement. No person, firm or corporation shall interfere with, prohibit or obstruct the City or its agents in the exercise of this right.

(c) Storage or processing of materials which are buoyant, pollutant, flammable, explosive, or could be injurious to human, animal or plant life in time of flooding shall be stored one and one half feet above the Base Flood Elevation, or suitably flood-proofed and protected.

(d) A Floodway Obstruction means any object in, along, across, or projecting into a portion of the floodway which may impede, retard, or change the direction of the flow of water either in and of itself or by catching or collecting waterborne debris, or that is placed where the flow of water would carry the same downstream to the damage or detriment of life or property. (Ord. 2018-34. Passed 1-8-19.)

905.02 NOTICE TO CORRECT DEFECTS.

In the event that the Service Director, by and through the Zoning Official or his designee finds and determines a drain, culvert or drainage ditch defective in construction, obstructed or inadequate in size so as to hinder, stop or interfere with the disposal of excess surface water, he is authorized and directed to inform the owner or the occupant of the property, on which the defect or inadequacy is found, of the unsatisfactory conditions and make recommendations in writing for replacement, resetting or cleaning as he deems necessary. (Ord. 2018-34. Passed 1-8-19.)

905.03 NEW INSTALLATION MATERIALS.

In all new construction of driveways drains or culverts and in all cases requiring replacement of existing culverts or drains, the drains or culverts shall be of corrugated steel or reinforced concrete tube and shall be not less than eight inches in diameter. (Ord. 1962-20. Passed 7-23-62.)

905.04 NEW INSTALLATION; COST BORNE BY OWNER.

In the event that new culverts or drains must be installed in the opinion of the Service Director, the owner or occupant of the property to be benefited shall, upon notice, have the duty of providing and installing the necessary drain pipe at his own cost and expense. All work shall be in accordance with the recommendations of the Service Director. (Ord. 1962-20. Passed 7-23-62.)

905.05 FAILURE TO COMPLY; CITY ACTION.

In the event any owner or occupant fails to provide and install the drain pipe, as required in Section 905.04, the Service Director is authorized to cause within fifteen days after notice, grading of the street so as to provide proper drainage and to prevent the obstruction thereof. Any expense incurred by the City shall be paid by the owner or occupant benefited by such improvement. (Ord. 1962-20. Passed 7-23-62.)

905.06 BUILDING PERMIT REQUIREMENTS.

No building permit shall be issued by the Building Official unless and until the Service Director has examined the proposed building site and the proposed plans to determine if the applicant proposes to provide a satisfactory culvert or drain under the driveway of the premises and adequate lot drainage.

Upon completion of such examination the Service Director shall notify immediately the Building Official and the builder of his findings and recommendations.

No building permit shall be issued to any applicant until the recommendations of the Service Director are complied with.

No trucks or materials of any builder shall be permitted to have access to a proposed building site until all the provisions of this section have been complied with. (Ord. 1962-20. Passed 7-23-62.)

905.07 APPROPRIATION OF FUNDS BY COUNCIL.

The City's right and responsibility in the cleaning, deepening, widening and maintaining of all ditches, watercourses and drainage improvements shall be dependent on the appropriation and availability of funds for this purpose. (Ord. 2018-34. Passed 1-8-19.)

905.08 ENFORCEMENT.

(a) The City, by and through its Zoning Official or his designee shall have all authority conveyed to it by Ohio Revised Code 715.47 and may fill or drain any lot or land within its limits on which water at any time becomes stagnant, remove all putrid substances from any lot, and remove all obstructions from culverts, covered drains, or private property, laid in any natural watercourse, creek, brook, or branch, which obstruct the water naturally flowing therein, causing it to flow back or become stagnant, in a way prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood.

- (1) If such culverts or drains are of insufficient capacity, the City may make them of such capacity as reasonably to accommodate the flow of such water at all times. The City Council may, by resolution, direct the owner to fill or drain such lot, remove such putrid substance or such obstructions, and if necessary, enlarge such culverts or covered drains to meet the requirements thereof. After service of a copy of such resolution, or after a publication thereof, in a newspaper of general circulation in such municipal corporation or as provided in section 7.16 of the Revised Code, for two consecutive weeks, such owner, or such owner's agent or attorney, shall comply with the directions of the resolution within the time therein specified.
- (2) In case of the failure or refusal of such owner to comply with the resolution, the work required thereby may be done at the expense of the municipal corporation, and the amount of money so expended shall be recovered from the owner before any court of competent jurisdiction. Such expense from the time of the adoption of the resolution shall be a lien on such lot, which may be enforced by suit in the court of common pleas, and like proceedings may be had as directed in relation to the improvement of streets as provided in Ohio Revised Code §715.47.

(b) Notwithstanding the foregoing, in the event that the Service Director by and through the Zoning Official or his designee determines that a citation shall be issued without causing written notice to abate said nuisance the Service Director by and through the Zoning Official or his designee may direct the appropriate law enforcement agency to cause a citation to be issued to the landowner, or person in charge of the premises upon which a nuisance does exist as defined by Section 521.05.

(Ord. 2018-34. Passed 1-8-19.)

905.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 907
Trees

907.01	Definitions.	907.06	Abuse or mutilation of public trees.
907.02	Recommended trees and shrubs.	907.07	Protection of trees.
907.03	Removal, replanting and replacement.	907.08	Placing materials on public property.
907.04	Tree specifications; species, planting, spacing, distances.	907.99	Penalty.
907.05	Pruning obstructions.		

CROSS REFERENCES

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

907.01 DEFINITIONS.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein.

- (a) "Person" means any person, firm, partnership, association, corporation, contractor, company or organization of any kind.
- (b) "Street" or "highway" means the entire width of every public way, easement or right of way when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular and pedestrian traffic, and includes alleys.
- (c) "Public place" includes all other grounds owned by the City.
- (d) "Property line" means the outer edge of a street or highway.
- (e) "Treelawn" means that part of a street or highway not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.
- (f) "Public trees" means all shade and ornamental trees now or hereafter growing on any street, highway or any public places.
- (g) "Large trees" means those attaining a height of fifty feet or more.
- (h) "Medium trees" means those attaining a height of twenty-five to fifty feet.
- (i) "Small trees" means those attaining a height up to twenty-five feet.
- (j) "Principal thoroughfare" means any street upon which trucks are not prohibited. (Ord. 1990-3. Passed 2-12-90.)

907.02 RECOMMENDED TREES AND SHRUBS.

The following trees are recommended for planting on municipally owned property.

Small Trees - up to 25 feet in heightBotanical Name:

Malus "Centurion"
 Malus "Harvest Gold"
 Malus "Indian Magic"
 Malus "Sugar Tyme"

Common Name:

Centurion Crabapple
 Harvest Gold Crabapple
 Indian Magic Crabapple
 Sugar Tyme Crabapple

Medium Trees - 25 to 50 feet in heightBotanical Name:

Acer campestre
 Acer platanoides
 "Emerald Queen"
 Acer p. "Columnar"
 Acer p. "Crimson King"
 Amelanchier x "Cumulus"
 Cercidiphyllum japonicum
 Corylus colurna
 Crataegus phaenopyrum
 Crataegus viridis "Winter King"
 Crataegus laevigata "Crimson Cloud"
 Gleditsia triacanthos
 inermis "Halka"
 Gleditsia t. i. "Imperial"
 Gleditsia t. i. "Shademaster"
 Gleditsia t. i. "Skyline"
 Gleditsia t. i. "Sunburst"
 Koelreuteria paniculata
 Nyssa sylvatica
 Pyrus calleryana "Aristocrat"
 Pyrus c. "Cleveland Select"
 Pyrus c. "Redspire"

Common Name:

Hedge Maple
 Emerald Queen Norway
 Maple
 Columnar Norway Maple
 Crimson King Norway Maple
 White Cloud Serviceberry
 Katsura Tree
 Turkish Filbert
 Washington Hawthorn
 Winter King Hawthorn
 Crimson Cloud Hawthorn
 Halka Honeylocust
 Imperial Honeylocust
 Shademaster Honeylocust
 Skyline Honeylocust
 Sunburst Honeylocust
 Golden Rain Tree
 Black Gum
 Aristocrat Pear
 Cleveland Select Pear
 Redspire Pear

Large Trees - 50 feet plus in heightBotanical Name:

Acer rubrum "Red Sunset"
 Acer saccharum "Green Mountain"
 Fagus gradifolia
 Fagus sylvatica
 Fraxinus americana "Autumn Applause"
 Fraxinus a. "Autumn Purple"
 Fraxinus a. "Rose Hill"
 Fraxinus pennsylvanica "Marshall's"
 Fraxinus p. "Newport"
 Fraxinus p. "Summit"
 Ginkgo biloba
 Ginkgo biloba "Fastigiata"
 Liquidambar styraciflua
 Platanus acerifolia "Bloodgood"
 Quercus imbricaria
 Quercus palustris
 Quercus rubra
 Taxodium distichum

Tilia cordata "Fairview"
 Tilia cordata "Greenspire"
 Tilia euchlora
 Tilia tomentosa "Sterling Silver"
 Ulmus x hollandica "Urban"
 Ulmus x "Homestead"
 Ulmus x "Pioneer"
 Ulmus parvifolia

Common Name:

Red Sunset Maple
 Green Mountain Sugar Maple
 American Beech
 European Beech
 Autumn Applause Ash
 Autumn Purple Ash
 Rose Hill White Ash
 Marshall's Seedless Ash
 Newport Ash
 Summit Ash
 Ginkgo (Note - large areas)
 Columnar Ginkgo
 Sweet Gum
 London Planetree
 Shingle Oak
 Pin Oak
 Red Oak
 Common Bald Cypress
 (deciduous) *(Note - shall
 be limbed up)
 Fairview Linden
 Greenspire Linden
 Redmond Linden
 Sterling Silver Linden
 Urban Elm
 Homestead Elm
 Pioneer Elm
 Chinese Elm

Whenever any tree or shrub shall be planted or set out in conflict with the provisions of this section, the City Manager, or his designee shall remove or cause removal of the same. (Ord. 1990-3. Passed 2-12-90.)

