

CODIFIED ORDINANCES OF MASSILLON

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE ONE - Street and Sidewalk Areas

- Chap. 905. Sidewalks.
- Chap. 909. Streets.
- Chap. 913. Excavations.
- Chap. 917. Standards for Curbs, Sidewalks and Driveways.
- Chap. 920. Erosion/Sediment Control.

TITLE THREE - Utilities

- Chap. 921. Water.
- Chap. 923. Illicit Discharge and Illegal Connection Control.
- Chap. 925. Sewers Generally.
- Chap. 929. Sewer User Charges.
- Chap. 937. Wastewater Treatment Revenue Fund.

TITLE FIVE - Other Public Services

- Chap. 961. Parks.
- Chap. 965. Rules and Regulations for Refuse and/or Solid Waste Collectors.
- Chap. 967. Emergency Medical Service and Transportation.

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

TITLE ONE - Street and Sidewalk Areas
Chap. 905. Sidewalks.
Chap. 909. Streets.
Chap. 913. Excavations.
Chap. 917. Standards for Curbs, Sidewalks and Driveways.
Chap. 920. Erosion/Sediment Control.

CHAPTER 905
Sidewalks

905.01 Construction and maintenance.	905.99 Penalty.
905.02 Width of sidewalks.	
905.03 Discharging surface water prohibited.	

CROSS REFERENCES

Construction or repair at owner's expense - see Ohio R.C. 729.01 et seq.
Notice to construct or repair sidewalks - see Ohio R.C. 729.03 et seq.
Duty to keep sidewalks clean and in repair - see GEN. OFF. 521.06
Construction standards - see S.U.& P.S. Ch. 917

905.01 CONSTRUCTION AND MAINTENANCE.

(a) The Safety-Service Director is authorized and empowered to determine where sidewalks need to be constructed and what sidewalks are defective and in need of repair. The Director may designate an agent to act as Sidewalk Inspector.

(b) When the Director has determined that there is a need for the construction or repair of sidewalks within the City, he shall notify Council and the Director of Law of such facts.

(c) Council and the Law Director shall then follow the procedures set forth in Ohio R.C. 729.01 et seq. to require the construction or repair of such sidewalks.

(d) Pursuant to Ohio R.C. 723.011 Council hereby determines that the owners and occupants of abutting lots and lands shall keep the sidewalks, curbs and gutters in repair and free from snow or any nuisance.

905.02 WIDTH OF SIDEWALKS.

The width of sidewalks in the City shall be as follows:

- (a) All sidewalks on streets thirty feet in width shall be four feet wide on each side of the street.
- (b) Upon all streets thirty-three feet in width the sidewalks shall be five feet wide on each side.
- (c) Upon all streets forty feet in width the sidewalks shall be eight feet wide on each side.
- (d) Upon all streets forty-five feet in width the sidewalks shall be nine feet wide on each side.
- (e) Upon all streets fifty feet in width the sidewalks shall be ten feet wide on each side.
- (f) Upon all streets sixty and sixty-six feet in width the sidewalks shall be fourteen feet wide on each side.
- (g) Upon all streets eighty feet in width the sidewalks shall be seventeen feet wide on each side.
- (h) Upon all streets 100 feet in width the sidewalks shall be seventeen feet wide, excepting that portion of Lincoln Way, E. east of Factory Street to the City limits, the roadway of which shall be fifty feet in width from curb to curb, the balance on each side of the roadway of twenty-five feet in width shall be used as walk and lawn.

905.03 DISCHARGING SURFACE WATER PROHIBITED.

(a) No person, firm or corporation shall discharge surface water upon the surface of any sidewalk within the City. No owner or other person shall discharge surface water from any premises by means of water spout, or in any manner, upon the surface of any sidewalk or any part thereof, or by means of an open gutter or ditch across the sidewalk.

(b) All waterspouts or drains for surface water shall be connected with drains or pipes under the surface of the sidewalk to the gutter or other drain provided for general drainage of surface water through which all surface water shall be discharged from any premises in the City. No part of the surface water shall be discharged upon the sidewalk. But nothing herein contained shall permit any waste, filth or refuse water to be discharged into any gutter or street or drain, other than into a sanitary sewer.

(c) The Safety-Service Director shall request the property owner to comply with this section and upon the owner's failure to comply within five days, the Director is authorized to connect such water spout, drain or ditch by means of drains or pipes underneath the sidewalk to the gutter or public sewer. The expense shall be paid by the property owner and assessed against and made a lien upon the premises abutting.

(d) The Auditor shall certify such expense to the County Auditor upon the report of the Safety-Service Director, which expense shall be placed on a tax duplicate and collected as other taxes are collected, or the Auditor may collect the expenses by civil action before the municipal court or any justice of the peace against the owner of the property.
(1957 Code Sec. 303.01 to 303.03)

905.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree. Each day on which a violation occurs or continues shall be a separate offense.

CHAPTER 909 Streets

909.01	Petition for vacating public streets and alleys.	909.03	Process.
909.02	Fees.	909.99	Penalty.

CROSS REFERENCES

Assessments – see Ohio R.C. 701.05, Ch. 727
 Power to establish and care for streets – see
 Ohio R.C. 715.19, 717.01, 723.01
 Openings by the Municipality – see Ohio R.C. 723.02
 Dedication and acceptance – see Ohio R.C. 723.03
 Sprinkling – see Ohio R.C. 723.16 et seq.
 Surface treatment – see Ohio R.C. 723.23, 723.31
 Excavation liability – see Ohio R.C. 723.49 et seq.
 Changing established grade – see Ohio R.C. 727.07
 Compulsory service connections – see Ohio R.C. 729.06,
 743.37
 Digging, excavating and piling earth on streets –
 see Ohio R.C. 5589.10

909.01 PETITION FOR VACATING PUBLIC STREETS AND ALLEYS.

(a) The Petitioner shall first make application to petition a street or alley to be vacated in the City Engineer's office.

(b) At the time the petition is returned to the City Engineer's office it must be accompanied by the appropriate fee.
 (Ord. 214-1993. Passed 12-20-93.)

909.02 FEES.

(a) The fee should be a sum that the City Engineer determines to pay the expense of preparing the needed plat, advertising, transfer and recording fees with Stark County. The City Engineer will return to the petitioner any funds remaining in his possession after paying the costs incurred.

(b) Any money received by the City Engineer for the making of any plats or any other work the Department might perform shall be deposited to the credit of the service fund.
 (Ord. 214-1993. Passed 12-20-93.)

909.03 PROCESS.

(a) After the application for the petition to vacate is received, the City Engineer's office will research and prepare such petition.

(b) The applicant will be notified to pick up the petition from the City Engineer's office and return upon completion.

(c) Upon the return of the petition it will be reviewed by the Planning Commission and Council. If approved, the City Engineer's office will prepare the plat and have it recorded with Stark County.

(d) The applicant will be notified by the City Engineer's office upon the final completion of the vacation.
(Ord. 214-1993. Passed 12-20-93.)

909.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the fourth degree. Each day in which a violation occurs or continues shall be a separate offense.
(Ord. 214-1993. Passed 12-20-93.)

CHAPTER 913 Excavations

913.01	Permit required for excavation; exceptions.	913.06	Surface requirements.
913.02	Obtaining a permit and fees.	913.07	Charges for replacement by City.
913.03	Barricades.	913.08	Replacement by permittee; inspection fees.
913.04	Supervision of replacement.	913.99	Penalty.
913.05	Backfilling.		

CROSS REFERENCES

Liability for damage - see Ohio R.C. 723.49 et seq.

Barricades and warning lights - see GEN. OFF. 521.03

913.01 PERMIT REQUIRED FOR EXCAVATION; EXCEPTIONS.

Except in cases of emergency, no person or public utility shall make a connection with any sewer, gas, water, heating pipe or any conduit or pipe, or in any manner make any excavation in any street or public place without first obtaining a permit in writing from the City Engineer or his designee. In case of an emergency, such permit must be obtained within twenty-four hours after making the excavation. Any type of excavation being an emergency or scheduled, the contractor must call and have all utility lines marked at his expense. (Ord. 215-1993. Passed 2-22-94.)

913.02 OBTAINING A PERMIT AND FEES.

The City Engineer shall, upon the filing of a ten thousand dollar (\$10,000) street opening bond, proof of at least five hundred thousand dollars (\$500,000) liability, and an application for a permit, investigate the same and, if he deems it necessary, issue a permit to the person or public utility to make such excavation at the place designated in the application. The fee for each such permit shall be twenty-five dollars (\$25.00) for each application. For each application over 100 feet, an additional charge of twenty cents (\$0.20) per foot shall be assessed. (Ord. 16-2004. Passed 2-17-04.)

913.03 BARRICADES.

(a) The person or public utility granted such permit to excavate anywhere within the street lines shall assume the sole liability and responsibility for the protection of persons against injury and of property against damage by the erection of barricades, warning signs, lights and the use of flagmen if necessary. The sufficiency of such safety measures shall be determined by the City Engineer, but approval of such shall not relieve the person or public utility from the liability hereby imposed.

(b) The person or public utility to whom such permit is issued shall also assume the responsibility for the repair of pavement failure and/or the settlement of the trench for a period of one year from the completion of the work.
(Ord. 215-1993. Passed 2-22-94.)

913.04 SUPERVISION OF REPLACEMENT.

All replacement in an excavation shall be done under the direction of the City Engineer or his authorized representative.
(Ord. 213-1993. Passed 2-22-94.)

913.05 BACKFILLING.

The aim in backfilling an excavation anywhere within the street is to obtain a fill which will not settle. This backfill shall be done as follows:

- (a) Permanent-Type Improvement: Concrete, Asphalt, Brick or Macadam. Backfill is to be placed in six-inch layers tamped mechanically to ninety-five percent (95%) maximum laboratory dry weight. Backfill material shall be a crushed bank run gravel of a quality to give the required density. If excavated material is dry, granular and of a quality which will meet the density requirements, it may be used, but only with the express approval of the City Engineer. All wet material in the trench must be removed. Backfill shall be brought to a proper level to allow for the pavement replacement (as noted in Section 913.06(a)). Backfill over sewers must be well tamped by hand around, under and over the pipe to a depth of one foot to afford good support and also to avoid breakage.
- (b) Asphalt Double Sealed and Oiled Streets. Same as subsection (a) hereof. Excavated material may be used if dry and granular and with the express approval of the City Engineer. The top twelve inches of backfill shall be crushed bank run gravel, the surface of which is to be brought to a point two inches below the existing surface of the street (as noted in Sec 913.06(b)).
- (c) Gravel of Dirt Streets. Same as subsection (b) hereof, except the surface of crushed bank run gravel is to be flush with the existing surface (as noted in Section 913.06(c)).
- (d) Area Back of Curb. Same as subsection (b) hereof, except backfill shall be brought to level four inches below the surface; the remaining four inches shall be topsoil. Topsoil shall be seeded with grass seed comparable to the original surface. (as noted in Section 913.06(c)).
(Ord. 215-1993. Passed 2-22-94.)

913.06 SURFACE REQUIREMENTS.

The aim of surfacing an excavation within the street is to obtain a surface level with the remaining area of the street which will not settle. This surfacing shall be done immediately upon the completion of the backfill as follows:

- (a) Concrete, Asphalt, Brick, Macadam Pavements. The cut in the existing pavement shall be extended nine inches around the entire perimeter to subbase level to provide a shoulder on which the concrete slab base shall rest. This base shall be of 1:2:4, 6 bag mix, Portland cement concrete using high early strength cement and it must be cured at least

forty-eight hours. If the width of the trench is greater than three feet at the subbase level, it shall be reinforced with No. 6 wire mat or five-eighths inch deformed bars spaced both ways eighteen inches on centers. The thickness of and the surface courses for the different-type pavements shall be as follows:

- (1) Concrete: Ten-inch base and surface monolithic.
- (2) Asphalt base: Eight inch concrete base with State Specification 404 surface two inches thick after compaction.
- (3) Brick: Eight-inch concrete base with brick surface matching original.
- (4) Macadam: Same as asphalt.

Before placing the surface course of 404 on the concrete base, a tack-coat of emulsion shall be applied to the concrete and the vertical sides of the existing asphaltic concrete. After the cut is filled and rolled, a seal six inches wide of the same emulsion as used above shall be applied around the perimeter of such cut. In old asphalt, brick or macadam pavements, repair may be of concrete ten inches thick upon written approval by the City Engineer. If weather conditions do not permit the placing of concrete, a temporary repair may be made by bringing the backfill to a point two inches below the surface and placing a two-inch surface course of State Specification 405. Any loss of this material shall be immediately replaced. As soon as weather conditions permit, this temporary repair shall be dug out and the pavement replacement made as specified above.

- (b) Double Seal Treated and Oiled Surface Streets. Repair shall be made immediately after the backfill is completed with State Specification 404 two inches, compacted, in thickness.
- (c) Area Back of Curb. All concrete, brick or flagstone walks removed shall be replaced with concrete, four inches thick, to the original width. No partial blocks or patching shall be permitted. All concrete or brick drives removed shall be replaced with concrete six inches thick and a six-inch shoulder on the sides. All asphalt drives removed shall be replaced with asphalt six inches thick laid in two three-inch layers and with a six-inch shoulder on the sides.
(Ord. 215-1993. Passed 2-22-94.)

913.07 CHARGES FOR REPLACEMENT BY CITY.

If any person or public utility granted a permit wishes to have the City make the pavement or surface replacement, the charges shall be as follows:

- (a) For permanent pavement of brick, concrete, asphalt or macadam, the charges for base and surface courses, fifty dollars (\$50.00) per square yard of pavement replaced.
- (b) For 404 two inches thick replaced, ten dollars (\$10.00) per square yard.
- (c) For double-seal and oil treated streets with excavations over fifty feet in length only, two dollars (\$2.00) per square yard.
(Ord. 215-1993. Passed 2-22-94.)

913.08 REPLACEMENT BY PERMITTEE; INSPECTION FEES.

If any person or public utility granted a permit wishes to replace the permanent pavement of the 404 surface course, such replacement shall be made only under the supervision of the City Inspector. Supervision of replacement should be included on the permit fee. The fees for such inspection shall be as follows:

- (a) For concrete, brick, asphalt or macadam pavement, five dollars (\$5.00) per square yard of replaced pavement.
- (b) For 404 surface course only, five dollars (\$5.00) per square yard actual measurement.

(Ord. 215-1993. Passed 2-22-94.)

913.99 PENALTY.

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

(Ord. 215-1993. Passed 2-22-94.)

CHAPTER 917
Standards for Curbs, Sidewalks and Driveways

917.01	Definitions.	917.10	Notification prior to construction.
917.02	Conformance required.	917.11	Delays.
917.03	Materials; workmanship.	917.12	License required; fee; bond; exception.
917.04	Equipment; inspection.	917.13	Permit required; fees.
917.05	Samples and tests.	917.14	Liability of contractor.
917.06	Submission of plans and specifications.	917.15	Specifications for work on curbs, sidewalks and drives.
917.07	Grades and alignment.	917.99	Penalty.
917.08	Protection of work; identifying signs.		
917.09	Protection of utilities.		

CROSS REFERENCES

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

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

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

Width of sidewalks – see S.U. & P.S. 905.02

917.01 DEFINITIONS.

(a) "Contractor" means any person, firm, association or corporation performing any work under the terms of this chapter.

(b) "Inspector" means the authorized deputy, agent or representative of the City Engineer.

(c) "Curb", "sidewalk" or "drive" means any curb, sidewalk or drive which is located in whole or in part within the boundaries of any duly dedicated public street, alley, thoroughfare or other public property within the City.

(d) "Work" means construction, removal, repair or replacement of any curb, sidewalk or drive.