907.03 REMOVAL, REPLANTING AND REPLACEMENT.

(a) Wherever it is necessary to remove a tree or shrub from a treelawn in connection with the paving of a sidewalk, or the paving or widening of a portion of a street, alley or highway used for vehicular traffic, the City shall require the contractor or person to replant such trees or shrubs or replace them, removing all stumps below the surface of the ground; provided, that this requirement may be satisfied if an equivalent number of trees or shrubs of the same size and species as specified by the Shade Tree Commission are planted in an attractive manner on the adjoining property.

(b) No person or property owner shall remove a tree or shrub from a treelawn for the purpose of construction, or for any other reason without first filing an application and obtaining a permit from the City Manager or his designee. Such person or property owner shall, at his own expense, replace the removed tree or shrub in accordance with the standards, size and species set forth by the Commission. Such person or property owner shall remove at his own expense, any stumps to below the surface of the ground.

(c) When in good faith, the City Manager or his designee determines that a tree or trees located within a treelawn constitutes a hazard to the public's use of the streets, then the owner of the property abutting the treelawn shall, at his own expense, remove such tree or trees.

Should any property owner fail to comply with an order of removal, City may cause such tree or trees to be removed and the cost thereof to be assessed against the owner as provided by law.

(Ord. 1990-3. Passed 2-12-90.)

907.04 TREE SPECIFICATIONS; SPECIES, PLANTING, SPACING, DISTANCES.

(a) Tree species shall comply with Section 907.02.

(b) Spacing of trees shall be in accordance with the three species size classes referred to in Section 907.02. No trees may be planted closer together than the following: Small trees - 30 feet; medium trees - 40 feet; and large trees - 50 feet, except in special plantings designed or approved by the Shade Tree Commission.

(c) The distance trees may be planted from curbs or curblines and sidewalks shall be in accordance with the three species size classes referred to in Section 907.02. No trees may be planted closer to any curb or sidewalk than the following: Small trees - 2 feet; medium trees - three feet; and large trees - 4 feet.

(d) No tree shall be planted closer than twenty feet of any street corner, measuring from intersecting curbs or curblines. No tree shall be planted closer than ten feet to any fire hydrant.

(Ord. 1990-3. Passed 2-12-90.)

907.05 PRUNING OBSTRUCTIONS.

(a) Any person or persons owning or occupying real property bordering on any street shall prune any trees or shrubs in such manner that they will not obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs or obstruct the view of any street or alley intersection. The minimum height of any overhanging portion thereof shall be ten feet above sidewalks and twelve feet above all streets except truck thoroughfares which shall have a clearance of sixteen feet.

(b) Should any person or persons owning real property bordering on any street fail to prune trees or shrubs as herein provided, the City Manager or his designee shall order such person or persons to so prune such trees or shrubs within ten days after receipt of written notice.

The order required herein shall be served by mailing a copy of the order to the last known address of the property owner, by certified mail.

When a person to whom an order is directed fails to comply within the specified time, the City shall prune such trees or shrubs and the exact cost thereof shall be assessed to the owner as provided by law.

(Ord. 1990-3. Passed 2-12-90.)

907.06 ABUSE OR MUTILATION OF PUBLIC TREES.

Unless specifically authorized by the City Manager or his designee, no person shall intentionally damage, cut, carve, transplant or remove any public tree or shrub; attach any rope, wire, nails, advertising posters or other contrivance to any public tree or shrub; allow any gaseous liquid or solid substance which is harmful to such public trees or shrubs to come in contact with them; or set fire or permit fire to burn when such fire or the heat thereof will injure any portion of any public tree or shrub.

(Ord. 1990-3. Passed 2-12-90.)

907.07 PROTECTION OF TREES.

All trees and shrubs on any street or other publicly owned property near any excavation or construction of any building, structure or street work, shall be protected with a good substantial fence, not less than four feet high and eight feet square, or at a distance in feet from the tree or shrub equal to the diameter of the trunk in inches at chest high, whichever is greater, and all building material, dirt or other debris shall be kept outside the barrier.

No person shall excavate any ditches, tunnels or trenches, or lay any drive within a radius of ten feet from any public tree or shrub without first obtaining permission from the City Manager or his designee.

(Ord. 1990-3. Passed 2-12-90.)

907.08 PLACING MATERIALS ON PUBLIC PROPERTY.

No person shall deposit, place, store or maintain, upon any public place of the City, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air or fertilizer to the roots of any tree growing therein.

(Ord. 1990-3. Passed 2-12-90.)

907.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not to exceed one hundred dollars (\$100.00). In addition, the person shall replace the tree with a size and species recommended by the Shade Tree Commission. Each tree affected by a violation of this chapter shall constitute a separate offense.

(Ord. 1990-3. Passed 2-12-90.)

CHAPTER 909
Assessments

909.01 Lighting public places.

CROSS REFERENCES
Assessments - see Ohio R.C. Ch. 727, 729

909.01 LIGHTING PUBLIC PLACES.

(a) Council hereby establishes certain policies and procedures applicable to the levy of special assessments for the cost of lighting public places as set forth herein. This Council finds and determines that these policies and procedures are authorized by and consistent with the Ohio Constitution, the Ohio Revised Code and the Charter of the City, including but not limited to Sections 1.02, 1.03 and 9.03 thereof.

(b) By resolution or ordinance, Council may levy special assessments to pay costs of lighting certain public places.

- (1) The resolution of Council determining the necessity of the public improvement (the "resolution of necessity") shall set forth:
 - A. The period for which those special assessments may be levied and collected,
 - B. The real property upon which the special assessments are to be levied,
 - C. The method by which the special assessments are to be levied and
 - D. Other matters as required or permitted by law.
- (2) For purposes of the proceedings for the levy of the special assessments, including but not limited to the resolution of necessity,
 - A. "Lighting" shall include exterior and interior lighting, security and emergency lighting, traffic and other signalization, other types of lighting as specified in the resolution of necessity and acquiring, constructing, installing, equipping and otherwise improving lighting facilities, creating reserves therefor and financing thereof (including debt service charges related thereto), and

- B. “Public places” shall include streets (including alleys, avenues, boulevards, highways and other roadways by whatever designation), bridges, docks, wharfs, piers, parks, recreational and cultural facilities, waterworks system facilities, sewer system facilities, facilities related to the construction and maintenance of streets, parking facilities, portions of other City facilities open to the public and other places as designated in the resolution of necessity, all such places owned by or otherwise controlled by (or subject to an easement in favor of) the City or for which the City has assumed the responsibility for providing lighting.
(Ord. 2005-39. Passed 7-25-05.)
- C. “Real property” means the land and any improvements made to the land. Assessments shall be made by the Erie County Auditor, or its designee, in such a way as to include this definition.
(Ord. 2009-7. Passed 2-24-09.)

TITLE THREE - Utilities

- Chap. 911. Sewer Regulations.
 Chap. 915. Water Regulations and Rates.
 Chap. 917. Backflow Prevention and Cross-Connection Control.
 Chap. 921. Illicit Discharge and Illegal Connection Control.
 Chap. 923. Stormwater Management Fee.

**CHAPTER 911
Sewer Regulations**

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| <p>911.01 General control of sewers and drains.</p> <p>911.02 Mandatory sanitary connections; notice.</p> <p>911.03 Sanitary connection permit and fee.</p> <p>911.04 Inspections for all sewer connections.</p> <p>911.05 Connection size, quality and work.</p> | <p>911.06 Surface water prohibited in sanitary sewer.</p> <p>911.07 Downspouts and footer drains.</p> <p>911.08 Spillage; prohibited fluids.</p> <p>911.09 Damage or improper use.</p> <p>911.99 Penalty.</p> |
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CROSS REFERENCES

- Power to construct sewerage system - see Ohio R.C. 715.40, 717.01
 Compulsory sewer connections - see Ohio R.C. 729.06
 Management and control of sewerage system - see Ohio R.C. 729.50
 Regulations to control house sewers and connections - see Ohio R.C. 729.51
 Untreated sewage - see Ohio R.C. 3701.59
 Division of Utilities - see ADM. Ch. 151
 Sanitary system in subdivisions - see P. & Z. 1117.08
 Storm drainage in subdivisions - see P. & Z. 1117.10
 Sanitary and storm sewers in subdivisions - see P. & Z. 1119.05 et seq.
 Rain carriers - see BLDG. 1363.10

911.01 GENERAL CONTROL OF SEWERS AND DRAINS.

All sewers and drains of every kind and nature within the lines of any street, alley or other public ground shall be under the general care and control of the Service Director.
 (Ord. 1962-20. Passed 7-23-62.)

911.02 MANDATORY SANITARY CONNECTIONS; NOTICE.

No owner, agent, lessee, tenant or occupant of any lot or land located within the City shall establish, construct, use or maintain a privy, cesspool or other receptacle for sewage or excreta, or a connection to a private sewer, ditch or other outlet, if such lot or land is accessible to a public sanitary sewer constructed and used for the purpose of conveying sewage. When such public sanitary sewer is available or is hereafter made available, a connection to such sewer shall be established and used within thirty days after service of notice to connect to such public sanitary sewer.

Whenever an approved public sanitary or combined sewerage system is made available, any sewage disposal device or equipment on such property shall be abandoned and the sewage discharged directly from the building to such sewerage system through a properly constructed house sewer. Roof water, cistern overflow, surface or subsoil drainage shall not be discharged into sewage disposal equipment hereinafter specified. An abandoned sewage tank or other device or equipment for treatment or disposal of sewage shall be thoroughly cleaned, disinfected and filled to the ground surface with earth, ashes or other suitable filling material.
(Ord. 1966-23. Passed 4-11-66.)

911.03 SANITARY CONNECTION PERMIT AND FEE.

No connection with any main or branch sanitary sewer shall be made except upon application for a permit to make such connection. Application shall be made to the Division of Utilities for a permit. The fee for such a permit shall be five dollars (\$5.00).
(Ord. 1962-20. Passed 7-23-62.)

911.04 INSPECTIONS FOR ALL SEWER CONNECTIONS.

No person shall make any new connections into either the storm or sanitary sewerage systems until the same have been inspected by a designated City inspector. Such inspection shall be made after the storm or sanitary sewer is laid and before it is covered.
(Ord. 172. Passed 10-27-47.)

911.05 CONNECTION SIZE, QUALITY AND WORK.

All house sewer connections shall be of a uniform size of six inches internal diameter. All sewer pipe shall be of a quality and type as approved by the Superintendent of Utilities. All connections and any work contemplated shall be performed in a thorough manner to the approval and supervision of the Service Director. (Ord. 1962-20. Passed 7-23-62.)

911.06 SURFACE WATER PROHIBITED IN SANITARY SYSTEM.

No person shall drain surface water from his premises into the sanitary sewerage system of the City. (Ord. 172. Passed 10-27-47.)

911.07 DOWNSPOUTS AND FOOTER DRAINS.

(a) All downspouts now entering the City sanitary sewerage system shall be removed by the owners or occupants of the property, after receipt of ten days' notice from the City to remove the same.

(b) Footer drains shall be connected to the City storm sewer system wherever such system is reasonably available.

(c) Footer drains and sump pumps shall not be discharged into the City right of way unless properly connected to a storm sewer. All footer drains or sump pumps that are currently discharging into the right of way without proper connection shall be removed within thirty days from the effective date of this section. (Ord. 1991-20. Passed 7-8-91.)

911.08 SPILLAGE; PROHIBITED FLUIDS.

No person shall spill any turpentine, kerosene, gasoline, benzene, naphtha, coal oil or any product thereof, or any oil used for lubricating, illuminating or fuel purposes, or allow any of such fuels to escape to or upon any pavement or into any storm or sanitary sewer of the City. No person shall operate or permit to be operated any tank truck or other vehicle from which any of such fluids are permitted to escape. (Ord. 1962-20. Passed 7-23-62.)

911.09 DAMAGE OR IMPROPER USE.

No person shall injure, obstruct or destroy any public sewer or culvert or the grating or the openings of the same, constructed or owned in whole or in part by the City, nor shall any such sewer or culvert be used for any other purposes than that for which the same was constructed. (Ord. 1962-20. Passed 7-23-62.)

911.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 915
Water Regulations and Rates

915.01	Applications for service.	915.14	Meters damaged or stolen.
915.02	Connections outside City limits.	915.15	Meter testing; deposit and refund.
915.03	Water tap-in charge.	915.16	Billing; minimum statement.
915.04	Service connections.	915.17	Bill payment; delinquency and penalty.
915.05	Installation of service pipe.	915.18	Order of bill payment.
915.06	Meter and shut off control; charges and discontinuance.	915.19	Water rates.
915.07	Additions and alterations.	915.20	Water for sprinkler systems.
915.08	Repairing service connections.	915.21	Multiple users of meters.
915.09	Notice of discontinuance.	915.22	Tank water sales.
915.10	Access to property.	915.23	Delinquent bills to be a lien.
915.11	Meter readings and estimate.	915.24	Water charge adjustment.
915.12	Moving meters.	915.99	Penalty.
915.13	Tampering with meter.		

CROSS REFERENCES

Power to regulate water system - see Ohio R.C. 715.08, 717.01, 743.01
 Compulsory water connections - see Ohio R.C. 729.06, 743.23
 Weekly deposit of water works money - see Ohio R.C. 743.06
 Water pollution - see Ohio R.C. 743.25
 Division of Utilities - see ADM. Ch. 151
 Backflow prevention - see S.U. & P.S. Ch. 917
 Water system in subdivisions - see P. & Z. 1117.07
 Water mains in subdivisions - see P. & Z. 1119.07
 Water line connections - see BLDG. 1359.05

915.01 APPLICATIONS FOR SERVICE.

Applications for water service shall be made at the office of the Division of Utilities.
 (Ord. 1983-32. Passed 12-5-83.)

915.02 CONNECTIONS OUTSIDE CITY LIMITS.

All service connections and plumbing outside the City limits shall be subject to the same rules as are provided herein for service within the City limits.
 (Ord. 1983-32. Passed 12-5-83.)

915.03 WATER TAP-IN CHARGE.

Water taps (service connections) within the City, including excavations, shall be made only by City personnel after payment of the appropriate charges determined in accordance with this section.

- (a) Property owners, or their authorized agents, desiring service connections laid from the main to the curb, shall make application for such service at the office of the Division of Utilities. Before any new water connection is made to the City water system, there shall be paid into the Water Fund for each residential unit to be served by each connection a sum of three hundred fifty dollars (\$350.00), and for uses other than residential, a tap-in fee based on the size of water service required, as approved by the City Manager, shall be paid in advance in accordance with the following schedule:

<u>TAP SIZE</u>	<u>METER SIZE</u>	<u>TAP CHARGE/FEE</u>
3/4"	5/8" X 3/4"	\$350.00
3/4"	3/4" X 3/4"	500.00
3/4" (Qty 2)	5/8" X 3/4" (Sprinkler)(Qty 2)	700.00
1"	1"	750
1"	1"	- - - plus - - -
3/4"	5/8" X 3/4" (Sprinkler)	750.00
1 1/2"	1 1/2"	1,200.00
2"	2"	1,600.00
3"		3,600.00
4"		6,000.00
6"		9,000.00
8"		12,000.00

- (b) In addition to the charges set forth in subsection (a) hereof, the following additional charges will apply and be payable in advance:
- Materials Charges (at current material pricing).
 - Labor Fee of four hundred fifty dollars (\$450.00) and Equipment/Service Fee of one hundred dollars (\$100.00) for each tap, regardless of size.
- (c) Additional Charges: There is an additional charge of \$200.00 if push required on any tap. (Ord. 2011-6. Passed 2-22-11.)

915.04 SERVICE CONNECTIONS.

No person except an authorized employee of the Division of Utilities shall be permitted to tap or make any connections with the water mains or distribution pipes of the City. When new services are being installed in sewer trenches, they shall be put on a shelf twenty-four inches from the sewer and shall not be located in driveways. No service pipe connections to the main by one corporation cock shall be extended into two distinct premises, dwellings, tenements or trailers. (Ord. 1983-32. Passed 12-5-83.)

915.05 INSTALLATION OF SERVICE PIPE.

The water tap service to the property line and the setting of the meter shall be made by the Division of Utilities or a contractor approved by the City Manager, and be under its control. The City in addition to the tap-in charge, shall be reimbursed by the applicant for the setting of the meter in accordance with the City rates then in effect.

If a water main extension is required to bring service to the premises of an applicant for water service, the cost of such extension may be charged to the applicant or assessed to the abutting property owners that would benefit by such improvement. (Ord. 1983-32. Passed 12-5-83.)

915.06 METER AND SHUT OFF CONTROL; CHARGES AND DISCONTINUANCE.

The curb shut off, corporation cock and water meter shall be under the absolute control of the Division of Utilities and shall not be tampered or interfered with or operated by unauthorized persons. Water may be turned on into premises only by an authorized employee of the Division of Utilities. Where the service is discontinued at the request of the owner, a reconnection charge of seventy dollars (\$70.00) shall be made. (Ord. 1995-26. Passed 12-11-95.)