(e) "Person" means any individual, firm, association or corporation.
 (Ord. 216-1993. Passed 2-22-94.)

917.02 CONFORMANCE REQUIRED.

(a) The contractor, constructing, removing, repairing or replacing any curb, sidewalk or drive on any street, alley, thoroughfare or other public property shall conform to, furnish such materials, workmanship and perform such other obligations as are provided under this chapter and in strict accordance thereto.

(b) The City Engineer shall decide any and all questions arising as to the quality, acceptance of materials furnished or work performed.
(Ord. 216-1993. Passed 2-22-94.)

917.03 MATERIALS; WORKMANSHIP.

(a) The materials used in performing the work shall be of the best quality and correct quantity in accordance with this chapter. All defective material shall be removed from the work and replaced with acceptable material.

(b) All work shall be performed in a neat and acceptable manner, conforming to the best practices and with the approval of the City Engineer. Work found to be defective shall be removed and replaced.
(Ord. 216-1993. Passed 2-22-94.)

917.04 EQUIPMENT; INSPECTION.

(a) All equipment or devices used on the work shall be such as used in standard practice and their use shall be governed by existing laws and ordinances.

(b) All work shall be inspected by an authorized inspector. The contractor shall provide all the facilities requested of him by the inspector in the performance of his duties.
(Ord. 216-1993. Passed 2-22-94.)

917.05 SAMPLES AND TESTS.

At the direction of the City Engineer, the contractor shall furnish such samples and provide such tests of materials to be incorporated in the work which, in the Engineer's opinion, are deemed of inferior quality or quantity as provided by this chapter. The contractor shall pay for the costs of such sampling and testing.
(Ord. 216-1993. Passed 2-22-94.)

917.06 SUBMISSION OF PLANS AND SPECIFICATIONS.

When, at the direction of the City Engineer, the work requires a detailed description, working plans and specifications, the contractor shall provide such information for the Engineer's approval or disapproval. The work shall not start until the Engineer has certified his approval of such plans or specifications, copies of which shall be retained for his record.
(Ord. 216-1993. Passed 2-22-94.)

917.07 GRADES AND ALIGNMENT.

Prior to the starting of construction, the contractor shall make application at the office of the Engineer for the establishment of such grades and alignment as may be required at the site of the work. No deviation from the grade or alignment so established shall be permitted without the expressed consent of the Engineer.
(Ord. 216-1993. Passed 2-22-94.)

917.08 PROTECTION OF WORK; IDENTIFYING SIGNS.

(a) The work shall be protected by the contractor against any damage until final acceptance. Covering, barricades, warning lights and signs shall be provided and maintained for this purpose. Existing structures, street signs, monuments, etc., which may be encountered during the progress of the work shall be protected and, if damaged through negligence by the contractor, shall be replaced by him at his expense.

(b) During the period of construction, signs or such other identification means may be provided and maintained by the contractor. Such signs shall establish the name and address of the contractor or person performing the work.
(Ord. 216-1993. Passed 2-22-94.)

917.09 PROTECTION OF UTILITIES.

(a) It shall be incumbent upon the contractor to provide all protection to utility company service lines and property, and, in the event such property is encountered and interferes with the work, the utility company shall be notified.

(b) No property shall be disturbed without the consent of the owning companies.

(c) All utility lines should be marked prior to any work being started at owners' expense.
(Ord. 216-1993. Passed 2-22-94.)

917.10 NOTIFICATION PRIOR TO CONSTRUCTION.

Before starting any construction, the contractor must notify the City Engineer twenty-four hours in advance in order that proper inspection may be provided. Should the contractor perform any work without giving prior notice as provided above, the contractor will be held responsible for the work done and if found not meeting the requirements of this chapter, shall be replaced at his expense. At completion of the work, the contractor shall leave the site in a clean and acceptable manner.
(Ord. 216-1993. Passed 2-22-94.)

917.11 DELAYS.

The contractor shall expedite the work to completion. Any undue delays caused by his negligence shall be cause for the work to be completed by others at his expense, upon the determination by the City Engineer.
(Ord. 216-1993. Passed 2-22-94.)

917.12 LICENSE REQUIRED; FEE; BOND; EXCEPTION.

(a) No person shall perform any work within the meaning of this chapter without having obtained a license from the City Engineer before any work is performed.
(Ord. 216-1993. Passed 2-22-94.)

(b) The fee for such license shall be one hundred dollars (\$100.00) per year, or part thereof, and each renewal thereof. All licenses are to run for a period ending on December 31 in the year in which they are issued unless renewed. Each applicant for a license must file with the City Engineer a surety bond in the sum of ten thousand dollars (\$10,000) guaranteeing that the work he may do will comply in all respects the City specifications and provisions, all of which are made a part hereof, and to save the City harmless from any damage claims by reason of work done by the person, firm or corporation. A five hundred thousand dollar (\$500,000) liability policy must also be on file with the City Engineer and renewed yearly when requesting said license. (Ord. 14-2004. Passed 2-17-04.)

(c) Only such persons, firms or corporations shall be given a license to construct or repair any sidewalk and/or curb or driveway on a public street or alley in the City as shall have furnished proof of their experience which may qualify them to do such work.

(d) No license shall be required of any person who is the recorded owner of real property abutting upon any public street, alley, thoroughfare, or other public property for work to be performed by such person himself within the street, alley, thoroughfare or other public property upon which such real property abuts.
(Ord. 216-1993. Passed 2-22-94.)

917.13 PERMIT REQUIRED; FEES.

(a) No person shall perform any work within the meaning of this chapter without first having obtained a permit from the City Engineer before any work is performed.
(Ord. 216-1993. Passed 2-22-94.)

(b) The permit shall be in such form as the Director may prescribe, and each permit shall be issued only upon the payment of a minimum permit fee of twenty-five dollars (\$25.00) for repairing. (Ord. 14-2004. Passed 2-17-04.)

(c) All permits issued under this chapter shall be void after the expiration of ninety days from the date of issuance.

(d) The fee for each permit shall be as follows for the new construction:

- | | | |
|-----|--|----------------------------|
| (1) | Sidewalk or curb - line and grade stakes. | |
| | 50 feet and under | \$10.00 |
| | Over 50 feet | 10.00 plus |
| | | .10 per foot over 50 feet. |
| (2) | Sidewalk and curb - line and grade stakes. | |
| | 50 feet and under | \$10.00 |
| | Over 50 feet | 10.00 plus |
| | | .10 per foot over 50 feet. |
| (3) | Driveway line and grade stakes at property line. | |
| | Each permit | \$5.00 |
| (4) | Reset stakes. | |
| | For each stake reset | \$3.00 |
- (Ord. 216-1993. Passed 2-22-94.)

917.14 LIABILITY OF CONTRACTOR.

The contractor shall be held strictly accountable for any damages, injuries or liability caused by his operations or in the performance of his work. The City and its officers or agents shall be saved harmless due to any such claims.
(Ord. 216-1993. Passed 2-22-94.)

917.15 SPECIFICATIONS FOR WORK ON CURBS, SIDEWALKS AND DRIVES.

All work of construction, removal, repair or replacement of any curb, sidewalk or drive within the meaning of this chapter shall be governed by the following specifications:

(a) Earthwork.

- (1) Excavation. Excavation shall include the removal and disposal of all materials encountered in providing the subgrade and for foundations for the curb, sidewalk or drive. The surface so prepared shall be free from water, spongy or organic material, and if such conditions are found, they shall be removed and replaced with acceptable subbase material. In no case shall the work be permitted to be placed on material of such nature.
- (2) Embankment. When it is required to raise the level of the existing ground to the proper alignment and grade for the work, gravel shall be furnished by the contractor for this purpose so as to provide sufficient width and/or depth for a stable subgrade.
- (3) Backfill. When the work has been constructed, the depression remaining after the removal of the forms or other items shall be filled with soil to a uniform surface meeting the grades of the new work.
- (4) Dimensions. Excavations shall be made of such size and depth to provide sufficient space to receive forms and materials to be incorporated in the work when brought to the established line and grade as hereinafter specified.
- (5) Trenching. Where it becomes necessary to excavate trenches for the installation or repair of sewer, water, gas or conduit lines or structures or fixtures connected with such lines, beneath curbs, sidewalks or pavements on any City property, the utility company shall be notified in advance before starting the work at the expense of the contractor.
 - A. Such plans and/or specifications for the work shall be furnished to the City Engineer, as he may direct, for his approval.
 - B. Trenches shall be filled with gravel to a uniform surface with the subgrade before any work is placed over them.
 - C. Protection shall be provided for existing structures and the maintenance of all traffic.
- (6) Grubbing. Where roots of brush or trees are found in the excavations, they shall be removed to such an extent that their future growth will not cause damage to the work.

- E. Plugs shall be inserted between the forms to form openings for roof drains. Such plugs shall be placed so as to provide at least one inch clearance above the gutter line.
 - F. At driveways, the curb shall be formed to permit two inches of the curb to project above the gutter line of the street, and the sides of the drive on the curb shall be cut on a six-inch level.
- (5) Concrete. The concrete used for constructing the curb shall be as specified in subsection (b)(1) hereof.
- A. No concrete shall be used which has had its initial set, but must be placed in the forms immediately after being mixed.
 - B. No concrete shall be placed in freezing weather. In the season when frosts are likely to occur during the night time, the contractor must amply protect the new concrete from such frosts and must assume all risks from freezing of the concrete.
 - C. Concrete shall be thoroughly tamped or spaded in the forms and the coarse aggregate forced back from the face of the forms for a depth of twelve inches on the face and six inches on the back, so that mortar will flow to the faces and form a smooth, impervious surface. As soon as the concrete has sufficiently set so as to stand without distortion, the template and the forms shall be removed and the joints clean cut and the top and the face to a depth of twelve inches shall be immediately floated to a smooth and uniform surface. Where necessary, the curb will be neatly fitted to all catch basins and inlets.
 - D. The contractor shall so arrange his work that the pouring of the concrete, the removal of the forms and finishing of the curb will be completed on the same day.
 - E. The contractor shall provide sufficient forms so that the rotation of trenching, setting forms, pouring concrete, removal of forms and finishing can be carried on without delay.
- (6) Protection. The contractor must protect the newly completed work from injury from the rays of the sun, wind or weather, or from any other cause, and shall, when directed by the City Engineer, keep the curb moist for at least three days after its completion or until it has firmly set. Other curing methods may be used if approved by the City Engineer.
- (7) Causes for rejection. Any spalling or splitting of the finished surface, either at the joints or in the body of the stone, within six months of the date of paring shall be deemed sufficient cause for rejection, and any block so rejected must be replaced with a new one. No patching of any kind or dusting of dry cement upon the exposed surface of the curb shall be permitted.

- (8) Pavement replacement. All excavations in front of a straight curb and the apron of a combination curb and gutter shall be filled as follows:
 - A. On gravel streets, coarse washed gravel to the level of the existing pavement shall be used.
 - B. On oil-surfaced streets, coarse washed gravel to a depth of three inches lower than the existing pavement shall be used. The remaining three inches shall be filled and rolled with T-35 asphaltic concrete as specified in M-2, State specifications.
 - C. On permanent pavement, the same material and depth as the existing pavement shall be used.
- (9) Asphaltic concrete curbs. Asphaltic concrete curbs shall not be placed on any public street or alley in the City unless authorized by the City Engineer.
- (e) Concrete Driveways.
 - (1) Any concrete driveway on a public street or alley shall be six inches in thickness from the property line to the face of the curb for the full width of such driveway.
 - (2) The driveway, when constructed in conjunction with a sidewalk, shall be separated from such walk on each side of the driveway by means of steel templates for the full width and depth of the walk.
 - (3) For residential driveways, the maximum width of single drives should not exceed twelve feet, except where a hazard may be encountered. For business driveways, a maximum width of thirty feet may be provided with a distance of at least twelve feet intervening between any adjoining drive.
 - (4) The concrete curb at the entrance of the driveway shall be formed so as to provide a two inch gutter above the pavement line.
 - (5) The grade of the driveway crossing the sidewalk must be at the same grade as the adjoining walk. No raising or lowering of the walk to that of the drive from the established grade of the walk shall be permitted unless authorized by the City Engineer.
 - (6) The subgrade for driveways shall conform to specifications in subsections (a)(1) and (2) hereof.
 - (7) Concrete shall conform to specifications in subsection (b)(1) hereof.
- (f) Asphaltic concrete driveways shall be constructed of asphaltic concrete and shall be built with a total thickness of three inches after compaction, over six inches of aggregate base.

- (g) Removal of existing stone or concrete curb for driveways.
- (1) Stone curb shall be chiseled off by a qualified contractor to a depth of two inches above the gutter line, cut off to a depth of six inches below the gutter line, or entirely removed and the excavation so made filled with concrete to a height of two inches above the gutter line.
 - (2) Straight concrete curb or the curb section of a combination curb and gutter shall be removed entirely and the excavation so made filled with concrete to a height of two inches above the gutter line.
(Ord. 216-1993. Passed 2-22-94.)

917.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree. Each day in which a violation occurs or continues shall be deemed a separate offense.

(Ord. 216-1993. Passed 2-22-94.)

CHAPTER 920
Erosion/Sediment Control

920.01	Findings/purpose and scope.	920.07	Fee.
920.02	Administration.	920.08	Monitoring the permit for compliance.
920.03	Terms defined.	920.09	Variance to rules.
920.04	Regulated activities.	920.10	Disclaimer of liability.
920.05	Performance standards.		
920.06	Application procedures for ESC Plan.		

920.01 FINDINGS/PURPOSE AND SCOPE.

(a) The City of Massillon finds that erosion and sedimentation from land-disturbing activities detrimentally affects the public health, safety and general welfare in the following ways:

- (1) Increases the risk of flooding because streams and storm water facilities that receive excessive sediment have a reduced capacity to convey water;
- (2) Damages fisheries and habitat quality in streams and wetlands when siltation clogs spawning gravel and when excessive turbidity impairs the survivability of aquatic organisms;
- (3) Increases public expenditures for maintenance of stormwater facilities, ditches, culverts and storm sewers that receive excessive amounts of sediment;
- (4) Damages adjacent properties, including public right-of-ways, when sediment is deposited on these properties;
- (5) Promotes transport of nutrients to lakes causing algal blooms and oxygen depletion.

(b) These rules are adopted in accordance with the City of Massillon's authorization for small municipal separate storm sewer systems (MSF's) to discharge storm water under the national pollutant discharge elimination system and shall apply to all soil-disturbing activities on land within the incorporated area of the City of Massillon used or being developed for non-farm commercial, industrial, residential, or other non-farm purposes, including, but not limited to, individual or multiple lots, subdivisions, multi-family developments, condominium units, commercial and industrial developments, recreational projects, general clearing and grading projects, underground utilities, highways, building activities on farms, redevelopment of urban areas and all other uses unless expressly excluded as follows:

- (1) Activities related to producing agricultural crops and silviculture operations or areas regulated by the Ohio Agricultural Sediment Abatement Rules. (H.B. 88)
- (2) Strip mining and surface mining operations regulated under Revised Code 1513.01, 1514.01.
- (3) Normal landscape maintenance activities and gardening/horticulture.
- (4) An Erosion Sediment Control Plan is not required before clearing, grading, excavating, filling or otherwise wholly or partially less than 1 (one) contiguous acres of land owned by one person or operated as one development unit; however, areas of less than 1 (one) contiguous acres are not exempt from compliance with all other provisions of these rules. (See, 920.04(a))
(Ord. 84-2004. Passed 5-3-04.)

920.02 ADMINISTRATION.

(a) Authorized Agents. The Stark Soil & Water Conservation District, acting as the City of Massillon's duly authorized representative, shall administer these regulations. Staff of the Stark SWCD shall be responsible for the determination of compliance with these regulations and shall, through the Stark SWCD board of supervisors, issue notices and orders as may be necessary. Reference the most recent mutual Agreement for Technical Assistance on file in the City Engineer's Office.

(b) Disbursement of Funds. The fees provided for in Section 920.07 shall be made payable to the Stark County Soil and Water Conservation District.
(Ord. 141-2005. Passed 12-19-05.)

920.03 TERMS DEFINED.

(a) Interpretation of Terms and Words.

- (1) Words used in the present tense include the future tense and the singular includes the plural, unless the context clearly indicates the contrary.
- (2) The term "shall" is always mandatory and not discretionary; the word "may" is permissive. The term "should" is permissive but indicates strong suggestion.
- (3) The word or term not interpreted or defined by this section shall be construed according to the rules of grammar and common usage so as to give these Rules their most reasonable application.

(b) Acre: A unit of measure equaling 43,560 square feet.

(c) Stark SWCD: The office responsible for administering sediment pollution and/or storm water run-off control programs.

- (d) Best Management Practice or BMP: means physical, structural, non-structural and managerial practices that when used singly or in combination prevent or reduce erosion.
- (e) Channel: A natural bed that conveys water. A ditch excavated for water flow.
- (f) Critical storm: That storm which is calculated by means of the percentage increase in volume of runoff by a proposed development. The critical storm is used to calculate the maximum allowable storm water discharge rate from a developed site.
- (g) Cut: An excavation that reduces an existing elevation, as in road or foundation construction.
- (h) Detention Structure: A permanent storm water management structure whose primary purpose is to temporarily store water runoff and release the stored runoff at controlled rates.
- (i) Development Area: Any contiguous area owned by one person or persons, or operated as one development unit, and use being developed for non-farm commercial, industrial, residential or other institutional construction or alteration which changes the runoff characteristics of a parcel of land.
- (j) Disturbed Area: An area of land subject to erosion due to the removal of vegetative cover and/or soil moving activities, including filling.
- (k) Ditch: An open channel, either dug or natural, for the purpose of drainage or irrigation with intermittent flow.
- (l) Drainage: The removal of excess surface water or ground water from land by surface or subsurface drains.
- (m) Drainage Surface Area: An area, measured in a horizontal plane, enclosed by a topographic divide from which surface run-off from precipitation normally drains by gravity into a stream, river or lake above the specified point of measurement.
- (n) Drainage Improvement: As defined in Ohio R.C. 6131.01(C), and/or conservation works of improvement, Ohio R.C. 1511 and 1515.
- (o) Earth Material: Soil, sediment, rock, sand, gravel and organic material or residue associated with or attached to the soil.
- (p) Engineer: A Professional Engineer registered by the State of Ohio.
- (q) Erosion: The process by which the land surface is worn away by the action of wind, water, ice, gravity or any combination of those forces.

(r) Erosion & Sediment Control: A system of structural and vegetative measures that minimize soil erosion and offsite sediment pollution. The control of soil material, both mineral and organic, during soil disturbing activity to prevent its transport out of the disturbed area by means of wind, water, ice or gravity.

(s) Farm: Land or water devoted to growing crops and nursery crops.

(t) Grading: Excavating, filling, or stockpiling of earth material or any combination thereof, including the land in its excavated or filled condition.

(u) Impervious: That which does not allow infiltration.

(v) Landslide: A rapid mass movement of soil rock materials downhill under the influence of gravity.

(w) Multi-family Development: Apartments, condominiums, duplexes or other similar buildings housing more than one family.

(x) One Hundred-Year Frequency Storm: A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 100 years. It may also be expressed as an exceedence probability with a 1 percent chance of being equaled or exceeded in any given year.

(y) Person: Any individual, corporation, firm, trustee, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government or any combination thereof.

(z) Pre-construction Meeting: A meeting between the Stark SWCD and all principal parties, prior to the start of any construction, at a site that requires an Erosion and Sediment Control Plan.

(aa) Pre-Winter Stabilization Meeting: A meeting between the Stark SWCD and all principal parties, prior to October 1, in order to plan winter erosion and sediment controls for a site that requires an Erosion and Sediment Control Plan.

(bb) Qualified Person: Professional Engineer or Surveyor, Landscape Architect, Soil Conservationist, Certified Professional in Erosion/Sediment Control or any person having completed a minimum of 20 hours of accredit training in erosion sediment control.

(cc) Retention Structure: A permanent structure whose primary purpose is to permanently store a given volume of storm water runoff for release of the given volume by infiltration and/or evaporation.

(dd) Sediment: Soils or other surface materials that can be transported or deposited from its site of origin by the action of wind, water, ice or gravity as a product of erosion.

(ee) Sedimentation: Deposition of sediment particles in water bodies.

(ff) Sediment Basin: A temporary barrier or other suitable retention structure built across an area of water flow to intercept runoff and allow transport sediment to settle and be retained prior to discharge into waters of the State.

(gg) Sediment Pollution: Degradation of Waters of the State by sediment as a result of failure to apply management or conservation practices to abate wind or water soil erosion, specifically in conjunction with soil-disturbing activities on land used or being developed for commercial, industrial, residential or other non-farm purposes.

(hh) Sloughing: A slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth-disturbing activity of man.

(ii) Soil Conservation: The use of the soil within the limits of its physical characteristics and protecting it from unalterable limitations of climate and topography.

(jj) Soil-Disturbing Activity: A clearing, grading, excavating, filling or other alteration of the earth's surface where natural or man-made ground cover is destroyed, which may result in, or contribute to, erosion and sediment pollution.

(kk) Soil and Water Conservation District: The agency responsible for implementing these regulations as organized under Chapter 1515 of the Ohio Revised Code; referring either to the Soil and Water Conservation District Board or its designated employee(s), hereinafter referred to as the Stark SWCD.

(ll) Soil Loss: Soil moved from a given site by the forces of erosion, measured using "T".

(mm) Stabilization: The installation of vegetative and/or structural measures to establish a soil cover in order to reduce soil erosion by storm water runoff, wind, ice, and gravity.

(nn) Storm Drain: A conduit, pipe, or human-made structure, which serves to transport storm water runoff.

(oo) Storm Water Management: Runoff water safely conveyed or temporarily stored and released at an allowable rate to minimize erosion and flooding.

Storm Water Runoff: The direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a stream, ditch, storm sewer or other concentrated flow during and following the precipitation.

(pp) Stream: A body of water running or flowing on the earth's surface in which flow may be perennial and/or seasonally intermittent.

(qq) Subsoil: That portion of the soil below the topsoil or plow layer, beginning 6-12" below surface down to bedrock parent material.

(rr) T: The soil loss tolerance expressed in tons per acre per year as determined by the USDA Revised Universal Soil Loss Equation (RUSLE)

(ss) Temporary Soil Erosion and Sediment Control Measures: Interim control measures which are installed or constructed to control soil erosion or sedimentation until permanent soil erosion control measures are established.

(tt) Top soil: The upper layer of soil that is usually darker in color and richer in organic matter and nutrients than the subsoil.

(uu) Unstable Soils: A portion on land surface or area which is prone to slipping, sloughing, landslides or is identified by Natural Resource Conservation Service, USDA methodology as having low soil strength.

(vv) Watercourse: A definite channel with bed and banks within which concentrated water flows, either continuously or intermittently; e.g. streams.

(ww) Watershed: The total drainage area contributing runoff to a single point.
(Ord. 84-2004. Passed 5-3-04.)

920.04 REGULATED ACTIVITIES.

No person shall cause or allow soil-disturbing activities, land clearing, grading, excavating or filling within the scope of these rules without full compliance with the requirements set forth in these rules.

- (a) When a proposed soil-disturbing activity on land used or being developed, either wholly or partially, for non-farm residential, commercial, industrial, recreational or other non-farm purposes consisting of one (1) or more contiguous acres of land owned by one person or operated as one development unit for the construction of non-farm buildings, structures, utilities, recreational areas or other limited non-farm uses, the owner of said land shall prepare and file with the Stark SWCD an Erosion and Sediment Control (ESC) plan. Areas of less than one (1) contiguous acres shall not be exempt from compliance with other provisions of these rules including but not limited to installing and maintaining erosion/sediment control practices to prevent sediment from depositing into local creeks, ditches, ponds, streets, highways or public lands or onto existing landowners properties.
- (b) The owners must obtain an approved plan before starting any soil-disturbing activity. It is mandatory that a qualified person with knowledge of erosion/sediment control design the ESC Plan.

- (c) The owner shall submit three ESC plans to the City of Massillon Engineer for review by the Stark SWCD no less than thirty (30) days before any soil-disturbing activity at the proposed site. This process is explained in Section 920.06.
- (d) The owner or owner's delegated representative of said land shall notify the City of Massillon Engineer and Stark SWCD no less than two (2) working days before the start of soil-disturbing activity. The owner shall also notify the City of Massillon Engineer and Stark SWCD no later than five (5) working days after project completion.
- (e) The ESC plan shall contain narrative and drawings that explain practices to be used to prevent soil erosion and off-site disposal of soil sediment during and after land development. (See Section 920.05 for plan requirements and review schedules)
- (f) Erosion and sediment control practices used to satisfy the performance criteria of these Rules shall meet the specifications provided in the most current edition of Rainwater & Land Development Manual, Ohio's Standards for Storm Water Management and Land Development, and Urban Stream Protection, published by Ohio Department of Natural Resources. The City in conjunction with the Stark SWCD shall review any new or innovative practice before incorporating them into a plan. (See Section 920.05 for performance standards and requirements.)
- (g) The ESC plan shall contain all items in Section 920.05 of these rules and shall be accompanied by proof of compliance and/or notification with required natural resource permits and documentation relevant to the project, including:
 - (1) Proof of compliance with the Ohio Environmental Protection Agency (OEPA) General Storm Water National Pollution Discharge Elimination System (NPDES) permit. Proof of compliance shall be, but not limited to, a copy of NPDES General Storm Water permit Notice of Intent, and/or a copy of NPDES General Storm Water permit number, and/or a copy of OEPA Director's Acceptance Letter for NPDES permit.
 - (2) Proof of compliance with Section 404 of the Clean Water Act administered by the US Army Corps to streams, wetlands, and waterways under its jurisdiction. Proof of compliance shall be, but is not limited to, a copy of the US Army Corps of Engineers permit number, and/or project approval letter from a US Army Corps of Engineers agent.
 - (3) Proof of compliance with the Ohio Dam Safety Law administered by ODNR Division of Water. Proof of compliance shall be, but is not limited to, a copy of the ODNR Division of Water permit number, and/or project approval letter from the ODNR Division of Water. If the dam is exempt from the Ohio Dam Safety Laws, a letter from the designer stating the criteria for exemption is satisfactory.
 - (4) Wetland Delineation verified by the US Army Corps of Engineers.
- (h) The owner and/or developer of said land and/or the developer's delegated representative shall meet with the Stark SWCD for a Pre-Construction Meeting no less than seven (7) days prior to soil-disturbing activity at the site.

- (i) The Developer's delegated representative shall perform first inspection of erosion and sediment control practices to certify that the practices comply with the approved plan no less than two (2) working days after the start of the project. An inspection report confirming this should be completed by the Developer's delegated representative and if requested, sent to the Stark SWCD confirming said inspection. Stark SWCD will perform bi-monthly inspections of on going construction sites sending a verbal report of any deficiencies.
- (j) All permitted activity shall be subject to monitoring. Site inspection by the Stark SWCD shall record compliance. (See Section 920.06 for monitoring schedule, inspection reports and findings of non-compliance).
- (k) If the site is, or plans to remain active through the winter months, a Pre-Winter Stabilization Meeting shall be held by the developer of said land and/or delegated representative of the project and the Stark SWCD prior to October 1, in order to plan winter erosion and sediment controls as defined in the most current edition of Rainwater & Land Development Manual, Ohio's standards for Storm Water Management and Land Development, and Urban Stream Protection, published by Ohio Department of Natural Resources.
- (l) Upon completion of all construction and final stabilization of the entire construction site, the owner or delegated representative of said land shall contact the Stark SWCD through written notification that construction is complete and final stabilization, as specified in the Rainwater & Land Development Book, has been achieved. (Ord. 84-2004. Passed 5-3-04.)

920.05 PERFORMANCE STANDARDS.

(a) All properties adjacent to the site of soil-disturbing activity shall be protected to the maximum extent practicable, from soil erosion and sediment runoff and drainage, including, but not limited to private properties, natural and artificial waterways, wetlands, storm sewers and public lands.

(b) Construction site erosion and sediment control practices used to satisfy this requirement shall conform, as a minimum, to State of Ohio standards as set forth in the most-current edition of the Rainwater and Land Development Manual, defined by the Ohio Department of Natural Resources Division of Soil and Water Conservation and Natural Resources Conservation Service and shall conform to the most current Ohio Environmental Protection Agency, Ohio Revised Code Chapter 6111 requirements.

(c) Erosion and sediment control plan approvals issued in accordance with these Rules do not relieve the owner of responsibility for obtaining all other necessary permits and/or approvals from federal state, and/or county agencies. If requirements vary, the most stringent requirements shall be followed.

(d) Erosion and sediment control practices at the site, and as identified in the ESC plan shall comply with the following:

- (1) An approved erosion and sediment control plan or approval letter from the Stark SWCD shall be located on site for review.

- (2) Limits to clearing and grading shall be shown on ESC plans. Limits to clearing and grading shall be clearly marked on site with signage, flagging, and/or fencing etc.
- (3) Install erosion and sediment perimeter controls as a first action of construction as specified by construction sequence. This shall include and is not limited to protective BMP's for stream corridors and crossings, wetlands, site entrance, sediment traps & basins, barriers, and diversion dikes.
- (4) Concentrated storm water runoff shall pass through a sediment control device before exiting the site boundaries. Concentrated runoff from bare soil areas shall be diverted into a settling pond or sediment control structure, or other approved sediment barrier before leaving the site.
- (5) Earthen structures such as dams, basins, stream modifications and water diversions shall be seeded and mulched within seven (7) days of the completion of installation. Dams shall conform to the Ohio Dam Laws (ORC 1521.06). Permanent storm water basins modified for sediment control must be permanently seeded and mulched. Gullies, rills and/or slippage along the banks and/or dam must be repaired immediately.
- (6) Stabilization of critical areas such as flood plains or within 50 feet of any stream or wetland shall be temporarily stabilized within two (2) days of disturbance if area will remain inactive for fourteen (14) days or longer. Construction vehicles shall avoid streams and the 50 foot buffer areas. If an active drainage-way must be crossed by construction vehicles repeatedly during construction, a temporary stream crossing shall be constructed according to the specifications in the most recent Rainwater & Land Development Book. Construction of bridges, culverts or sediment control structures shall not place soil, debris and other fine particulate material into or close to water resource in such a manner that it may slough, slip or erode.
- (7) Storm sewer inlets (and sanitary) shall be protected so that sediment-laden runoff will not enter the storm sewer system without first being filtered and/or treated. Sediment deposits must be cleaned from the storm water pipes once the site is stabilized with vegetation.
- (8) Re-vegetate soil: Temporary soil stabilization shall occur within seven (7) days after rough grading if the area will remain idle longer than thirty (30) days. Vegetation must be the result of the seeding or the site must be re-seeded. Permanent soil stabilization shall be installed within seven (7) days after final grade is reached on any portion of the site. Permanent vegetation is a ground cover dense enough to cover eighty percent (80%) of the soil surface and mature enough to survive winter weather condition.
- (9) Soil stockpiles shall be stabilized or protected to prevent soil loss. Stabilization, such as seeding and mulching, shall be required if stockpiles are located within critical areas near streams or wetlands, or if determined by the Stark SWCD that sediment from stockpiles will leave the site.