915.07 ADDITIONS AND ALTERATIONS.

No additions or alterations in any pipe between the water main and the meter, or the change of any meter, shall be made without permission of the Division of Utilities. (Ord. 1983-32. Passed 12-5-83.)

915.08 REPAIRING SERVICE CONNECTIONS.

The Division of Utilities shall make all repairs or shall replace defective water service lines from the water main to and including the curb stop. In the event the party making a connection to the shut off causes a leak on either side of the shut off, then the property owner shall at his own expense, make the repair and if necessary replace the line to the main, under supervision of the Division of Utilities. (Ord. 1983-32. Passed 12-5-83.)

915.09 NOTICE OF DISCONTINUANCE.

Any consumer wishing to have his water service discontinued shall notify the Division of Utilities in writing at least twenty-four hours in advance or be subject to payment of full rates for the current term. (Ord. 1983-32. Passed 12-5-83.)

915.10 ACCESS TO PROPERTY.

The Service Director or his authorized employees shall have access at all reasonable hours to the premises supplied with water for the purpose of reading meters and to see that all rules are observed or to make any necessary examinations of plumbing and water fixtures. (Ord. 1983-32. Passed 12-5-83.)

915.11 METER READINGS AND ESTIMATE.

Meter readings shall be taken every three months and as near the same comparative date each time as possible. If the meter reader is unable to procure a reading after two calls on account of not having access to the meter, an estimated charge shall be made based on previous readings or similar services of the same use of water. If free access to read a meter is not made in a reasonable time, the water may be shut off until free access is provided.
(Ord. 1983-32. Passed 12-5-83.)

915.12 MOVING METERS.

When a service line is replaced and the meter is located inside, the owner shall be required to move the meter to an outside meter pit. A meter that is located in a place that is not easily accessible shall be moved to an outside pit when so ordered by the Division of Utilities.
(Ord. 1983-32. Passed 12-5-83.)

915.13 TAMPERING WITH METER.

If the Division of Utilities finds that a meter seal has been tampered with or broken by any by-pass inserted, and there is evidence that the meter has been tampered with in any way, the water shall be shut off and shall not be turned on again until the consumer or owner of the premises pays for the estimated quantity of water which has been used and not registered. All damages to the meter shall also be paid.
(Ord. 1983-32. Passed 12-5-83.)

915.14 METERS DAMAGED OR STOLEN.

If a meter installed on the premises is stolen or is damaged in any way due to the neglect of the consumer or property owner, the cost of repairs or replacement shall be paid by the consumer or property owner. (Ord. 1983-32. Passed 12-5-83.)

915.15 METER TESTING; DEPOSIT AND REFUND.

The Division of Utilities shall, on deposit of twenty dollars (\$20.00) test a meter, subject to the following condition. If a meter is found to over register by an amount exceeding three percent (3%) the meter shall be repaired to register correctly, and proper reduction shall be made on the water bill. The deposit of twenty dollars (\$20.00) will then be refunded. If the meter does not over register by an amount exceeding three percent (3%), the twenty dollar (\$20.00) deposit shall not be refunded and the bill shall be paid as rendered.
(Ord. 1983-32. Passed 12-5-83.)

915.16 BILLING; MINIMUM STATEMENT.

Water bills shall be made out and mailed in the name of the consumer. No bill shall be rendered for less than one day, prorated and based upon no less than one month's minimum service. (Ord. 1995-10. Passed 4-10-95.)

915.17 BILL PAYMENT; DELINQUENCY AND PENALTY.

Water bills shall be due and payable every three months as billed, at the office of the Division of Utilities on or before the seventeenth day of the month. If not paid when due, a ten percent (10%) penalty shall be added to the bill. If the bill is not paid in full by the date specified in the disconnection notice, the water supply shall be shut off.

If water is shut off for nonpayment, a charge of seventy dollars (\$70.00) shall be made for turning the water on again.

In the event a consumer submits a check to the City as payment for water service or refuse collection and such check is dishonored by the bank upon which it was drawn, the City shall add any bank charges it incurs by reason of such dishonorment as additional charges to the consumer's account with the City. (Ord. 1995-27. Passed 12-11-95.)

915.18 ORDER OF BILL PAYMENT.

Accounts for water service shall be paid in the order in which they are contracted.

The Division of Utilities may refuse to accept payment of an account except when each account is paid in the order incurred, to wit: payment of a current account shall not be accepted until all prior accounts for the same premises have been paid.

In the event the City renders a combined bill for water service and refuse collection, the payments received by the City from each consumer shall be applied first to the charge for refuse collection and the balance to the charge for water service.

(Ord. 1983-32. Passed 12-5-83.)

915.19 WATER RATES.

Effective January 1, 2008 the following water rates shall be in effect:

- (a) For water bills rendered on and after January 1, 2008, a minimum water availability charge by meter size shall be made per quarter to customers: as follows:

<u>Meter Size (inches)</u>	<u>Availability Charge</u>	
	<u>Residents</u>	<u>Non-Residents</u>
5/8 x 3/4	\$ 49.63	\$ 54.60
3/4	49.63	54.60
1	64.98	71.47
1 1/2	100.11	110.11
2	133.65	147.02
3	200.22	220.25
4	266.78	293.45
6	400.47	440.52
8	508.16	557.87
10	635.22	698.73
12	762.76	839.03

The minimum water availability charge does not include any water usage.

- (b) For water bills rendered on and after January 1, 2008, the rate for water consumed, in addition to the water availability charge set forth above, shall be two dollars and sixty cents (\$2.60) per 100 cubic feet, regardless of meter size.
- (c) Non-resident water shall be supplied to customers residing outside the City limits at ten percent (10%) above City rates, except in those areas covered by separate contracts. (Ord. 2007-28. Passed 12-11-07.)

915.20 WATER FOR SPRINKLER SYSTEMS.

Unmetered water services for sprinkler systems installed for the purpose of fire protection only shall pay the following annual rate on January 1, of each calendar year:

<u>Size of Service Line (inches)</u>	<u>Rate Per Year</u>
2	\$ 8.40
2-1/2	11.55
3	15.75
4	31.50
6	63.00
8	105.00
10	131.25
12	157.50

The first year a customer places a sprinkler system into operation such customer shall pay one-twelfth of the above applicable rate for each month or part thereof that such system is installed prior to December 31 of the year of installation, payable in advance.
(Ord. 1993-15. Passed 12-13-93.)

915.21 MULTIPLE USERS OF METERS.

In the case of a double house, duplex, apartment, etc., where the water system is such that it is not possible to meter each user, the landlord shall be billed for all water used in the building and shall be responsible for all bills.

In the event that more than one living unit is furnished water service through one meter, the billing of the quantity of water furnished through such meter shall be calculated as though each living unit had its own water meter. (Ord. 1983-32. Passed 12-5-83.)

915.22 TANK WATER SALES.

Effective January 1, 1995, the charge for all tank sales of water from the water filtration plant shall be fifty cents (\$.50) for each 100 gallons.
(Ord. 1994-35. Passed 12-19-94.)

915.23 DELINQUENT BILLS TO BE A LIEN.

Water bills levied by or pursuant to Sections 915.16 through 915.22 that become delinquent as provided by the terms of such sections shall be subject to all available collection procedures including but not limited to being made a lien upon the premises served and if not paid within sixty days, may be certified to the Erie County Auditor who shall place the same on the tax duplicate of the County with interest and penalties allowed by law and to be collected as other taxes are collected. (Ord. 2012-12. Passed 5-8-12.)

915.24 WATER CHARGE ADJUSTMENT.

In instances where a leak occurs in a consumer water service between the water meter setting and the building and where it does not appear that the owner or the user of the property could be reasonably expected to know of the leak or to have had a fair chance to stop the same:

- (a) The owner's or user's water charges for the calendar quarter may be adjusted, upon approval of the Director of Service, and a reading made based upon the meter reading for the corresponding calendar quarter of the preceding year; or
- (b) Where the meter reading for the corresponding calendar quarter of the preceding year is not obtainable the adjustments in water charges are to be based upon the reading for the next following calendar quarter for that consumer based upon the approval of the Director of Service.

Fifty percent of the overage due to leakage in the water service shall form the basis for adjustment of the water charge.

(Ord. 1983-32. Passed 12-5-83.)

915.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 1983-32. Passed 12-5-83.)