- (10) Unstable soils prone to slipping or sloughing shall not be cleared, graded, excavated, filled or have loads imposed upon them unless the work is Planned by a qualified professional engineer and installed in accordance with the ESC plan. Cut and fill slopes should be designed to minimize erosion problems. Adequate slope design includes use of rough soil surface along the face of the slope; water diversion along the top of the slope away from the face; terraces to reduce slope length; delivery of concentrated storm water flows to the base of the slope via adequate channel or pipe; and drainage for water seeps in the slope that endanger slope stability.
- (11) Soil shall be removed from paved surfaces and/or public roads at the end of each day in such a manner that does not create off-site sedimentation in order to ensure safety and abate off-site soil loss. Collected sediments shall be placed in a stable location on site or taken off-site to a stable location.
- (12) Stabilize disturbed or modified drainage ways. Reduce erosive effects of storm water by using and/or maintaining grassed swales, infiltration structures, or water diversions.
- (13) Sediment and erosion controls shall be inspected once every seven (7) days and within 24 hours of a 0.5" or greater rainfall event. A written log of these inspections and improvements to controls shall be kept on site. The inspections shall include the date of inspection, name of inspector, weather conditions, actions taken to correct any problem and the date corrective actions were taken.
- (14) Trenches for underground utility lines and pipes shall be temporarily stabilized within seven (7) days if they are to remain inactive for thirty (30) days. Trench dewatering devices shall discharge in a manner that filters soil-laden water before discharging it to a receiving drainage ditch or pond. If seeding, mulching, or other erosion and sediment control measures were previously installed, these protective measures shall be reinstalled. (Ord. 84-2004. Passed 5-3-04.)

920.06 APPLICATION PROCEDURES FOR ESC PLAN.

(a) Two (2) copies of the ESC Plan for all projects which are subject to the City of Massillon Subdivision Regulations, as adopted and administered by the City of Massillon, Engineering Department in accordance with Section 711.10 of the Ohio Revised Code, shall be submitted to the City of Massillon Engineering Department. The City of Massillon Engineering Department will forward these copies to the Stark SWCD after the approval of the preliminary plans and prior to the approval of Improvement Plans or Drawings by the City of Massillon in the case of subdivisions; concurrently with the submittal of construction drawings to the City of Massillon in the case of other construction projects; and thirty (30) working days prior to any earth-disturbing activity for general clearing projects.

(b) The Stark SWCD shall review the ESC plan and approve, or return for revision with comments and recommendations for revision, within twenty-five (25) working days of receipt of said plan. A plan rejected because of deficiencies shall receive a narrative report stating specific problems and procedure for filing a revised plan. At the time of receipt of a revised plan, another 25-day review period shall be commenced. If no letter is received from the Stark SWCD after twenty-five (25) working days the plan is automatically approved.

(c) The applicant may be required to provide additional copies of ESC plan if required by the City of Massillon or its agents.

(d) Approved plans shall remain valid for three years from the date of approval. The Stark SWCD shall forward a copy of the approved plan and/or its review report to the City of Massillon, Engineering Department.

(e) A plan is considered complete when it contains two sets of the following:

- (1) Site construction plans intended for contractor's bid, for erosion/sediment control.
- (2) Contact information for the owner of the land, the developer, the ESC plan designer and person responsible for the implementation and maintenance of the plan; project's name; project vicinity map.
- (3) Permit verification.
 - A. Jurisdictional wetland: In areas where jurisdictional wetlands as defined by an on-site delineation verified by the United States Army Corps of Engineers will be affected, a copy of the wetland delineation report and a copy of the appropriate permit showing project approval and any restrictions that apply to site activities shall be submitted with the ESC Plan, or notification thereof.
 - B. An Ohio Environmental Protection Agency (OEPA) National Pollutant Discharge Elimination System (NPDES) permit with permit verification number or Notice of Intent shall be submitted with the ESC Plan.
- (4) Project Description: A brief description of the project and types of soil-disturbing activities. Note specifically items not self-evident from the plan drawings. The project description shall list total project acreage, north arrow, and adjacent property boundaries.
- (5) Existing site conditions shown with maximum scale of 1"=200' and 2' contour intervals; locations and names of soil type boundaries, vegetation, ditches, springs, streams, lakes, wetlands, woods, agricultural fields; location of downstream lakes and wetlands within 1000' of project based on Wetland Inventory Maps; existing drainage patterns including direction of flow and watershed acreage.
- (6) Grading plan-showing types of soils and boundaries; limits of disturbance; areas of excavation and fill; final contours; and proposed drainage pattern including storm sewer inlets and permanent storm water basins. Basin detail shall be drawn to scale and show volumes, size of contributing drainage area and method of calculating trapping efficiency. Basins and/or ponds must conform to the Ohio Dam Laws.
(ORC 1521.06)

- (7) Erosion and Sediment Control plan showing location, type, and construction detail for perimeter controls; sediment settling devices; limits of disturbances; buffers for streams, wetlands, ponds, and drainage's; seeding mixtures and rates; type of mulching and fertilizer. Erosion and sediment control plans shall also provide a detailed construction sequence. Updates and/or corrections to schedules and/or sequencing shall be clearly marked or listed on approved plans, which shall be located at the site.
- (8) Contractor's Construction Sequence that estimates the time frame required for the following:
- A. Pre-Construction Meeting.
 - B. Initial clearing and grubbing to gain access, and installation of perimeter controls within seven (7) days of clearing and grubbing.
 - C. Clearing and grubbing followed by excavation of sediment traps and basins; temporary soil stabilization for these sediment settling devices within fourteen (14) days of excavation.
 - D. Maintenance inspection schedule and party responsible for inspection and repair of erosion and sediment control devices.
 - E. Pre-Winter Stabilization meeting if project is to be through the winter.
 - F. Final grading and permanent soil stabilization within 30 days of finishing final grade.
 - G. Removal of temporary erosion and sediment control devices.
 - H. Final Stabilization meeting with provisions for long-term maintenance of storm water facilities including mechanisms for notification of future responsible parties and/or property owners. (Ord. 84-2004. Passed 5-3-04.)

920.07 FEE.

- (a) For the purpose of these regulations, the following fee schedule shall apply:

SWCD Fee Schedule

Plan Review	Fee
Preliminary Plan	\$15.00/acre Minimum charge - \$75.00
Erosion/Sediment Control (ESC) Plan	\$30.00/acre Minimum charge - \$100.00

Active sites are inspected every two weeks for compliance. The site inspection fee will be billed for every phase of development

Site Inspection Fee**	Fee
Sites 1 - 4.99 acres	\$250.00
Sites 5 - 9.99 acres	\$800.00
Sites 10 - 19.99 acres	\$1300.00
Sites 20 - 49.99 acres	\$1700.00
Sites larger than 50 acres	\$2000.00

** Please note: Non-compliance sites will incur an additional inspection fee of \$45.00/hour for each inspection required until site meet compliance.

(Ord. 141-2005. Passed 12-19-05.)

(b) The bi-monthly inspection costs are included in the review fee above, however, non-complaint sites that require more than the scheduled two inspections a month will pay an additional fee, above the review fees, and the developer/owner is to be held personally responsible for these fees. Said additional inspection fee will be an hourly fee for each additional inspection required. These fees are to be paid to the City of Massillon prior to the final acceptance of the improvements. This fee is fifty dollars (\$50.00)/hour.
(Ord. 84-2004. Passed 5-3-04.)

920.08 MONITORING THE PERMIT FOR COMPLIANCE.

(a) Following the initial inspection of erosion and sediment control devices by the developer's delegated representative, regular inspections (bi-monthly) will be performed by the Stark SWCD for compliance with these Rules. If it appears that a violation of any of these Rules has occurred, the owner and developer will be notified of deficiencies or non-compliance in writing by certified mail, return receipt requested. If within 7 days after receipt of the letter, the owner or developer has not rectified the deficiency or received approval of plans for its correction, the deficiency or non-compliance shall be reported to the City of Massillon Engineering Department for consideration of referral to the Prosecuting Attorneys Office for immediate enforcement of these regulations.

(b) If the City of Massillon Engineer determines that a violation exists and requests the City of Massillon Director of Law in writing, the Director of Law shall seek an injunction to cease work immediately until compliance with these rules. A court may also order the construction of sediment control improvements for implementation or other control measures.

(c) The Stark SWCD may require revisions to the ESC plan as necessary to achieve compliance to these Rules.

(d) A final inspection will be made to determine if the criteria of these Rules have been satisfied and a report sent to the City of Massillon Engineer on the compliance status of the site. (Ord. 84-2004. Passed 5-3-04.)

920.09 VARIANCE TO RULES.

(a) The City of Massillon Engineer upon consulting the Stark SWCD the responsible party for plan review and approval may grant a written variance from any requirement of these Rules if there are special conditions applicable to the site such that strict adherence to the provisions of these rules will result in unnecessary hardship and not fulfill the intent of these Rules. A written request for variance shall be provided to the City of Massillon Engineer and shall state the specific variances sought and the reasons with supporting data for their granting. The City of Massillon Engineer shall not grant a variance unless and until the applicant provides sufficient specific reasons justifying the variance. The City of Massillon Engineer in conjunction with the Stark SWCD will conduct a review of the requests for variance within 20 (twenty) working days.

(b) Adverse economic conditions shall not be a valid reason to grant a variance.
(Ord. 84-2004. Passed 5-3-04.)

920.10 DISCLAIMER OF LIABILITY.

Neither approval of a plan under these provisions, nor compliance with provisions of these regulations, shall relieve any person from responsibility for damage to any person or property otherwise imposed by law. (Ord. 84-2004. Passed 5-3-04.)

- (1) The storm water quantity volume must be stacked on top of the storm water quality volume for any storm water facility that will also serve as the post construction water quality facility.
- (2) The water quality orifice cannot be less than two and one-half inches in diameter.
- (3) Nonstructural practices must be protected in perpetuity through the use of appropriate legal tools. All legal easements or buffer areas must appear on the final plat per the City Subdivision Regulations and be disclosed to potential buyers.
- (4) Any manufactured water quality practice must be of construction certified by a representative of the company or engineer representing the developer of its correct installation. Certifications must be submitted in writing to the City Engineer by the Developer.

(c) Maintenance Requirements.

- (1) Any portion of the permanent post construction water quality managements systems that are constructed by the landowner/developer will be continuously maintained into perpetuity. The project landowner/developer is only required to maintain all temporary and permanent facilities throughout the construction process and until the final inspection and as built documentation. At that time, maintenance responsibility will transfer to the controlling entity/operator (i.e., the person/parties named in the post construction maintenance plan). Workshops for these controlling entities will be made available through the Stark SWCD detailing the long term responsibilities.
- (2) The Stark SWCD will inspect post construction practices that fall under the categories in Table 2 of the Ohio EPA GCP. A separate Memorandum of Understanding (MOU's) with the City outlines the extent of these inspections and any applicable appropriations. Inspection reports, detailing the maintenance needs and a timeline to complete them, will be sent to the City and each person/parties responsible for long term maintenance. The City Administration shall ensure the work is done in accordance with the recommendations in the inspection report.
- (3) An as built survey shall be submitted to the City Engineer and the Stark SWCD for all water quality structural practices prior to the Notice of Termination (N.O.T.) submittal. The survey is to be sealed by a Professional Engineer or Professional Surveyor licensed by the State of Ohio.
- (4) Detail drawings and maintenance plans shall be provided to the City Engineer and the Stark SWCD for all Post Construction Best Management Practices (BMP's) prior to plan approval and shall include the following information:

- A. Cover sheet with site name and date.
 - B. Name and number of the party or association responsible for post construction long term maintenance.
 - C. List of all post-construction BMP's, structural and non-structural with all supporting design data.
 - D. Instructions on how and when the practices are to be maintained along with an inspection schedule.
 - E. A detail drawing of the BMP's listed.
 - F. A copy of any required easements and/or deed restrictions.
- (5) Maintenance plans must ensure that pollutants collected within structural post construction BMP practices are disposed of in accordance with local, state and federal guidelines.
(Ord. 51-2008. Passed 3-17-08.)
- (d) Enforcement.
- (1) If the City of Massillon Engineer determines that a violation exists and makes a request to the City of Massillon Law Director in writing, the Law Director shall seek an injunction to cease work immediately until compliance with these rules occur.
 - (2) Any proceeding brought or instituted pursuant to this section may also include a claim for payment or reimbursement of any and all costs or obligations assessed or incurred or associated with any occurrence or event in violation of the provisions and regulations established in this chapter.
 - (3) Nothing in this section and no action taken thereunder shall be held to exclude such criminal proceedings as may be authorized under the Ohio Revised Code.
(Ord. 149-2009. Passed 12-7-09.)

920.11 DISCLAIMER OF LIABILITY.

Neither approval of a plan under these provisions, nor compliance with provisions of these regulations, shall relieve any person from responsibility for damage to any person or property otherwise imposed by law. (Ord. 84-2004. Passed 5-3-04.)

TITLE THREE - Utilities

- Chap. 921. Water.
 - Chap. 925. Sewers Generally.
 - Chap. 929. Sewer User Charges.
 - Chap. 937. Wastewater Treatment Revenue Fund.
-

CHAPTER 921
Water

EDITOR'S NOTE: Water for the City is provided by Consumers Ohio Water Co. There are no sections in Chapter 921. This chapter has been established to provide a place for cross references and future legislation.