CHAPTER 917
Backflow Prevention and Cross-connection Control

<p>917.01 Cross-connection control - general policy.</p> <p>917.02 Definitions.</p> <p>917.03 Water system.</p> <p>917.04 Cross-connections prohibited.</p> <p>917.05 Survey and investigations.</p> <p>917.06 Where protection is required.</p> <p>917.07 Type of protection required.</p> <p>917.08 Backflow prevention devices.</p>	<p>917.09 Installation.</p> <p>917.10 Inspection and maintenance.</p> <p>917.11 Booster pumps.</p> <p>917.12 Sprinkler and irrigation services.</p> <p>917.13 Fire protection systems.</p> <p>917.14 Right of entry for inspection.</p> <p>917.15 Violations - discontinuance of water.</p>
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CROSS REFERENCES

Prohibition against connection with private, auxiliary or emergency
water supply - see Ohio R.C. 6109.13

Backflow prevention and cross-connection control - see OAC Ch. 3745-95

917.01 CROSS-CONNECTION CONTROL - GENERAL POLICY.

(a) Purpose. The purpose of these Rules and Regulations is:

- (1) To protect the public potable water supply from contamination or pollution by isolating within the consumer's water system contaminants or pollutants which could backflow through the service connection into the public potable water system.
- (2) To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing process fluids.
- (3) To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the public and consumer's potable water systems.

(b) Application. The Rules and Regulations shall apply to all premises served by the public potable water system of the City of Huron, Ohio.

(c) Policy. The City of Huron shall be responsible for the protection of the public potable water system from contamination due to backflow of contaminants through the water service connection. If, in the judgment of the Water Superintendent, an approved backflow prevention device is necessary at the water service connection to any consumer's premises for the safety of the water system, the Superintendent of Water or his authorized representative shall give notice to the consumer to install such approved backflow prevention device at each service connection to his premises. The consumer shall immediately install such approved device or devices at his own expense, and failure, refusal, or inability on the part of the consumer to install such devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed.

(Ord. 1997-38. Passed 10-27-97.)

917.02 DEFINITIONS.

(a) The following definitions shall apply in the interpretation and enforcement of these rules and regulations:

- (1) "Air gap separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank plumbing fixture, or other device and the flood level rim of the receptacle.
- (2) "Approved" means that a backflow prevention device or method has been accepted by the supplier of water and the Director as suitable for the proposed use.
- (3) "Auxiliary water system" means any water system on or available to the premises other than the public water system and includes the water supplied by the system. These auxiliary waters may include water from another supplier's public water system; or water from a source such as wells, lakes, or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable or constitute a water source or system over which the supplier of water does not have control.
- (4) "Backflow" means the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable water supply from any source other than the intended source of the potable water supply.
- (5) "Backflow prevention device" means any device, method, or type of construction intended to prevent backflow into a potable water system.
- (6) "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water system.
- (7) "Consumer's water system" means any water system, located on the consumer's premises, supplied by or in any manner connected to a public water system. A household plumbing system is considered to be a consumer's water system.
- (8) "Contamination" means an impairment of the quality of the water by sewage or process fluid or waste to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.
- (9) "Cross-connection" means any arrangement whereby backflow can occur.
- (10) "Degree of hazard" is a term derived from an evaluation of the potential risk to health and the adverse effect upon the potable water system.

- (11) "Director" means the Director of the Ohio Environmental Protection Agency or his authorized representative.
- (12) "Double check valve assembly" means an assembly composed of two single, independently acting, check valves including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the water tightness of each check valve.
- (13) "Health hazard" means any condition, device, or practice in a water system or its operation that creates, or may create, a danger to the health and well-being of users. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could reasonably be expected to result in significant morbidity or death.
- (14) "Interchangeable connection" means an arrangement or device that will allow alternate but not simultaneous use of two sources of water.
- (15) "Non-potable water" means water not safe for drinking, personal, or culinary use.
- (16) "Person" means the state, any political subdivision, public or private corporation, individual, partnership, or other legal entity.
- (17) "Pollution" means the presence in water of any foreign substance that tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.
- (18) "Potable water" means water which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Ohio Environmental Protection Agency.
- (19) "Process fluids" means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a potable consumer's water system. This includes, but is not limited to:
 - A. Polluted or contaminated waters;
 - B. Process waters;
 - C. Used waters originating from the public water system which may have deteriorated in sanitary quality;
 - D. Cooling water;
 - E. Contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
 - F. Chemicals in solution or suspension;
 - G. Oils, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.
- (20) "Public water system" has the meaning ascribed to such term in Section 6109.01 and 6109.02 of the Ohio Revised Code.

- (21) "Reduced pressure principle backflow prevention device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.
- (22) "Service connection" means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.
- (23) "Supplier of water" means the owner or operator of a public water system.
- (24) "Superintendent of Water" means the Superintendent of Water for the City of Huron's water system.
- (25) "System hazard" means a condition posing an actual or potential threat of damage to the physical properties of the public water system or a potable consumer's water system.
- (26) "Pollutional hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water system or a potable consumer's water system.
- (27) "Used water" means any water supplied by a supplier of water from a public water system to a consumer's water system after it has passed through the service connection and is no longer under the control of the supplier.
(Ord. 1997-38. Passed 10-27-97.)

917.03 WATER SYSTEM.

- (a) The water system shall be considered as made up of two parts: the public potable water system and the consumer's water system.
- (b) The public potable water system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the City of Huron up to the point where the consumer's water system begins.
- (c) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public distribution system.
- (d) The public distribution system shall include the network of conduits used for delivery of water from the source of the consumer's water system.
- (e) The consumer's water system shall include those parts of the facilities beyond the service connection which are utilized in conveying water from the public distribution system to points of use.
(Ord. 1997-38. Passed 10-27-97.)

917.04 CROSS-CONNECTIONS PROHIBITED.

(a) No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public potable water system may exist.

(b) No connection shall be installed or maintained whereby water from an auxiliary water system may enter a public potable water system.
(Ord. 1997-38. Passed 10-27-97.)

917.05 SURVEY AND INVESTIGATIONS.

(a) The consumer's premises shall be open at all reasonable times to the Superintendent of Water, or his authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.

(b) On request by the Superintendent of Water, or his authorized representative, the consumer shall furnish information on water use practices within his premises.

(c) It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his premises to determine whether there are actual or potential cross connections in his water system through which contaminants or pollutants could backflow into his or the public potable water system.
(Ord. 1997-38. Passed 10-27-97.)

917.06 WHERE PROTECTION IS REQUIRED.

(a) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent of Water or the Director, actual or potential hazards to the public potable water system exist.

(b) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

- (1) Premises having an auxiliary water system, unless such auxiliary system is accepted as an additional source by the Superintendent of Water and the source is approved by the Director of the Ohio Environmental Protection Agency;
- (2) Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to the public potable water system. This shall include premises having sources or systems containing process fluids or waters originating from the public potable water system which are no longer under the sanitary control of the Superintendent of Water;
- (3) Premises having internal cross-connections that, in the judgment of the Superintendent of Water, are not correctable, or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist;
- (4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey;
- (5) Premises having a repeated history of cross-connections being established or reestablished;
- (6) Others specified by the Superintendent of Water or the Director.

(c) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Superintendent of Water or the Director determines that no actual or potential hazard to the public potable water system exists:

- (1) Hospitals, mortuaries, clinics, nursing homes;
- (2) Laboratories;
- (3) Piers, docks, waterfront facilities;
- (4) Sewage treatment plants, sewage pumping stations, or storm pumping stations;
- (5) Food or beverage processing plants;
- (6) Chemical plants;
- (7) Metal plating industries;
- (8) Petroleum processing or storage plants;
- (9) Radioactive material processing plants or nuclear reactors;
- (10) Car washes;
- (11) Others when determined by the Superintendent of Water or the Director to pose a contamination potential.

(d) An approved backflow prevention device shall be installed at any point of connection between the public potable or consumer's water system and an auxiliary water system, unless such auxiliary system is accepted as an additional source by the Superintendent of Water and the source is approved by the Director of the Ohio Environmental Protection Agency. (Ord. 1997-38. Passed 10-27-97.)

917.07 TYPE OF PROTECTION REQUIRED.

(a) The type of protection required under Sections 917.06 (a), 917.06 (b), and 917.06 (c) of these regulations shall depend on the degree of hazard which exists as follows:

- (1) An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard;
- (2) An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with any substance that could cause a system or health hazard;
- (3) An approved air gap separation or an approved reduced pressure principle backflow prevention device or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a polluttional hazard not dangerous to health.

(b) The type of protection required under Section 917.06(d) of these regulations shall be an approved air gap separation or an approved interchangeable connection.

(c) Where an auxiliary water system is used as a secondary source of water for a fire protection system, the provisions of Section 917.07(b) for an approved air gap separation or an approved interchangeable connection may not be required, provided:

- (1) At premises where the auxiliary water system may be contaminated with substances that could cause a system or health hazard, the public or consumer's potable water system shall be protected against backflow by installation of an approved reduced pressure principle backflow prevention device;
- (2) At all other premises, the public or consumer's potable water system shall be protected against backflow by installation of either an approved reduced pressure principle backflow prevention device or an approved double check valve assembly;
- (3) The public or consumer's potable water system shall be the primary source of water for the fire protection system;
- (4) The fire protection system shall be normally filled with water from the public or consumer's potable water system;
- (5) The water in the fire protection system shall be used for fire protection only, with no regular use of water from the fire protection system downstream from the approved backflow prevention device;
- (6) The water in the fire protection system shall contain no additives.
(Ord. 1997-38. Passed 10-27-97.)