CROSS REFERENCES

- Power to provide and regulate water system - see Ohio R.C. 715.08, 717.01, 743.01
- Water pollution - see Ohio R.C. 715.08, 743.25
- Water works mortgage revenue bonds - see Ohio R.C. 715.09 et seq.
- Compulsory water connections - see Ohio R.C. 729.06, 743.23
- City consent for water fixtures on public property - see Ohio R.C. 4933.01
- Tampering - see Ohio R.C. 4933.22
- Fluoridation - see Ohio R.C. 6111.13
- Water pollution control - see Ohio R.C. Ch. 6111
- Water supply - see OAC 4101:2-51-37
- Backflow - see OAC 4101:2-51-38

CHAPTER 925 Sewers Generally

- | | | | |
|--------|--|---------|---|
| 925.01 | Purpose; policy; definitions. | 925.30 | Accidental discharges. |
| 925.02 | Unlawful depositions. | 925.31 | Wastewater dischargers. |
| 925.03 | Construction of privy,
etc., prohibited; exception. | 925.32 | Wastewater discharge
permits. |
| 925.04 | Connection with public sewer
required. | 925.33 | Pretreatment scheduling
requirement. |
| 925.05 | Use of private disposal system. | 925.34 | Permit modifications. |
| 925.06 | Permit for private disposal
system. | 925.35 | Permit conditions. |
| 925.07 | Inspection of private disposal
system. | 925.36 | Permits' duration. |
| 925.08 | Compliance with State health
regulations. | 925.37 | Limitations on permit
transfer. |
| 925.09 | Abandonment of private system. | 925.38 | Compliance date report. |
| 925.10 | Maintenance and expense
of private system. | 925.39 | Periodic compliance reports. |
| 925.11 | Authority of local Health
Department. | 925.40 | Monitoring facilities. |
| 925.12 | Sewer connection permit
required; fee. | 925.41 | Inspection and sampling. |
| 925.13 | Sewer tapper, license and
bond; license revocation. | 925.42 | Confidential information. |
| 925.14 | Separate building sewers
required; exception. | 925.43 | Emergency suspension of
service and discharge
permits. |
| 925.15 | Inspections. | 925.44 | Revocation of permit. |
| 925.16 | Specifications for installing
building sewers. | 925.45 | Notification of violation;
administrative adjustment. |
| 925.17 | Inspection of building sewer
for permit. | 925.46 | Show cause hearing. |
| 925.18 | Excavation requirements. | 925.47 | Judicial proceedings. |
| 925.19 | Sanitary sewers and storm
sewers; prohibited drainages. | 925.48 | Enforcement. |
| 925.20 | General discharge prohibitions. | 925.49 | Right of appeal. |
| 925.21 | National Categorical Pre-
treatment Standards. | 925.50 | Operating upsets. |
| 925.22 | State requirements. | 925.51 | Administrative penalties. |
| 925.23 | Right of revision. | 925.52 | Falsifying information. |
| 925.24 | Dilution. | 925.53 | Damaging sewage works
prohibited. |
| 925.25 | Supplementary limitations. | 925.54 | Records retention. |
| 925.26 | Prohibited industrial wastes
and trucked and hauled wastes. | 925.55 | Fees. |
| 925.27 | Grease, oil, and sand
interceptors. | 925.56 | Right to contract with
industry. |
| 925.28 | Treatment of industrial
wastes. | 925.57 | Severability. |
| 925.29 | Private treatment facilities;
expense. | 925.58 | Conflict. |
| | | 925.59 | Wastewater discharge permits
data disclosure. |
| | | 925.60 | Baseline monitoring report. |
| | | 925.61 | Signatory requirements for
Industrial User Reports. |
| | | 925.62 | Bypass. |
| | | 925.625 | Private extension of public
sanitary sewer mains. |
| | | | <u>SATELLITE SEWER DISCHARGE
CONTROL PROGRAM (SSDCP)</u> |
| | | 925.63 | Program requirements. |
| | | 925.64 | Satellite Community discharge permit. |

- | | | | |
|--------|---|--------|--|
| 925.65 | Satellite Community Compliance Schedule. | 925.68 | Satellite Community Discharge Program Enforcement. |
| 925.66 | Satellite Community Discharge Monitoring Program. | | APPENDIX A Priority Toxic Pollutants |
| 925.67 | Satellite Community Discharge Program miscellaneous provisions. | | |

CROSS REFERENCES

- Power to license sewer tappers and vault cleaners - see Ohio R.C. 715.27
- Power to regulate water closets and privies - see Ohio R.C. 715.40
- Power to construct sewerage system - see Ohio R.C. 715.40, 717.01
- Compulsory sewer connections - see Ohio R.C. 729.06
- Sewerage rates - see Ohio R.C. 729.49
- 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. 3701.39
- Interference with sewage flow - see Ohio R.C. 4933.24
- Sewerage districts - see Ohio R.C. 727.44 et seq.
- Assessments - see Ohio R.C. Ch. 729
- Household sewage disposal systems - see OAC Ch. 3701-29

925.01 PURPOSE; POLICY; DEFINITIONS.

(a) The purpose of this chapter is to set forth uniform requirements for dischargers into the City's wastewater collection and treatment systems, and to enable the City to protect public health in conformity with all applicable local, state, and federal laws relating thereto.

(b) The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the City wastewater system which will interfere with the normal operation of the system or contaminate the resulting Municipal sludge;
- (2) To prevent the introduction of pollutants into the City wastewater system which do not receive adequate treatment in the City's wastewater treatment facilities, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.
(Ord. 69-1991. Passed 4-15-91.)

(c) Definition. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter shall have the meanings hereinafter designated:

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

- (2) "Approval Authority" means the Director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.
- (3) "Biochemical Oxygen Demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter [mg/l]).
- (4) "Building Sewer" means a sewer conveying wastewater from the premises of a User to the POTW.
- (5) "Bypass" means the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.
- (6) "Categorical Standards" means National Categorical Pretreatment Standards or Pretreatment Standard.
- (7) "City" means the City of Massillon or the City Council of Massillon.
- (8) "Cooling Water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (9) "Direct Discharge" means the discharge of treated or untreated wastewater directly to the waters of the State of Ohio.
- (10) "Environmental Protection Agency or EPA" means the U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of such agency.
- (11) "Grab Sample" means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (12) "Holding Tank Waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (13) "Indirect Discharge" means the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- (14) "Industrial User" means a source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act. (33 U.S.C. 1342).
- (15) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - B. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act. Section 403.3(i).

- (16) "Manager" means the person designated by the City to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.
- (17) "National Categorical Pretreatment Standard or Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.
- (18) "New Source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - A. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source;
 - C. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (19) "National Pollution Discharge Elimination System or NPDES Permit" means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (20) "Passthrough" means a discharge which exits the POTW into water of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). Section 403.3(n) of the General Pretreatment Regulations (40 CFR, Part 403).
- (21) "Person" means individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- (22) "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (23) "Pollution" means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

- (24) "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
- (25) "Pretreatment or Treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR, Section 403.6(d).
- (26) "Pretreatment Requirements" means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
- (27) "Publicly Owned Treatment Works POTW" means a treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.
- (28) "POTW Treatment Plant" means that portion of the POTW designed to provide treatment to wastewater.
- (29) "Safety-Service Director" means the Director of Public Safety and Service of the City of Massillon or his duly authorized representative.
- (30) "Shall" is mandatory; "May" is permissive.
- (31) "Significant Industrial User."
 - A. Except as provided in part B. of this subsection, the term Significant Industrial User includes:
 - 1. All industrial users subject to categorical pretreatment standards; and
 - 2. Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW; contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or has a reasonable potential, in the opinion of the Safety-Service Director, to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.
 - B. The Safety-Service Director may at any time, on its own initiative or in response to a petition received from an industrial user, determine that a noncategorical industrial user has no reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.

- (32) "Slug" means any pollutant, including oxygen demanding pollutants released in a single extraordinary discharge episode of such volume or strength as to cause interference to the City's wastewater treatment plant.
- (33) "State" means State of Ohio.
- (34) "Standard Industrial Classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (35) "Storm Water" means any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (36) "Suspended Solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
- (37) "Toxic Pollutants" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other Acts.
- (38) "Upsets" means an exceptional incident which creates a temporary non-compliance with permit limits due to the impacts of the incoming waste characteristics on the POTW treatment processes.
- (39) "User" means any person who contributes, causes or permits the contribution of wastewater into the City's POTW.
- (40) "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities; and institutions, together with may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (41) "Waters of the State" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- (42) "Wastewater Discharge Permit" means as set forth in Section 925.32.

(d) Abbreviations. The following abbreviations shall have the designated meanings:

ANSI:	American National Standards Institute.
ASTM:	American Society for Testing and Materials.
BOD:	Biochemical Oxygen Demand.
CFR:	Code of Federal Regulations.
COD:	Chemical Oxygen Demand.
EPA:	Environmental Protection Agency.
L:	Liter.
mg:	Milligrams.
mg/l	Milligrams per liter.
NPDES:	National Pollutant Discharge Elimination System.
POTW:	Publicly Owned Treatment Works.
SIC:	Standard Industrial Classification.

SWDA: Solid Waste Disposal Act, 42, U.S.C. 6901, et. seq.
USC: United States Code.
TSS: Total Suspended Solids.
WPCF: Water Pollution Control Federation.
(Ord. 69-1991. Passed 4-15-91.)

925.02 UNLAWFUL DEPOSITIONS.

No person shall place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other matter which is or may become offensive.
(Ord. 69-1991. Passed 4-15-91.)

925.03 CONSTRUCTION OF PRIVY, ETC., PROHIBITED; EXCEPTION

Except as otherwise provided in this chapter, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility, within or under the jurisdiction of the City, intended or used for the disposal of sewage.
(Ord. 69-1991. Passed 4-15-91.)

925.04 CONNECTION WITH PUBLIC SEWER REQUIRED.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the City and abutting on any street, alley, right of way or City-owned property in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety days after the date of official notice to do so, provided that such public sewer is within 150 feet of the property line of the aforesaid house, building or property.
(Ord. 69-1991. Passed 4-15-91.)

925.05 USE OF PRIVATE DISPOSAL SYSTEM.

Where a public sanitary or combined sewer is not available under the provisions of Section 925.04, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.
(Ord. 69-1991. Passed 4-15-91.)

925.06 PERMIT FOR PRIVATE DISPOSAL SYSTEM.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the City Engineer. The application for such a permit shall be made on a form, furnished by the City, to which the applicant shall supplement with plans, specifications and other information deemed necessary by the City Engineer at the time the application is filed, and shall be accompanied by a permit fee of fifty dollars (\$50.00).
(Ord. 69-1991. Passed 4-15-91.)

925.07 INSPECTION OF PRIVATE DISPOSAL SYSTEM.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City Engineer. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Safety-Service Director when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight hours of the receipt of notice by the City Engineer.
(Ord. 69-1991. Passed 4-15-91.)

925.08 COMPLIANCE WITH STATE HEALTH REGULATIONS.

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the City Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where: the total area of the lot is less than 20,000 square feet, the area of suitable leaching field is less than 11,000 square feet, the percolation rate of the leaching field soil is less than one inch per hour. No private sewage disposal system shall be permitted in Canfield soils where the area of the lot is less than five acres. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(Ord. 69-1991. Passed 4-15-91.)

925.09 ABANDONMENT OF PRIVATE SYSTEM.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 925.04, a direct connection shall be made to the public sewer in compliance with this chapter. Any septic tanks, cesspools and similar private sewage disposal facilities shall be drained, then abandoned and filled with suitable material.

(Ord. 69-1991. Passed 4-15-91.)

925.10 MAINTENANCE AND EXPENSE OF PRIVATE SYSTEM.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times and at no expense to the City.

(Ord. 69-1991. Passed 4-15-91.)

925.11 AUTHORITY OF LOCAL HEALTH DEPARTMENT.

No statement contained in Sections 925.02 to 925.10, inclusive, shall be construed to interfere with any additional requirements that may be imposed by the City Health Department.

(Ord. 69-1991. Passed 4-15-91.)

925.12 SEWER CONNECTION PERMIT REQUIRED; FEE.

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

(Ord. 69-1991. Passed 4-15-91.)

(b) The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Engineer. A permit and inspection fee of one hundred dollars (\$100.00) for a residential building sewer permit and two hundred dollars (\$200.00) for a commercial building sewer permit and for an industrial waste permit shall be paid to the City Engineer at the time application is filed. A permit fee for the repair of an existing sewer shall be fifty dollars (\$50.00).

(Ord. 55-2004. Passed 4-19-04.)

(c) Provided, however, no new permit will be issued when it has been determined by the Manager of the Wastewater Treatment System that there does not exist sufficient capacity in the Wastewater Treatment System, including collecting, pumping, treating and disposing of wastes as may be discharged by the applicant of such new permit.

(Ord. 69-1991. Passed 4-15-91.)

925.13 SEWER TAPPER; LICENSE AND BOND; LICENSE REVOCATION.

(a) All persons making connections, whether at the main sewer or at the end of the lateral, with a public sewer of the City are required before tapping such sewer to procure a license from the City Engineer. The fee for such license shall be fifty dollars (\$50.00) for every year thereof. All licenses are to run for a period ending December 31, in the year in which they are issued, unless renewed. Each applicant for a license must file with the City Engineer a surety bond in the sum of ten thousand dollars (\$10,000) guaranteeing that the work he may do will comply in all respects to the provisions of this chapter or other ordinances which may be in force regarding sewer tapping in the City, and proof of five hundred thousand dollars (\$500,000) liability, and that the City shall be saved harmless from any damage claims by reason or work done by the applicant. Only such persons shall be given a license to make connections with the City sewer systems as shall have furnished proof of their experience which may qualify them to do such work.
(Ord. 217-1993. Passed 2-22-94.)

(b) Any sewer builder, plumber, gas fitter, sewer tapper or other person acting in such capacity who fails to comply with each and every provision of this chapter, or other ordinances regulating the making of connections to the City sewer system shall have his license revoked at the direction of the City Engineer.
(Ord. 69-1991. Passed 4-15-91.)

925.14 SEPARATE BUILDING SEWERS REQUIRED; EXCEPTION.

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, provided a proper easement for use and maintenance of such sewer is stated on application.
(Ord. 69-1991. Passed 4-15-91.)

925.15 INSPECTIONS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Engineer, to meet all requirements of this chapter.
(Ord. 69-1991. Passed 4-15-91.)

925.16 SPECIFICATIONS FOR INSTALLING BUILDING SEWERS.

All building sewers shall be constructed, laid and connected according to the following standards:

- (a) The building sewer shall be cast iron soil pipe. ANSI specification (A21.6) or equal; vitrified clay sewer pipe, ASTM specification (C700) or equal, of PVC pipe, ASTM (D3034), or other suitable material approved by the City Engineer. Joints shall be tight and waterproof. No building sewer shall be laid in the same excavation with a water service pipe. Any part of the building sewer that is located within six feet of a water service pipe shall be constructed of cast iron soil pipe with rubber-gasket joints. Cast iron pipe with rubber-gasket joints may be required by the City Engineer where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable bed as approved by the City Engineer.

- (b) The size and slope of the building sewer shall be subject to the approval of the City Engineer, but in no event shall the diameter be less than six inches. The slope of such six-inch pipe shall be not less than one-eighth inch per foot.
- (c) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.
- (d) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such a drain shall be lifted by approved artificial means and discharged to the building sewer.
- (e) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City Engineer. Pipe laying and backfill shall be performed in accordance with the requirements of the Building and Plumbing Codes and other applicable rules and regulations of the City. In the absence of code provisions or in the amplifications thereof, the materials set forth in the appropriate ASTM and ANSI specifications and the procedures set forth in the WPCF Manual of Practice No. 9 shall apply. No backfill shall be placed until the work has been inspected.
- (f) All joints and connections shall be made gastight and watertight.
 - (1) Cast-iron pipe joints shall be rubber-gasket joints as defined by ANSI specifications A 21.11.
 - (2) All joints in vitrified clay bell and spigot pipe shall be compression joints as defined by ASTM Designation: C-425. Joints are to be firmly attached to the bell and spigot ends of the sewer pipe at the place of manufacture.
 - (3) Other jointing materials and methods may be used only by approval of the City Engineer.
- (g) The connection of the building sewer into the public sewer shall be made by the Y branch, if such branch is available at a suitable location. If the public sewer is twelve inches in diameter or less, and no properly located Y branch is available, the owner shall at his expense install a Y branch in the public sewer at the location specified by the City Engineer. Where the public sewer is greater than twelve inches in diameter, and no properly located Y branch is available, a neat hole may be cut into the public sewer to receive the building sewer with entry in the downstream direction at an angle of about forty-five degrees. A forty-five degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the City Engineer. (Ord. 69-1991. Passed 4-15-91.)

- (h) Upon the demolition of a structure or the abandonment of an existing sewer line, the existing or abandoned sewer line shall be sealed with concrete. The owner shall obtain a permit for abandoning such sewer line from the City Engineer and shall notify the Manager when the sealed sewer line is ready for inspection. The permit and inspection fee shall be fifteen dollars (\$15.00). (Ord. 217-1993. Passed 2-22-94.)

925.17 INSPECTION OF BUILDING SEWER FOR PERMIT.

The applicant for the building sewer shall notify the Manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Manager or his representative.
(Ord. 69-1991. Passed 4-15-91.)

925.18 EXCAVATION REQUIREMENTS.

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City Engineer.
(Ord. 69-1991. Passed 4-15-91.)

925.19 SANITARY AND STORM SEWERS; PROHIBITED DRAINAGES.

(a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, foundation footing drains, cooling water or unpolluted industrial process waters to any sanitary sewer.