917.08 BACKFLOW PREVENTION DEVICES.

(a) Any backflow prevention device required by these rules and regulations shall be of a model or construction approved by the Superintendent of Water and the Director and shall comply with the following:

- (1) An air gap separation, to be approved, shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.
- (2) A double check valve assembly or a reduced pressure principle backflow prevention device shall be approved by the Superintendent of Water, and shall appear on the current list of approved backflow prevention devices of the Ohio Environmental Protection Agency.
- (3) An interchangeable connection, to be approved, shall be either a swing type connector or a four-way valve of the lubricated plug type that operates through a mechanism which unseats the plug, turns it ninety degrees and reseats the plug. Four-way valves shall not be used as stop valves but must have separate stop valves on each pipe connected to the valve. The telltale port on the four-way valve shall have no piping connected and the threads or flange on this port shall be destroyed so that a connection cannot be made.

(b) Existing backflow prevention devices approved by the Superintendent of Water or the Director of the Ohio Environmental Protection Agency at the time of installation and properly maintained shall, except for inspection, testing, and maintenance requirements, be excluded from the requirement of subsection (a) hereof providing the Superintendent of Water is assured that they will satisfactorily protect the public potable water system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the Superintendent of Water finds a hazard to health, the device shall be replaced by a backflow prevention device meeting the requirements of these regulations.
(Ord. 1997-38. Passed 10-27-97.)

917.09 INSTALLATION.

(a) Backflow prevention devices required by these rules and regulations shall be installed at a location and in a manner approved by and at the expense of the water consumer. In addition, any backflow prevention device required by Section 917.07 (b) and 917.07 (c) of these regulations shall be installed at a location and in a manner approved by the Director of the Ohio Environmental Protection Agency as required by Section 6109.13 of the Ohio Revised Code.

(b) Backflow prevention devices installed on the service line to a consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.

(c) Pits or vaults shall be of water-tight construction, be so located and constructed as to prevent flooding and shall be maintained free from standing water by means of either a sump and pump or a suitable drain. Such sump pump or drain shall not connect to a sanitary sewer nor permit flooding of the pit or vault by reverse flow from its point of discharge. An access ladder and adequate natural or artificial lighting shall be provided to permit maintenance, inspection, and testing of the backflow prevention device.

(d) Reduced pressure principle backflow prevention devices must be installed above ground level or floor level whichever is higher.

(e) The installation of any backflow preventer on a water service provides a closed system and some common problems may occur following the installation. Closed plumbing systems will not allow for thermal expansion of the water within the plumbing. When hot water heaters become activated, water will expand and can possibly increase the water pressure enough to activate the pressure relief valves on hot water heaters. If this problem does occur, the customer should be notified that for protection of the plumbing and the hot water heater, a special ball cock may have to be installed in their toilet tank or an expansion tank will have to be included into their plumbing system. Installation of either device will correct the thermal expansion problem. (Ord. 1997-38. Passed 10-27-97.)

917.10 INSPECTION AND MAINTENANCE.

(a) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspections, test, and overhauls made in accordance with the following schedule, or more often where inspections indicate a need:

- (1) Air gap separations shall be inspected at the time of installation and at least every twelve months thereafter.
- (2) Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter.
- (3) Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter.
- (4) Interchangeable connections shall be inspected at the time of installation and at least every twelve months thereafter.
- (5) Pressure vacuum breaker devices shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter.

(b) Inspections, tests, and overhauls of backflow prevention devices shall be made at the expense of the water consumer and shall be performed by personnel certified by the Ohio Department of Health and approved by the City of Huron as qualified to inspect, test, and overhaul backflow prevention devices.

(c) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired, overhauled or replaced at the expense of the consumer without delay.

(d) The water consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, repairs, and overalls. Records of inspections, tests, repairs, and overhauls shall be submitted to the City of Huron Water Superintendent within thirty days of completions. Annually the customer shall be notified by the Water Division that his backflow prevention device must be retested and given a list of certified testers. Once the device is tested, copies of the test should be forwarded to the Water Superintendent prior to July 1 of the current year.

(e) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the City of Huron and/or the Ohio Environmental Protection Agency.
(Ord. 1997-38. Passed 10-27-97.)

917.11 BOOSTER PUMPS.

(a) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to ten pounds per square inch gauge or less.

(b) It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent of Water, at least once a year, that the device is operating properly.
(Ord. 1997-38. Passed 10-27-97.)

917.12 SPRINKLER AND IRRIGATION SERVICES.

(a) All services designated as sprinkler or irrigation shall be required to have an approved backflow prevention device installed in the sprinkler/irrigation service line downstream from the water meter and as close to the meter as practicable. Backflow prevention devices shall be a reduced pressure principle device conforming to the requirements of the American Society of Sanitary Engineers (ASSE) specification ASSE 1013 or a pressure vacuum breaker device conforming to ASSE 1020. Responsibility for installation, maintenance, repair, and annual testing of the approved backflow prevention device shall rest with the water consumer. Installation and testing of backflow prevention devices shall be in compliance with all applicable sections of the Rules and Regulations.

(b) In order to meet pertinent requirements of the Ohio Plumbing Code to insure proper operation, the City of Huron shall require the irrigation system services to be installed by a reputable plumbing contractor or irrigation services installer.
(Ord. 1997-38. Passed 10-27-97.)

917.13 FIRE PROTECTION SYSTEMS.

(a) All fire protection systems shall be protected with a double check valve assembly installed immediately following the main line valve inside the building. All rules and regulations apply regarding the backflow device, installation, repair, maintenance and testing.

(b) Where one line is connected to the public potable water supply to provide fire protection and water supply to the building, two separate backflow devices shall be required. The fire protection line shall be installed as listed above. The domestic water service shall branch off prior to the double check valve assembly and shall additionally be protected by a separate device to be determined by the Superintendent of Water. This installation shall protect the public water supply from backflow and the domestic water service from the fire protection line. All rules pertaining to backflow devices regarding installation, repair, maintenance and testing shall apply. (Ord. 1997-38. Passed 10-27-97.)

917.14 RIGHT OF ENTRY FOR INSPECTION.

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

(Ord. 1997-38. Passed 10-27-97.)

917.15 VIOLATIONS - DISCONTINUANCE OF WATER.

(a) The Superintendent of Water for the City of Huron shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these Rules and Regulations is not installed, tested, and maintained in a manner acceptable to these Rules, or if it is found that the backflow prevention device has been removed or by-passed, or if an unprotected cross connection exists on the premises, or if a low pressure cut-off device required by these Rules is not installed and maintained in working order.

(b) Water service to such premises shall not be restored until the consumer has corrected or eliminated such condition or defects in conformance with these regulations and to the satisfaction of the Superintendent of Water for the City of Huron.

(c) The Superintendent of Water may recommend to the City Manager to commence a legal action against customers who knowingly violate the terms and conditions of these Rules and Regulations. In addition, the City of Huron may recover all reasonable expenses for litigation, damage-related expenditures, and fines levied on the City of Huron by other parties.

(Ord. 1997-38. Passed 10-27-97.)

CHAPTER 921
Illicit Discharge and Illegal Connection Control

921.01 Purpose and scope.	921.08 Monitoring of illicit discharges and illegal connections.
921.02 Applicability.	921.09 Enforcement.
921.03 Definitions.	921.10 Reserved.
921.04 Disclaimer of liability.	921.11 Reserved.
921.05 Conflicts, severability, nuisances and responsibility.	921.12 Remedies not exclusive.
921.06 Responsibility for administration.	
921.07 Discharge and connection prohibitions.	

921.01 PURPOSE AND SCOPE.

The purpose of this regulation is to provide for the health, safety, and general welfare of the citizens of the City of Huron through the regulation of illicit discharges to the municipal separate storm sewer system (MS4). This regulation establishes methods for controlling the introduction of pollutants into the

MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process as required by the Ohio Environmental Protection Agency (Ohio EPA). The objectives of this regulation are:

- (a) To prohibit illicit discharges and illegal connections to the MS4.
 - (b) To establish legal authority to carry out inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with this regulation.
- (Ord. 2013-38. Passed 9-24-13.)

921.02 APPLICABILITY.

This regulation shall apply to all residential, commercial, industrial, or institutional facilities responsible for discharges to the MS4 and on any lands in the City of Huron, except for those discharges generated by the activities detailed in Section 921.07 (a)(1) to (a)(3) of this regulation. (Ord. 2013-38. Passed 9-24-13.)