- (1) Foundation footing drains, or any other unpolluted subsurface water drainage systems shall have their outlet or discharge connected directly to a storm sewer. Where no storm sewer is available, the discharge shall be on the open ground or surface. The discharge shall be either by gravity or by mechanical means by a sump pump.
- (2) Details of the discharge of the foundation footing drains or any other unpolluted subsurface water drainage shall be shown on the plot plan submitted to the City Building Inspector.
- (3) No final acceptance of the plumbing system shall be given by the Plumbing Inspector until the above conditions are complied with.

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

(c) No person shall discharge or cause to be discharged any sewage into any storm sewer.
(Ord. 69-1991. Passed 4-15-91.)

925.20 GENERAL DISCHARGE PROHIBITIONS.

No discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the City wastewater collection and treatment system:

- (a) Any pollutants which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to create a fire or explosion hazard in the wastewater collection system and/or treatment plant including but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR 261.21.
- (b) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.
(Ord. 69-1991. Passed 4-15-91.)
- (c) Any wastewater having a pH less than 6.0 S.U. or higher than 10 S.U., or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system.
(Ord. 56-1999. Passed 4-5-99.)
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in any applicable Categorical Pretreatment Standards. A toxic pollutant shall include but not be limited to any pollutant identified in the Toxic Pollutant List set forth in Appendix A hereto.
- (e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (f) Any substance which may cause the City wastewater treatment plant effluent or treatment residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (g) Any substance which will cause the City's wastewater treatment plant to violate its National Pollutant Discharge Elimination System (NPDES) and/or other Disposal System Permits.
- (h) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (i) Any wastewater having a temperature which will inhibit biological activity in the City's wastewater treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the City's wastewater treatment plant which exceeds 40 degrees Celsius (⁰ C.) (104⁰ F.).
- (j) Any slugload, which means any pollutant, including oxygen demanding pollutants released in a single extraordinary discharge episode of such volume or strength as to cause interference to the City's wastewater treatment plant.
- (k) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as exceed limits established by the City in compliance with applicable State or Federal regulations.
- (l) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (m) Any water or wastes containing free oils, emulsified oils, and grease exceeding an average of 100 parts per million of either soluble matter.

- (n) Any petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin discharged in amounts which cause pass through or interference at the wastewater treatment plant.
- (o) Pollutants which result in the presence of toxic gases, vapors, or fumes within the wastewater collection system and/or treatment plant in a quantity that may cause acute worker health and safety problems.
- (p) Any garbage that has not been properly shredded.
- (q) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant, or having a chlorine demand greater than 30 parts per million.
- (r) Under no conditions will the discharge of concentrated plating baths or acid pickling liquor whether neutralized or not be permitted to the sanitary sewer system.
(Ord. 69-1991. Passed 4-15-91.)

925.21 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

National Categorical Pretreatment Standards as promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all dischargers of the regulated industrial categories.
(Ord. 69-1991. Passed 4-15-91.)

925.22 STATE REQUIREMENTS.

State requirements and limitations on discharges to the City's wastewater treatment plant shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than Federal requirements and limitations or those in this chapter or any other applicable ordinance.
(Ord. 69-1991. Passed 4-15-91.)

925.23 RIGHT OF REVISION.

The City reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to the City's wastewater treatment plant where deemed necessary.
(Ord. 69-1991. Passed 4-15-91.)

925.24 DILUTION.

No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the use of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.
(Ord. 69-1991. Passed 4-15-91.)

925.25 SUPPLEMENTARY LIMITATIONS.

(a) No discharger shall discharge wastewater containing concentrations or loadings of pollutants in excess of those specified in its wastewater discharge permit. Also, no discharger shall discharge other toxic pollutants listed in Appendix A, but not contained in the wastewater discharge permit, unless specifically authorized to do so in a revised permit. In any event, such discharges shall meet categorical pretreatment standards where applicable.

(b) All Industrial Users shall promptly notify the Safety-Service Director in advance of any substantial changes in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p).
(Ord. 69-1991. Passed 4-15-91.)

925.26 PROHIBITED INDUSTRIAL WASTES AND TRUCKED AND HAULED WASTES.

The discharge of industrial wastes into the public sewer system, other than those explicitly permitted in this chapter, is prohibited. No person shall discharge trucked or hauled pollutants, including industrial and septic wastes into any location of the sewer system or POTW at any time. In addition to meeting the requirements of this ordinance, compliance must be made with all applicable state and federal regulations including the NPDES permit.
(Ord. 69-1991. Passed 4-15-91.)

925.27 GREASE, OIL AND SAND INTERCEPTORS.

(a) Grease, oil and sand interceptors shall be provided when, in the opinion of the Manager of the wastewater treatment plant and/or the City Engineer and/or the Plumbing Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City Engineer and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
(Ord. 69-1991. Passed 4-15-91.)

925.28 TREATMENT OF INDUSTRIAL WASTES.

- (a) The admission into the public sewers of any waters or wastes having:
- (1) A 5-day biochemical oxygen demand greater than 300 parts per million by weight; and/or
 - (2) More than 300 parts per million by weight of suspended solids; and/or
 - (3) Any quantity of substances with the characteristics described in Sections 925.20 and 925.25; and/or
 - (4) An average daily flow greater than 50,000 gallons per day;

shall be subject to the review and approval of the Safety-Service Director and the Manager of the wastewater treatment plant.

(b) The Service Director and the Superintendent of the wastewater treatment plant shall have the right to reject any and all wastes which, in their opinion, may be harmful to or exceed capacities of the wastewater treatment system. Where necessary, in the opinion of the Safety-Service Director and the Manager of wastewater treatment, the owner shall provide at his expense such preliminary treatment as may be necessary to:

- (1) Reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 300 parts per million by weight;
- (2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in Sections 925.20 and 925.25; or
- (3) Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications and any other pertinent information relating to proposed treatment facilities shall be submitted for the approval of the Safety-Service Director or the Manager of the wastewater treatment plant. No construction of such facilities shall be commenced until such approval is obtained in writing.

(c) The discharge of industrial wastes with concentrations exceeding the "normal strength" limitations may be permitted when, in the opinion of the Safety-Service Director and the Manager of wastewater, it is determined that such wastes can be satisfactorily treated without adverse effects to the collection and/or treatment systems. The industrial waste mentioned in this section must be a biologically degradable wastewater constituent capable of being removed by the existing wastewater treatment plant. Priority pollutants do not fall within this category.

The discharge of such wastes exceeding "normal strength" shall be subject to and require a surcharge to compensate the City for all costs associated with the collection, conveyance, treatment, and final disposal for all excess concentrations as provided for in Section 929.12 and/or Section 937.10.
(Ord. 69-1991. Passed 4-15-91.)

925.29 PRIVATE TREATMENT FACILITIES; EXPENSE.

Any private pretreatment facilities provided for any waters or wastes shall be maintained continuously in satisfactory and effective operation by the owner of such treatment facilities at his expense.
(Ord. 69-1991. Passed 4-15-91.)

925.30 ACCIDENTAL DISCHARGES.

(a) Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Manager of the wastewater treatment system for review, and shall be approved by the Manager before construction of the facility. Review and approval of such plans and operating procedures by the Manager shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

(b) Dischargers shall notify the Manager immediately upon the occurrence of a "slugload" or accidental discharge of substances prohibited by this chapter. The notification shall include location of discharge, date, and time thereof, type of waste, concentration and volume, and corrective actions. Any discharger who discharges a slugload of prohibited materials shall be liable for any expense, loss, or damage to the City's wastewater treatment plant in addition to the amount of any fines imposed on the City on account thereof under State or Federal law.

(c) Signs shall be permanently posted in conspicuous places on discharger's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.
(Ord. 69-1991. Passed 4-15-91.)

925.31 WASTEWATER DISCHARGERS.

No person shall discharge sewage, industrial wastes, or other wastes without a permit issued by the Safety-Service Director to any sewer within the jurisdiction of the City and/or to the City's wastewater treatment plant.
(Ord. 69-1991. Passed 4-15-91.)

925.32 WASTEWATER DISCHARGE PERMITS.

(a) All industrial dischargers proposing to connect to or to discharge, industrial wastes and other wastes to the City's wastewater treatment plant shall obtain a Wastewater Discharge Permit before connecting to or discharging to the City's wastewater treatment plant. All existing industrial dischargers connected to or discharging to the City's wastewater treatment plant shall obtain a Wastewater Discharge Permit within ninety days after the effective date of this chapter.

(b) Industrial dischargers shall complete and file with the Manager, a permit application in the form prescribed by the Manager and accompanied by the appropriate fee as required by Section 925.55. Existing industrial dischargers shall apply for a Wastewater Discharge Permit within thirty days after the effective date of this chapter and proposed new dischargers shall apply at least ninety days prior to connecting to the City's wastewater treatment plant. No discharge permit shall be issued unless and until disclosure is made by the discharger to the Manager of all information required by the permit application including, but not limited to, descriptions of plant processes, rates of flow, wastewater characteristics, and the point at which such wastewater is or will be discharged into City's sewerage system.

(c) All permit applications for new or modified permits shall be signed by a principal executive officer of the discharger, and a qualified engineer (licensed professional), and all renewal applications for existing permits shall be signed by a principal executive officer of the discharger.

(d) The Superintendent will evaluate the complete application and data furnished by the discharger and may require additional information. Within thirty days after full evaluation and acceptance of the data furnished, the Safety-Service Director shall issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

(e) Compliance with categorical pretreatment standards when applicable is required for new sources upon promulgation. New sources are required to install and start up any necessary pollution equipment before beginning to discharge. Compliance with categorical standards when applicable is required within the shortest feasible time, not to exceed ninety days, after commencement of discharge.

- (1) The term "New Source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- A. The building, structure, facility or installation is constructed at a site at which no other source is located; or

- B. The building structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source;
 - C. The production or wastewater generating process of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (Ord. 69-1991. Passed 4-15-91.)

925.33 PRETREATMENT SCHEDULING REQUIREMENT.

Where additional pretreatment and/or operation and maintenance activities will be required to comply with this chapter, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities.

- (a) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this chapter including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this chapter.
 - (b) Under no circumstance shall the Manager permit a time increment for any single step directed toward compliance which exceeds nine months.
 - (c) Not later than fourteen days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the Manager, including no less than a statement as to whether or not it complied with the increment of progress represented by the milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the Manager.
- (Ord. 69-1991. Passed 4-15-91.)

925.34 PERMIT MODIFICATIONS.

- (a) The Manager reserves the right to amend any Wastewater Discharge Permit issued hereunder in order to assure compliance by the City with applicable laws and regulations. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of each discharger subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. All National Categorical Pretreatment Standards adopted after the promulgation of this chapter shall be adopted by the City as a part of this chapter. Where a discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit as required, the discharger shall apply for a Wastewater Discharge Permit from the Safety-Service Director within

180 days after the promulgation of the applicable National Categorical Pretreatment Standard by the U.S. Environmental Protection Agency. In addition, the discharger with an existing Wastewater Discharge Permit shall submit to the Manager within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard, the disclosure information required. The discharger shall be informed of any proposed changes in his permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(b) The Manager may change production based-categorical pretreatment standards to equivalent concentration limits to facilitate compliance evaluation. These equivalent limits shall be deemed Pretreatment Standards. Industrial Users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limits were derived.

(c) Any Industrial User operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Manager within two business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Manager of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimated of the long-term average production rate.

(d) Any Industrial User subject to equivalent mass or concentration limits established by the Manager must include a reasonable measure of the User's long-term production rate in its periodic compliance report.
(Ord. 69-1991. Passed 4-15-91.)

925.35 PERMIT CONDITIONS.

Wastewater Discharge Permits shall specify no less than the following:

- (a) Fees and charges to be paid upon initial permit issuance;
- (b) Limits on the average and maximum wastewater constituents and characteristics regulated thereby;
- (c) Limits on average and maximum rate and time of discharge and/or requirements for flow regulations and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Special conditions that the Manager may reasonably require under particular circumstances of a given discharge including sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of special technical reports or discharge reports where same differ from those prescribed by this chapter.
(Ord. 69-1991. Passed 4-15-91.)

925.36 PERMITS DURATION.

All Wastewater Discharge Permits shall be issued for three years duration, subject to amendment or revocation as provided in this chapter. Under extraordinary circumstances, a permit may be issued for a stated period or may be stated to expire on a specific date.
(Ord. 69-1991. Passed 4-15-91.)

925.37 LIMITATIONS ON PERMIT TRANSFER.

Wastewater Discharge Permits are issued to a specific discharger for a specific operation and are not assignable to another discharger without the prior written approval of the Safety-Service Director, or transferable to any other location.

(Ord. 69-1991. Passed 4-15-91.)

925.38 COMPLIANCE DATE REPORT.

Within ninety days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the City a report containing the information described in Section 925.60. For Industrial Users subject to equivalent mass or concentration limits established by the City in accordance with Section 925.34, this report shall contain a reasonable measure of the User's long-term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

(Ord. 69-1991. Passed 4-15-91.)

925.39 PERIODIC COMPLIANCE REPORTS.

(a) Any discharger subject to a Pretreatment Standard set forth in this chapter, after the compliance date of such Pretreatment Standard, or, in the case of a new discharger, after commencement of the discharge to the City's wastewater treatment facilities, shall submit to the Manager during the months of June and December, a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by the Pretreatment Standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period reported hereof. Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility considerations justify, the Manager may accept reports of average and maximum flows estimated by verifiable techniques. The Manager, for good cause shown considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors may authorize the submission of such reports on months other than those specified above.

(b) Reports of permittees shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the Manager. The frequency of monitoring by the discharger shall be as prescribed by the City. All analyses shall be performed in accordance with 40 CFR, Part 136 and amendments thereto.

(c) The Manager shall require appropriate reporting from those Industrial Users with discharges that are not subject to categorical Pretreatment Standards.

(d) Reports must be based on an appropriate amount of sampling and analysis performed during the period covered by the report. Each biannual report shall contain at least some data for the period covered by the report.

(e) All monitoring which is performed by the Industrial User using these procedures approved under 40 CFR Part 136 or approved alternatives shall be reported in periodic compliance reports.

(f) If sampling performed by an Industrial User indicates a violation, the User shall notify the City within twenty-four hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty days after becoming aware of the violation, except the Industrial User is not required to resample if:

- (1) The City performs sampling at the Industrial User at a frequency of at least once per month, or
- (2) The City performs sampling at the User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

(Ord. 69-1991. Passed 4-15-91.)

925.40 MONITORING FACILITIES.

(a) Each discharger shall provide and operate at the discharger's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the City's wastewater treatment facilities. Each monitoring facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the discharger, the Manager may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles.

(b) There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger.

(c) All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within 120 days of receipt of the City's authorization to proceed.

(Ord. 69-1991. Passed 4-15-91.)

925.41 INSPECTION AND SAMPLING.

The Manager or his authorized agents may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this chapter. The discharger shall allow the Manager or his authorized agents, upon presentation of credentials of identification to enter upon the premises of the discharger at all reasonable hours, for the purposes of inspection, sampling or records examination. The Manager shall have the right to set up on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

(Ord. 69-1991. Passed 4-15-91.)

925.42 CONFIDENTIAL INFORMATION.

(a) Information and data furnished to the Safety-Service Director or Manager with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the Safety-Service Director or Manager that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the discharger.

(b) When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the NPDES Permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) Information accepted by the Safety-Service Director or Manager as confidential shall not be transmitted to any governmental agency or to the general public by the Safety-Service Director or Manager until and unless ten-day notification is given to the discharger.
(Ord. 69-1991. Passed 4-15-91.)