921.03 DEFINITIONS.

The words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

- (a) **Best Management Practices (BMPs):** means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to storm water. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- (b) **Community:** means the City of Huron its designated representatives, boards, or commissions.
- (c) **Environmental Protection Agency or United States Environmental Protection Agency (USEPA):** means the United States Environmental Protection Agency, including but not limited to the Ohio Environmental Protection Agency (Ohio EPA), or any duly authorized official of said agency.
- (d) **Floatable Material:** in general this term means any foreign matter that may float or remain suspended in the water column, and includes but is not limited to, plastic, aluminum cans, wood products, bottles, and paper products.
- (e) **Hazardous Material:** means any material including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (f) **Illicit Discharge:** as defined at 40 C.F.R. 122.26 (b)(2) means any discharge to an MS4 that is not composed entirely of storm water, except for those discharges to an MS4 pursuant to a NPDES permit or noted in Section 921.07 of this regulation.
- (g) **Illegal Connection:** means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4.
- (h) **Municipal Separate Storm Sewer System (MS4):** as defined at 40 C.F.R. 122.26 (b)(8), municipal separate storm sewer system means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
 - (1) Owned or operated by a State, city, town, borough, county, parish, district, municipality, township, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over sewage, industrial wastes, including special districts under State law such as a sewer district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the United States;
 - (2) Designed or used for collecting or conveying storm water;
 - (3) Which is not a combined sewer; and
 - (4) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R. 122.2.
- (i) **National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit:** means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area wide basis.

- (j) Off-Lot Discharging Household Sewage Treatment System: means a system designed to treat household sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.
- (k) Owner/Operator: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or on the owner's behalf.
- (l) Pollutant: means anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.
- (m) Storm Water: any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- (n) Wastewater: The spent water of a community. From the standpoint of a source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.
(Ord. 2013-38. Passed 9-24-13.)

921.04 DISCLAIMER OF LIABILITY.

Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.
(Ord. 2013-38. Passed 9-24-13.)

921.05 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the City of Huron, shall prevail.

(b) If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.

(c) This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

(d) Failure of the City of Huron to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City of Huron, its officers, employees, or agents being responsible for any condition or damage resulting therefrom. (Ord. 2013-38. Passed 9-24-13.)

921.06 RESPONSIBILITY FOR ADMINISTRATION.

The City of Huron shall administer, implement, and enforce the provisions of this regulation. The City of Huron may contract with the Erie County Board of Health to conduct inspections and monitoring and to assist with enforcement actions.
(Ord. 2013-38. Passed 9-24-13.)

921.07 DISCHARGE AND CONNECTION PROHIBITIONS.

(a) Prohibition of Illicit Discharges. No person shall discharge, or cause to be discharged, an illicit discharge into the MS4. The commencement, conduct, or continuance of any illicit discharge to the MS4 is prohibited except as described below:

- (1) Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; and discharges or flows from fire fighting activities. These discharges are exempt until such time as they are determined by the City of Huron to be significant contributors of pollutants to the MS4.
- (2) Discharges specified in writing by the City of Huron as being necessary to protect public health and safety.
- (3) Discharges from off-lot discharging household sewage treatment systems existing prior to January 1, 2007 and permitted by the Erie County Board of Health for the purpose of discharging treated sewage effluent in accordance with Ohio Administrative Code 3701-29, or other applicable Erie County Board of Health regulations, until such time as the Ohio Environmental Protection Agency issues an NPDES permitting mechanism for household sewage treatment systems existing prior to January 1, 2007. These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by the Erie County Board of Health. Discharges from new or replacement off-lot household sewage treatment systems installed after January 1, 2007 are not exempt from the requirements of this regulation.
In compliance with the City of Huron Storm Water Management Program, discharges from all off-lot discharging household sewage treatment systems must either be eliminated or have coverage under an appropriate NPDES permit issued and approved by the Ohio Environmental Protection Agency. When such permit coverage is available for systems existing prior to January 1, 2007, discharges from off-lot discharging household sewage treatment systems existing prior to January 1, 2007 will no longer be exempt from the requirements of this regulation.

(b) Prohibition of Illegal Connections. The construction, use, maintenance, or continued existence of illegal connections to the MS4 is prohibited.

- (1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (2) A person is considered to be in violation of this regulation if the person connects a line conveying illicit discharges to the MS4, or allows such a connection to continue. (Ord. 2013-38. Passed 9-24-13.)

921.08 MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS.

(a) Establishment of an Illicit Discharge and Illegal Connection Monitoring Program: The City of Huron shall establish a program to detect and eliminate illicit discharges and illegal connections to the MS4.

This program shall include the mapping of the MS4, including MS4 outfalls and household sewage treatment systems; the routine inspection of storm water outfalls to the MS4, and the systematic investigation of potential residential, commercial, industrial, and institutional facilities for the sources of any dry weather flows found as the result of these inspections.

- (b) Inspection of Residential, Commercial, Industrial, or Institutional Facilities.
- (1) The City of Huron shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.
 - (2) The City of Huron shall have the right to set up at facilities subject to this regulation such devices as are necessary to conduct monitoring and/or sampling of the facility's storm water discharge, as determined by the City of Huron.
 - (3) The City of Huron shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operators expense. All devices used to measure storm water flow and quality shall be calibrated by the City of Huron to ensure their accuracy.
 - (4) Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or oral request of the City of Huron and shall not be replaced. The costs of clearing such access shall be borne by the facility owner/operator.
 - (5) Unreasonable delays in allowing the City of Huron access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.
 - (6) If the City of Huron is refused access to any part of the facility from which storm water is discharged, and the City of Huron demonstrates probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety, and welfare, the City of Huron may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court of appropriate jurisdiction.
 - (7) Any costs associated with these inspections shall be assessed to the facility owner/operator.
(Ord. 2013-38. Passed 9-24-13.)

921.09 ENFORCEMENT.

(a) Notice of Violation. When the City of Huron finds that a person has violated a prohibition or failed to meet a requirement of this regulation, the City of Huron may order compliance by written Notice of Violation. Such notice must specify the violation and shall be hand delivered, and/or sent by registered mail, to the owner/operator of the facility. Such notice may require the following actions:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit discharges or illegal connections;
- (3) That violating discharges, practices, or operations cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; or
- (5) The implementation of source control or treatment BMPs.

(b) If abatement of a violation and/or restoration of affected property is required, the Notice of Violation shall set forth a deadline within which such remediation or restoration must be completed. Said Notice shall further advise that, should the facility owner/operator fail to remediate or restore within the established deadline, a legal action for enforcement may be initiated.

(c) Any person receiving a Notice of Violation must meet compliance standards within the time established in the Notice of Violation.

(d) **Administrative Hearing:** If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, the City of Huron shall schedule an administrative hearing with the Board of Zoning Appeals or their designee to determine reasons for non-compliance and to determine the next enforcement activity. Notice of the administrative hearing shall be hand delivered and/or sent registered mail.

(e) **Injunctive Relief:** It shall be unlawful for any owner/operator to violate any provision or fail to comply with any of the requirements of this regulation pursuant to O.R.C. 3709.211. If an owner/operator has violated or continues to violate the provisions of this regulation, the City of Huron may petition for a preliminary or permanent injunction restraining the owner/operator from activities that would create further violations or compelling the owner/operator to perform abatement or remediation of the violation. (Ord. 2013-38. Passed 9-24-13.)

921.10 RESERVED.

921.11 RESERVED.

921.12 REMEDIES NOT EXCLUSIVE.

The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state or local law and it is in the discretion of the City of Huron to seek cumulative remedies. (Ord. 2013-38. Passed 9-24-13.)

**CHAPTER 923
Stormwater Management Fee**

923.01 Creation of stormwater management fee.

923.03 Definitions.

923.05 Stormwater management fee.

923.07 Stormwater fee classification and collection.

923.01 CREATION OF STORMWATER MANAGEMENT FEE.

It is hereby declared necessary for the protection of the public health, safety, welfare and convenience of the City and its inhabitants to establish just and equitable rates or charges to be paid to the City for the use of such services which shall be used for the payment of the cost of stormwater management, maintenance, operation, repair, construction, reconstruction, and related costs associated with stormwater regulations and requirements.
(Ord. 2017-16. Passed 5-23-17.)

923.03 DEFINITIONS.

For the purpose of this chapter, and unless otherwise defined, words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined specifically within this Chapter shall be construed utilizing the definitions cited within the Huron Codified Ordinances, and if not defined therein, shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.
(Ord. 2017-16. Passed 5-23-17.)

923.05 STORMWATER MANAGEMENT FEE.

A quarterly service charge is imposed upon all real property in the City to fund stormwater management programs. This service charge shall be known as the Stormwater Management Fee.
(Ord. 2017-16. Passed 5-23-17.)

923.07 STORMWATER FEE CLASSIFICATION AND COLLECTION.

(a) For purposes of determining the Stormwater Management Fee, all properties in the City are classified into one of the following classes:

- (1) Single Family Residential Property
- (2) Multi-Family Residential Property
- (3) Commercial and Industrial Property

(b) Single Family Residential Fee. The Council finds that the intensity of development of most parcels of real property in the City classified as single family residential is similar and that it would be excessively and unnecessarily expensive to determine precisely the square footage of the improvements (such as buildings, structure, and other impervious area) on each such parcel. Therefore, all single family residential properties in the City shall be charged a flat Stormwater Management Fee, of \$5.00 (five dollars) per quarter equal the base rate, regardless of the size of the parcel or the improvements.

(c) Multi-Family Residential Property. For the same reasons as stated in subsection (b) the fee charged shall be \$7.00 (seven dollars) per quarter.