925.43 EMERGENCY SUSPENSION OF SERVICE AND DISCHARGE PERMITS.

The Manager may for good cause shown suspend the wastewater treatment service and the Wastewater Discharge Permit of a discharger when it appears to the Manager that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, interfere with the operation of the City's wastewater treatment plant, violate any pretreatment limits imposed by this chapter or any Wastewater Discharge Permit issued pursuant to this chapter. Any discharger notified of the suspension of the City's wastewater treatment service and/or the Discharger's Wastewater Discharge Permit, shall within a reasonable period of time, as determined by the Manager, cease all discharges. In the event of failure of the discharger to comply voluntarily with the suspension order within the specified time, the Manager shall commence judicial proceedings immediately thereafter to compel the discharger's compliance with such order. The Manager shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service and terminate judicial proceedings pending proof by the discharger of the elimination of the noncomplying discharge or conditions creating the threat of imminent or substantial danger as set forth above.
(Ord. 69-1991. Passed 4-15-91.)

925.44 REVOCATION OF PERMIT.

The Manager may revoke the permit of any discharger which fails to:

- (a) Factually report the wastewater constituents and characteristics of its discharge;
 - (b) Report significant changes in wastewater constituents or characteristics;
 - (c) Refuses reasonable access to the discharger's premises by representatives of the Manager for the purpose of inspection or monitoring; or
 - (d) Violates the conditions of its permit, or this chapter, or any final judicial order entered with respect thereto.
- (Ord. 69-1991. Passed 4-15-91.)

925.45 NOTIFICATION OF VIOLATION; ADMINISTRATIVE ADJUSTMENT.

Whenever the Manager finds that any discharger has engaged in conduct which justifies revocation of a Wastewater Discharge Permit, the Manager shall serve or cause to be served upon such discharger a written notice by personal service or by certified mail with return receipt requested, stating the nature of the alleged violation. Within thirty days of the date of receipt of the notice, the discharger shall respond personally or in writing to the Manager, advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations, and where necessary, establish a plan for the satisfactory correction thereof.

(Ord. 69-1991. Passed 4-15-91.)

925.46 SHOW CAUSE HEARING.

Where the violation of Section 925.44 hereof is not corrected by timely compliance by means of administrative adjustment, the Manager may order any discharger which causes or allows conduct prohibited by Section 925.44 hereof, to show cause before the Manager or its duly authorized representative, why the proposed permit revocation action should not be taken. A written notice shall be served on the discharger by personal service or by certified mail with return receipt requested, specifying the time and place of a hearing to be held by the Manager or his designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the discharger to show cause before the Manager or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten days before the hearing. Service may be made on any agent, officer, or authorized representative of a discharger. The proceedings at the hearing shall be considered by the Manager which shall then enter appropriate orders with respect to the alleged improper activities of the discharger. Appeal of such order may be taken by the discharger in accordance with applicable local or State law.

(Ord. 69-1991. Passed 4-15-91.)

925.47 JUDICIAL PROCEEDINGS.

Following the entry of any order by the Manager with respect to the conduct of a discharger contrary to the provisions of Section 925.44 the attorney for the Manager may, following the authorization of such action by the Manager, commence an action for appropriate legal and/or equitable relief in the appropriate local court.

(Ord. 69-1991. Passed 4-15-91.)

925.48 ENFORCEMENT.

(a) Administrative Orders. The City has the authority to issue enforceable Administrative Orders to any or all dischargers to the sanitary sewer system. Such Orders may contain numerical discharge values limiting the volume, concentration or mass loadings from dischargers.

(b) Compliance Schedule. The City may issue Compliance Schedules to Dischargers who fail to achieve compliance with Administrative Orders issued by the City or numerical limitations of the City or other regulatory agencies.

(c) Litigation. Whoever violates an Order of the City or fails to comply with any provisions of this chapter shall be guilty of a misdemeanor and shall be penalized in the manner set forth.

(d) Enforcement Actions: Annual Publications. At least annually, the Safety-Service Director shall publish a list of all industrial users which at any time during the previous twelve months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33%) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC= 1.4 for BOD, TSS, fats oil and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Safety-Service Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within thirty days after the due date, required reports such as baseline monitoring reports, ninety day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations which the Safety-Service Director determines will or has adversely affected the operation or implementation of the City's pretreatment program.

(Ord. 69-1991. Passed 4-15-91.)

925.49 RIGHT OF APPEAL.

Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the Manager on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a discharger and deals with matters of performance or compliance with this chapter or deals with a Wastewater Discharge Permit issued pursuant hereto for

which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with local and State law.
(Ord. 69-1991. Passed 4-15-91.)

925.50 OPERATING UPSETS.

(a) Any discharger which experiences an upset in operations which places the discharger in a temporary state of noncompliance with this chapter or a Wastewater Discharge Permit issued pursuant hereto shall inform the Manager thereof within twenty-four hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the Manager within five days. The report shall specify:

- (1) Description of the upset, the cause thereof, and the upset's impact on a discharger's compliance status.
- (2) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.
- (3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

(b) A documented and verified bonafide operating upset shall be an affirmative defense to any enforcement action brought by the Manager against a discharger for any noncompliance with the chapter or any Wastewater Discharge Permit issued pursuant hereto, which arises out of violations alleged to have occurred during the period of the upset.
(Ord. 69-1991. Passed 4-15-91.)

925.51 ADMINISTRATIVE PENALTIES.

(a) Any discharger who is found to have violated an order of the Manager, or who has failed to comply with any provision of this chapter and the regulations or rules of the Director, shall be penalized as follows:

- (1) Continuous dischargers. The City may assess administrative penalties ranging in the amount of one hundred dollars (\$100.00) to one thousand dollars (\$1,000) per violation per day upon sewer users who normally have a continuous discharge who fail to comply with numerical values or administrative orders issued by the City or other regulatory agencies. Such administrative penalties shall be determined by the City based on the severity of the violation and the enforcement category assigned to the violator. If the violation is an "average" violation, the penalty shall be applied times the number of days (i.e., \$100 x 30 = \$3,000). If a discharger has both monthly average maximum and one-day maximum violations for the same parameter, the monthly violation takes precedent. If the monthly average maximum and one-day maximum violations are for different parameters, they will be assessed penalties as separate violations.

- (2) Batch dischargers. The City may assess administrative penalties ranging in the amount of five hundred dollars (\$500.00) to three thousand dollars (\$3,000) per violation upon sewer users who batch discharge and fail to comply with numerical values or administrative orders issued by the City or other regulatory agencies. Such administrative penalties shall be determined by the City based on the volume of the discharge, the severity of the violation, and the enforcement category assigned to the violator. If the violations are for different parameters, they will be assessed penalties as separate violations.

NOTE: In addition to administrative penalties stated in Section 925.51(a) "surcharges" may be imposed upon violating dischargers. Such surcharges are intended to recover the additional cost associated with treating "extra strength" discharges and are not penalties.

(b) State and Federal Law. In addition to Administrative penalties, dischargers which interfere with the proper operation or cause damage to the municipal wastewater system may be liable to State and/or Federal Law which provides for penalties up to one hundred thousand dollars (\$100,000) per day and six years in jail for a repeat knowing criminal violation.

(c) Municipal Civil and Criminal Penalties. In addition to Administrative penalties, discharges which interfere with the proper operation of or cause damage to the municipal wastewater system may be liable to the City as follows:

- (1) The City may seek Civil Penalties in the amount of three thousand dollars (\$3,000) per violation per day; or
- (2) The City may seek criminal penalties. Any person who is found guilty shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding one thousand dollars (\$1,000) per day per violation.
(Ord. 69-1991. Passed 4-15-91.)

925.52 FALSIFYING INFORMATION.

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction be punished by the imposition of a civil penalty of not more than one thousand dollars (\$1,000) or by imprisonment for not more than six months or by both. (Ord. 69-1991. Passed 4-15-91.)

925.53 DAMAGING SEWAGE WORKS PROHIBITED.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works.
(Ord. 69-1991. Passed 4-15-91.)

925.54 RECORDS RETENTION.

All dischargers subject to this chapter shall retain and preserve for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of

administrative adjustment or any other enforcement or litigation activities brought by the Superintendent pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.
(Ord. 69-1991. Passed 4-15-91.)

925.55 FEES.

The City shall adopt charges and fees which include fees for monitoring, inspections, and surveillance procedures, fees for filing appeals, fees for permit application, and fees for reviewing accidental discharge procedures and construction. All money received under the provisions of this chapter shall be credited to the "Wastewater Treatment Revenue Fund" of the City.
(Ord. 69-1991. Passed 4-15-91.)

925.56 RIGHT TO CONTRACT WITH INDUSTRY.

(a) When determined by the Safety-Service Director and/or the Manager of the wastewater treatment system that certain wastes and/or limitations heretofore prohibited by this chapter can be accepted without detriment to the wastewater treatment system, the City may enter into special agreements with industry for the discharge of such wastes deemed acceptable. Pollutants can only be accepted in accordance with provisions of federal regulations.

(b) Any agreement entered into under the provisions of this section shall stipulate the type and amount of pollutant and/or conditions permitted thereunder, the conditions of permitting such discharges and the amount of surcharge in addition to applicable users charge and industrial cost recovery charges that will adequately compensate the City for all costs associated with collecting, pumping, treating and disposing of such discharges.
(Ord. 69-1991. Passed 4-15-91.)

925.57 SEVERABILITY.

If any provision, paragraph, word, or section of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words and sections shall not be affected and shall continue in full force and effect.
(Ord. 69-1991. Passed 4-15-91.)

925.58 CONFLICT.

All other ordinances and parts of other ordinances, inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict.
(Ord. 69-1991. Passed 4-15-91.)

925.59 WASTEWATER DISCHARGE PERMITS DATA DISCLOSURE.

(a) General Permits Disclosure. All Industrial Dischargers proposing to connect to or to discharge sewage, industrial wastes, and other wastes comply with all terms of this chapter within ninety days after the effective date of this chapter.

(b) Disclosure Forms. Industrial Dischargers shall complete and file with the Authority, a disclosure declaration in the form prescribed by the City and accompanied by the appropriate fee. Existing Industrial Dischargers shall file disclosure forms within thirty days after the effective date of this Ordinance, and proposed new Dischargers shall file its disclosure forms at least ninety days prior to connecting to the POTW. The disclosure to be made by the Discharger shall be made on written forms provided by the Authority and shall cover:

- (1) Disclosure of name, address, and location of the Discharger;
- (2) Disclosure of Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (3) Disclosure of wastewater constituents and characteristics including but not limited to those mentioned in this chapter as determined by bonafide chemical and biological analyses. Sampling and analysis shall be performed in accordance with procedures established by the U.S. EPA and contained in 40 CFR, Part 136, as amended;
- (4) Disclosure of time and duration of discharges;
- (5) Disclosure of average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly, and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the Authority due to cost or nonfeasibility.
- (6) Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers, and appurtenances by size, location, and elevation;
- (7) Description of activities, facilities, and plant processes on the premises including all materials which are or may be discharged to the sewers or works of the City;
- (8) Disclosure of the nature and concentration of any pollutants or materials prohibited by this chapter in the discharge, together with a statement regarding whether or not compliance is being achieved with this chapter on a consistent basis, and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the Discharger to comply with this chapter;
- (9) Where additional pretreatment and/or operation and maintenance activities will be required to comply with this chapter, the Discharger shall provide a declaration of the shortest schedule by which the Discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities;
- (10) Disclosure of each product produced by type, amount, process or processes and rate of production;
- (11) Disclosure of the type and amount of raw materials utilized (average and maximum per day);
- (12) All disclosure forms shall be signed by a principal executive officer of the Discharger, and a qualified engineer (licensed professional).

(Ord. 69-1991. Passed 4-15-91.)

925.60 BASELINE MONITORING REPORT.

All Industrial Users, including new sources, that are subject to categorical pretreatment standards shall submit baseline monitoring report ("BMRs") to the Manager. These reports shall supply basic information to identify the Industrial User, the characteristics of the User's discharge and the compliance status. A BMR must contain the following information:

- (a) Name and address of the facility, including names of operator(s) and owner(s).
- (b) List of all environmental control permits held by or for the facility.
- (c) Brief description of the nature, average production rate, and SIC code for each of the operation(s) conducted, including a schematic process diagram which indicates points of discharge from the regulated process to the POTW.
- (d) Flow measurement information for regulated process streams discharged to the Municipal system. Flow measurements of other wastestreams will be necessary if application of the combined wastestream formula is necessary.
- (e) Identification of the pretreatment standards applicable to each regulated process and results of measurements of pollutant concentrations and/or mass. All samples must be representative of daily operations and results reported must include values for daily maximum and average concentration (or mass, where required). Where the flow of the regulated stream being sampled is less than or equal to 250,000 gallons per day, the Industrial User must take six samples within a two-week period. Where the flow of the stream is greater than 250,000 gallons per day, the Industrial User must take six samples within a two-week period. If samples cannot be taken immediately downstream from the regulated process and other wastewaters are mixed with the regulated process, the Industrial User should measure flows and concentrations of the other wastestreams sufficient to allow use of the combined wastestream formula.
- (f) Statement of certification concerning compliance or noncompliance with the Pretreatment Standards.
- (g) If not in compliance, a compliance schedule must be submitted with the BMR that describes the actions the user will take and a timetable for completing those actions to achieve compliance with the standard. This compliance schedule must contain specific increments of progress in the form of dates for the commencement and completion of major events, however, no increment of the schedule shall exceed nine months. Within fourteen days of each completion date in the schedule, the Industrial User shall submit a progress report to the City indicating whether or not it complied with the increment of progress to be met on such date, and, if not, the date on which it expects to comply with this increment of progress and the steps being taken to return to the schedule.
- (h) The baseline monitoring report does not apply to discharges not covered by categorical standards.
- (i) Industrial Users shall submit BMRs to the Manager within 180 days after the effective date on the applicable categorical standard, or within 180 days after the final decision on a category determination request, whichever is later.

- (j) New sources, and existing sources that become Industrial Users subsequent to the promulgation of an applicable categorical standard, shall submit a baseline monitoring report at least ninety days prior to commencement of the facility's discharge to a POTW. New sources may provide estimates for the information on production, flow, and the presence and quantity of regulated pollutants in its wastestream.
- (k) New sources shall also provide information on the pretreatment equipment the new source proposes to install to meet applicable discharge limits.
(Ord. 69-1991. Passed 4-15-91.)

925.61 SIGNATORY REQUIREMENTS FOR INDUSTRIAL USER REPORTS.

The reports required by Sections 925.38, 925.39 and 925.60 shall include the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

and shall be signed as follows:

- (a) By a responsible corporate officer, if the Industrial User submitting the reports required by Sections 925.38, 925.39 and 925.60 is a corporation. For the purpose of this subsection, a responsible corporate officer means:
 - (1) A president, secretary, treasurer, or vice-president of a corporation in charge of a principal business function, or any other person who performs similar policy-or decision-making functions for the corporation, or
 - (2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (b) By a general partner or proprietor if the Industrial User submitting the reports required by Sections 925.38, 925.39 and 925.60 is a partnership or sole proprietorship respectively.
- (c) By a duly authorized representative of the individual designated in subsection (a) or (b) of this section if
 - (1) The authorization is made in writing by the individual described in subsection (a) or (b);
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

- (3) The written authorization is submitted to the City.
- (d) If an authorization under subsection (c) hereof is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subsection (c) hereof must be submitted to the City prior to or together with any reports to be signed by an authorized representative.
(Ord. 69-1991. Passed 4-15-91.)