(d) Commercial/Industrial Property. For the same reasons as stated in subsection (b) the fee charged shall be \$10.00 (ten dollars) per quarter.

(e) The Stormwater Fee shall be billed and collected quarterly with the monthly City's services utility bill for those properties within the corporate limits of the City utilizing the City utilities. The Stormwater Fee for those properties utilizing City utilities is part of a consolidated statement for utility customers which is generally paid by a single payment. The payments received by the City from each consumer shall be applied first to the charge for garbage, refuse, recyclables and yard waste, then to the charge for water service and the balance to be applied towards the stormwater fee.

(Ord. 2017-16. Passed 5-23-17.)

TITLE FIVE - Other Public Services

Chap. 931. Garbage, Rubbish and Recyclable
Material Collection.

Chap. 935. City Parks.

CHAPTER 931

Garbage, Rubbish and Recyclable Material Collection

931.01	Definitions.	931.07	Rules and regulations.
931.02	Containers.	931.08	license required; fee;
931.03	Garbage, rubbish and recyclable materials.	931.09	exceptions and conditions.
931.04	Rates for collection disposal.	931.10	Hauling to prevent scattering or spillage.
931.05	City-wide waste collection.	931.10	Garbage disposal.
931.06	Waiver of charges.	931.99	Penalty.

CROSS REFERENCES

Collection and disposal of garbage - see Ohio R.C. 715.43,
717.01

Division of Utilities - see ADM. Ch. 151

Vehicle loads dropping, sifting, leaking - see TRAF. 339.08

Discharging sanitary sewage from watercraft prohibited - see
TRAF. 381.32

Littering - see GEN. OFF. 521.08

Garbage disposal - see BLDG. 1359.06, 1367.04

Rubbish storage and disposal - see BLDG. 1359.07, 1367.03

931.01 DEFINITIONS.

For the purpose of this chapter the following definitions apply:

- (a) "City" means the City of Huron, Ohio.
- (b) "Contractor" means the person, firm or corporation with whom the City has entered into a contract for the collection and disposal of garbage, rubbish and/or recyclable materials within the City.
- (c) "Garbage" includes offal and every accumulation of waste, fish, fowl, fruit, vegetable and animal matter.

- (d) "Rubbish" means all other nonorganic waste matter but does not include any material such as earth, sand, brick, stone, plaster, brush or substance that may be accumulated as a result of any construction operations, new or old, or the dismantling or razing of any structure or the remodeling of any house or building. The City will not collect such items under the provisions of this chapter.
- (e) "Recyclable materials" means newsprint, metals, plastics and glass.
- (f) "Residential owner, tenant or occupant" means a residential dwelling unit which is one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.
(Ord. 1991-6. Passed 2-25-91.)

931.02 CONTAINERS.

(a) All residential customers subject to citywide refuse collections shall utilize the appropriate refuse and recyclable containers as provided by the hauler. All containers for garbage and rubbish shall be constructed of heavy plastic or of metal properly protected with galvanized, painted or porcelainized finish; shall have a capacity of not less than sixty-five gallons nor more than ninety five gallons; shall be constructed so as to be watertight, with suitable handles on the outside and fitted with a tight cover which shall not be removed except when necessary in the use of such container. All plastic bags shall be securely bound at the top so as to remain watertight collection.

(b) Container systems such as Roto-Pac and Leach Containers may be substituted for the containers described in subsection (a) hereof for use in garbage or rubbish collection from commercial or industrial establishments at the option of the contractor.

(c) Every residential owner, tenant or occupant shall keep such containers at the rear of each residential building except on the specified day of collection when the residential owner, tenant or occupant shall cause the container to be placed at or near the street curb or berm for collection. The contractor shall not be obligated, as a service to be rendered under his contract with the City, to empty any container not placed in the manner provided above.

(d) Containers for the collection of recyclable materials means those containers furnished by the contractor to each residential owner, tenant or occupant.
(Ord. 2017-15. Passed 5-23-17.)

931.03 GARBAGE, RUBBISH AND RECYCLABLE MATERIALS.

(a) The Director of Service shall divide the City into districts for the purpose of establishing collection routes. Each route shall be established so as to permit the contractor to collect garbage, rubbish and recyclable materials from each residential owner, tenant or occupant once each week, on the same day of each week between the hours of 7:00 a.m. and 7:00 p.m. and garbage and rubbish from commercial and industrial establishments three times each week on the same days of each week between the hours of 7:00 a.m. and 7:00 p.m. provided, however, that a different schedule may be established by the Director of Service for those commercial and industrial establishments using a container system.

(b) The City shall collect each week for each residential owner, tenant or occupant up to ninety five gallons of garbage and/or rubbish.

(c) The contractor is not obligated under its contract with the City to collect and dispose of any garbage or rubbish which has not been placed in an approved container as defined in Section 931.02 by a residential owner, tenant or occupant or the owner or operator of a commercial or industrial establishment; therefore, the City will not collect and dispose of any garbage or rubbish which does not comply with this provision.
(Ord. 2017-15. Passed 5-23-17.)

931.04 RATES FOR COLLECTION AND DISPOSAL.

(a) Effective July 1, 2017 the basic charge for garbage, refuse, recyclable material, yard waste collection and disposal for each residential owner, tenant or occupant shall be sixty five dollars (\$65.00) per calendar quarter.

(b) The minimum billing period for any account shall be for a period of one day, and the charge for such minimum billing shall be based upon a monthly minimum charge of twenty-one and 67/100 dollars (\$21.67) for collection for each residential owner, tenant or occupant.

(c) All bills for collection and disposal of garbage, refuse, and yard waste shall be rendered and paid quarterly, in advance.

(d) The bills rendered for the collection and disposal of garbage, refuse, recyclable materials and yard waste shall be paid to the City, office of the Department of Finance, on or before the seventeenth day of the month in which the bill is rendered.

(e) At the option of the City, the bill for the collection and disposal of garbage and waste and the collection and disposal of recyclable materials and yard waste may be combined with the bill for water service and stormwater fees, in which event, the payments received by the City from each consumer shall be applied first to the charge for garbage, refuse, recyclables and yard waste, then to the charge for water service with the balance to be applied to stormwater fees.
(Ord. 2017-15. Passed 5-23-17.)

931.05 CITY-WIDE WASTE COLLECTION.

The Director of Service may provide waste collection for other wastes or trash without charge when done on a City-wide basis following a severe storm or at such other times as the manpower and scheduling of the City will permit.

(Ord. 1991-6. Passed 2-25-91.)

931.06 WAIVER OF CHARGES.

(a) The Director of Service may excuse or reduce the charges for any of the services provided in this chapter under emergency circumstances where it has been proven to the satisfaction of the Director of Service that garbage and refuse services have not been received by reason of such emergency.

(b) No charge for the services provided in this chapter shall be waived by reason of temporary absence of an owner, tenant or occupant from his domiciliary residence; provided, however, that the Director of Service upon application by the owner, tenant or occupant, shall have the authority to designate certain part-time occupancies as summer cottages, in which event the charge for services provided for in this chapter shall be waived from October 1 through April 30, if the water meter has been removed by water personnel.

(Ord. 1995-35. Passed 12-18-95.)

931.07 RULES AND REGULATIONS.

The Director of Service is empowered to make and enforce such reasonable rules and regulations as he may deem necessary for the proper operation of the garbage and refuse collection and disposal system and to carry out the provisions of this chapter.

(Ord. 1991-6. Passed 2-25-91.)

931.08 LICENSE REQUIRED; FEE; EXCEPTIONS AND CONDITIONS.

No person shall engage in the business of hauling and/or disposing of any rubbish, refuse, garbage or recyclable materials within the City limits unless he first obtains a license therefor from the City Manager. The fee for any such license shall be five dollars (\$5.00) per year per vehicle.

This section shall not apply to any private individual hauling garbage, rubbish, refuse or recyclable materials from his own premises, nor to the City or any person who has contracted with the City to provide such services.

A condition of any license issued shall be that the licensee agrees to collect, transport and dispose of any garbage, rubbish or refuse in a sanitary manner and subject to the provisions of this chapter.

(Ord. 1991-6. Passed 2-25-91.)

931.09 HAULING TO PREVENT SCATTERING OR SPILLAGE.

The transportation of all garbage, rubbish, refuse and recyclable materials through streets, alleys or other public places of the City shall be conducted in such manner as not to create a nuisance. Any vehicle conveying or carrying such matter shall be so constructed and operated that its contents shall not spill or scatter upon any public or private property. Any person hauling any garbage, refuse, rubbish or recyclable materials in any open vehicle, such as a truck or trailer, shall provide that the load thereof shall be covered with an adequate tarpaulin or canvas so as to prevent any spillage or scattering of its contents.

(Ord. 1991-6. Passed 2-25-91.)

931.10 GARBAGE DISPOSAL.

All garbage collected within the City shall be disposed of in a manner satisfactory to the City or the County Board of Health. This section shall not be construed to prevent persons having sanitary means of disposal on their premises from disposing of any garbage accumulated by them.

(Ord. 1991-6. Passed 2-25-91.)

931.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 1991-6. Passed 2-25-91.)