925.62 BYPASS.

- (a) Bypass means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
- (b) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of bypass. Severe property damage does not mean economic loss caused by delays in production.
- (c) As Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (d) and (e) hereof.
- (d) Notice.
 - (1) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the City, if possible at least ten days before the date of the bypass.
 - (2) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the City within twenty-four hours from the time the Industrial User become aware of the bypass. A written submission shall also be provided within five days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.
- (e) Prohibition of Bypass.
 - (1) Bypass is prohibited, and the City may take enforcement action against an Industrial User for a bypass, unless:
 - A. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - B. There were feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of

reasonable engineering judgment to prevent a bypass which occurred during normal periods of downtime or preventative maintenance; and

- C. The Industrial User submitted notices as required under subsection (d) hereof.
- (2) The City may approve an anticipated bypass, after considering its adverse effects, if the City determines that it will meet the three conditions listed in subsection (e)(1) hereof.
(Ord. 69-1991. Passed 4-15-91.)

925.625 PRIVATE EXTENSION OF PUBLIC SANITARY SEWER MAINS.

(a) Private party (hereinafter called the "Applicant") shall file an application with the City Engineering Department for the construction of sanitary sewer mains (hereinafter called the "Projects") inside any incorporated area of the City.

(b) Such application shall be made on the form supplied for that purpose by the City Engineering Department.

(c) Applicant shall submit to the City Engineering Department construction plans, drawings, specifications, cost estimates, vehicular traffic plans, and such other documents as may be required for the department's review of the project.

(d) Applicant shall supply to the satisfaction of the City all easements required for maintenance of the lines without charge.

(e) Engineering, materials, construction and testing of the project shall conform to the City's and the State of Ohio's standards, specifications, rules and regulations.

(f) When the City Engineering Department approves the documents submitted in the foregoing Sections (a) through (e) and is satisfied of such, he shall so certify his approval by letter to the Massillon City Council.

(g) The Massillon City Council may then grant permission to the Applicant to construct such project by Resolution, contingent upon the Applicant entering into an acceptable contract with the City, and fulfilling the requirements of these Regulations.

- (h) The contract shall contain as a minimum the following requirements:
 - (1) Said construction will be performed by a licensed sanitary sewer contractor per Section 925.13.
 - (2) Comprehensive General Liability - The Comprehensive General Liability coverage shall include completed Operations-Products Coverage, Personal Injury Coverage, and Contractual Liability Coverage to satisfy the Indemnification Clause included in this contract. Explosion, Collapse and Underground Hazards Liability Coverages shall be included in the General Liability Coverage when occasioned by the contractor's sub-surface operations. The Comprehensive Liability Coverage shall include Non-ownership and Subcontractor's Coverage. The minimum limits of liability for all coverages above shall be a minimum of \$1,000,000.00 for Bodily Injury and Property Damage each person and each occurrence respectively.

- (3) Worker's Compensation - The contractor shall comply with the Ohio Worker's Compensation Act for all of his employees engaged in work under this contract.
- (4) That the Applicant shall provide a surety bond of sufficient amount to compensate the City for completing the Project if necessary. The timetable for said project and bond shall be agreed to by the City Engineer.
- (5) That upon completion of construction, testing and final approval of the said Project by the City Engineering Department, said lines shall be conveyed to the City.
- (6) That, if requested by the Applicant on his original application and approved by the City, the City shall ensure the Applicant receives his/her prorated share of the cost of such improvement in any instance where connection is made by a nonparticipant (hereinafter called "Sub-Applicant") in the original cost within a ten year period if said Sub-Applicant wishes to connect to the Applicant sanitary sewer extension within a ten (10) year period after Sec. 925.63(h)(5) is enacted.
- (7) That such prorated share shall be based on the front footage of improvement or simply divided by the potential users included in the scope of the application to the City. The Sub-Applicant's prorated share shall not be in excess of the amount chargeable to such Sub-Applicant if he had participated in such improvement.
- (8) That, in the event a sanitary sewer lateral is not provided from the public right-of way to the property line of the non-participating property, an amount equal to the reverse proportion of the project applied the cost of constructing such lateral shall be deducted from the amount due as calculated in Sec. 925.63(h)(8), to the Applicant by the Sub-Applicant.
- (9) That to determine the costs of such project, the Applicant shall provide the City Engineering Department with certified copies of all payrolls, material, supplies and services used on the Project.
- (10) At the time a Sub-Applicant has requested to connect to the Applicant's sanitary sewer extension, the City Engineer will notify the Sub-Applicant of the prorated share. The Sub-Applicant shall make said payment to the applicant prior to receiving a permit. Upon the Applicant receiving said permit, the Applicant will notify the City Engineer of such in writing at which time the Engineer may issue a permit to the Sub-Applicant.

(i) When such Ordinance has been adopted and contract completely executed, and both filed with the City Auditor, the Applicant shall be given notice in writing by the City Engineering Department that he may proceed.

(j) All construction shall conform with the approved plans.

(k) All construction and testing shall be under the supervision and inspection of the City Engineering Department.

(l) The costs provided in Section 925.63(h)(9) shall be paid in full before final approval is given to such Project and use of the facility is permitted.

(m) Final approval of the Project and use of the facility shall be contingent upon the Applicant's satisfactory fulfillment of these Regulations and the terms of the contract.

(n) After the date of final approval of the Project, and as provided in Section 925.63(h)(5), the City Engineering Department shall collect a prorated share of the cost of such improvement whenever a Sub-Applicant connects as provided in this section and return such share of payment to the Applicant without a charge for such service.

(o) A Sub-Applicant shall not be issued a connection permit until his share of the cost has been paid to the Applicant and the City Engineer has written notification of such. (Ord. 181-2002. Passed 11-18-02.)

SATELLITE SEWER DISCHARGE CONTROL PROGRAM (SSDCP)

925.63 PROGRAM REQUIREMENTS.

(a) The Satellite Sewer Discharge Control Program (SSDCP) shall be administered by the City Engineer or an authorized representative as appointed by the Safety and Service Director. The City Engineer shall assist the Wastewater Department Manager or his designated appointee with this program.

(b) The SSDCP shall be implemented through the issuance of Satellite Community Discharge Permits. The Permits shall delineate, among other things, the elimination, up to the specified storm event design, of sanitary sewer overflows (SSOs), installation of flow meters, implementation of Sanitary Sewer Evaluation Survey (SSES) and Best Management Practices (BMP).

(c) Each community shall, as a condition of its Permit, be required to undertake appropriate Best Management Practices (BMP) for control/operation of their sanitary sewer system.

(d) Each community shall identify and disclose to the City as soon as it becomes known all sanitary sewer or combined sewer overflow points known or which become known to the community that are not included in the community's Permit.

(e) The community shall be solely responsible for projects set forth in its Community Compliance Schedule identified in its Satellite Community Discharge Permit.

(f) No New Sanitary Sewer Overflows. No community overflows shall exist except those that are controlled in accordance with the Satellite Community Discharge Permit.

(g) Each community shall maintain a current map of all sanitary sewers tributary to the City of Massillon. (Ord. 12-2002. Passed 2-19-02.)

925.64 SATELLITE COMMUNITY DISCHARGE PERMIT.

(a) The City shall issue permits to Satellite Communities with requirements, conditions and schedules as necessary to achieve the purpose of this chapter.

(b) The City shall notify a Satellite Community by certified mail of actions the community shall be required to undertake under the authority of this chapter and the applicable sewer agreement. The Permit shall contain or require the following information at a minimum:

- (1) General conditions.
- (2) Satellite Community Compliance Schedule.

(c) The City shall notify a Satellite Community by certified mail of the schedule for preparation and submittal of the community Fact Sheet with revisions, if required, and Community Compliance Plan identifying the means by which the community intends to achieve its Community Compliance Schedule.

(d) Upon approval by the City of a Community Compliance Plan, such plan shall be deemed incorporated into the respective Satellite Community Discharge Permit for all purposes of the Sewer Use Code. Failure of a Satellite Community to obtain City approval of a plan within ninety days of the required submittal date shall be deemed a circumstance for initiation of enforcement action pursuant to Sections 925.45, 925.46, 925.47, and 925.51.

(e) Permit Modifications, Suspensions, or Revocation. After notice and opportunity for a hearing, the Permit may be modified, suspended or revoked by the Director in whole or in part during its term. The City shall retain the right of revision to amend the Code or the granted Permit. In the event of said modification or amendment, the City shall notify the Satellite Community not less than thirty days prior to the effective date of such modification or amendment to this Permit.

The Satellite Community may at any time request a modification of any part of this Permit. The request for modification should be received by the City at least ninety days before the date on which it is desired that the modification become effective.
(Ord. 12-2002. Passed 2-19-02.)

925.65 SATELLITE COMMUNITY COMPLIANCE SCHEDULE.

The City shall develop general guidance and evaluation procedures regarding the Community Compliance Schedule. The Safety and Service Director shall develop the guidance and evaluation procedures and revise as required.
(Ord. 12-2002. Passed 2-19-02.)

925.66 SATELLITE COMMUNITY DISCHARGE MONITORING PROGRAM.

(a) The Satellite Community, in response to the Permit issued under this program and subject to City approval, shall develop a maintenance and monitoring program. The monitoring program shall be designed to determine the contributing flow to the City of Massillon sanitary sewer system.

(b) The City shall have the authority to conduct monitoring for verification and other purposes within the Satellite Community sanitary sewer system.

(c) The Satellite Community shall provide an Annual Report as detailed in their Permit and shall be submitted by May 1 of each calendar year. Monthly monitory and reporting requirements may be required by the City. (Ord. 12-2002. Passed 2-19-02.)

925.67 SATELLITE COMMUNITY DISCHARGE PROGRAM MISCELLANEOUS PROVISIONS.

(a) All communities subject to this code shall retain and preserve any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof relating to planning, design, maintenance, monitoring, sampling, financing and legislative action on the part of a community in connection with its compliance or noncompliance with its Permit and related Community Compliance Schedule in accordance with all local, state and federal law and regulations.

(b) The provisions of this portion of this Sewer Use Code consisting of Sections 925.63 through 925.68 inclusive are intended to be read in conjunction with and to complement and supplement other provisions of the Sewer Use Code and applicable sewer agreement, all of which remain fully applicable to the Satellite Communities covered hereunder.

(c) By discharging to the sanitary sewer system of the City, the Satellite Community agrees to comply with all terms and regulations of the City and to be bounded by said terms, conditions and regulations. (Ord. 12-2002. Passed 2-19-02.)

925.68 SATELLITE COMMUNITY DISCHARGE PROGRAM ENFORCEMENT.

(a) The City may initiate enforcement action against a Satellite Community for violation of any provision of this chapter including, but not limited to, the Satellite Communities' failure to:

- (1) Implement projects on a permit-required Community Compliance Schedule.
- (2) Follow Best Management Practices as specified in their Permit.
- (3) Properly respond to a request for evidence of progress or explanation for delay on projects identified in their Community Compliance Plan.
- (4) Produce a sanitary sewer map as required by the Permit.
- (5) Submit an approvable Community Compliance Plan or Fact Sheet in a timely manner.
- (6) Install flow meters.
- (7) Prevent the creation of new sanitary sewer overflows.

(b) The City may take any enforcement action available in this chapter, including but not limited to, notice of violation (925.45), show cause hearing (925.46), judicial proceeding (925.47), enforcement (925.48), and administrative penalty (925.51). By definition and for use of these enforcement sections, a "discharger" is defined as a person or governmental entity as defined in this chapter, including a "Satellite Community". The enforcement action may be taken alone or in combination as necessary to effectuate the achievement of the Community Compliance Schedule.
(Ord. 12-2002. Passed 2-19-02.)

APPENDIX A - PRIORITY TOXIC POLLUTANTS

1. Acenaphthene
2. Acrolein
3. Acrylonitrile
4. Benzene
5. Benzidine
6. Carbon tetrachloride (tetrachloromethane)
7. Chlorobenzene
8. 1, 2, 4 - Trichlorobenzene
9. Hexachlorobenzene
10. 1, 1 - Dichloroethane
11. 1, 2 - Dichloroethane
12. 1, 1, 1 - Trichloroethane
13. Hexachloroethane
14. 1, 1, 2 - Trichloroethane
15. 1, 1, 2, 2 - Tetrachloroethane
16. Chloroethane
17. Bis (2 - chloroethyl) ether
18. 2 - Chloroethyl vinyl ether (mixed)
19. 2 - Chloronaphthalene
20. 2, 4, 6 - Trichlorophenol
21. Parachlorometa cresol
22. Chloroform (trichloromethane)
23. 2 - Chlorophenol
24. 1, 2 - Dichlorobenzene
25. 1, 3 - Dichlorobenzene
26. 1, 4 - Dichlorobenzene
27. 3, 3 - Dichlorobenzidine
28. 1, 1 - Dichloroethylene
29. 1, 2 - Trans-dichloroethylene
30. 2, 4 - Dichlorophenyl
31. 1, 2 - Dichloropropane
32. 1, 2 - Dichloropropane
(1, 3, Dichloropropene)
33. 2, 4 - Dimethylphenol
34. 2, 4 - Dinitrotoluene
35. 2, 6 - Dinitrotoluene
36. 1, 2 - Diphenylhydrazine
37. Ethylbenzene
38. Fluoranthene
39. 4 - Chlorophenyl phenyl ether
40. 4 -Bromophenyl phenyl ether
41. Bis (2 - chloroisopropyl) ether
42. Bis (2 - chloroethoxy) methane
43. Methylene Chloride (dichloromethane)
44. Methyl Chloride (chloromethane)

APPENDIX A - PRIORITY TOXIC POLLUTANTS**(Cont.)**

45. Methyl bromide (bromomethane)
46. Bromoform (tribromomethane)
47. Dichlorobromomethane
48. Chlorodibromomethane
49. Hexachlorobutadiene
50. Hexachlorocyclopentadiene
51. Isophorone
52. Naphthalene
53. Nitrobenzene
54. 2 - Nitrophenol
55. 4 - Nitrophenol
56. 2, 4 - Dinitrophenol
57. 4, 6 - Dinitro-o-cresol
58. N - nitrosodimethylamine
59. N - nitrosodiphenylamine
60. N - nitrosodi-n-propylamine
61. Pentachlorophenol
62. Phenol
63. Bis (2-ethylhexyl) phthalate
64. Butyl benzyl phthalate
65. Di-n-octyle phthalate
67. Diethyl phthalate
68. Dimethyl phthalate
69. 1, 2 - Benzanthracene (benzo (a) anthracene)
70. Benzo (a) pyrene (3, 4 - benzopyrene)
71. 3, 4 - Benzofluoranthene (benzo (b) fluoranthene)
72. 11, 12 - Benzofluoranthene (benzo (k) fluoranthene)
73. Chrysene
74. Acenaphthylene
75. Anthracene
76. 1, 12 - Benzoperylene (benzo (ghi) perylene)
77. Fluorene
78. Phenanthrene
79. 1 2, 5, 6 - Dibenzanthracene (dibenzo (a, h) anthracene)
80. Indeno (1, 2, 3-cd) pyrene (2, 3-o-phenylene pyrene)
81. Pyrene
82. Tetrachoroethylene
83. Toluene
84. Trichloroethylene
85. Vinyl chloride (chloroethylene)
86. Aldrin
87. Dieldrin
88. Chlordane (technical mixture and metabolites)
89. 4, 4 -DDT
90. 4, 4 - DDE (p, p-DDX)
91. 4, 4 - DDD (p, p-TDE)

APPENDIX A - PRIORITY TOXIC POLLUTANTS
(Cont.)

- 92. Alpha-endosulfan
- 93. Beta-endosulfan
- 94. Endosulfan sulfate
- 95. Endrin
- 96. Endrin aldehyde
- 97. Heptachlor
- 98. Heptachlor epoxide (BHC - hexachlorocyclohexane)
- 99. Alpha - BHC
- 100. Beta - BHC
- 101. Gamma - BHC
- 102. Delta - BHC (PCB - polychlorinated biphenyls)
- 103. PCB - 1242 (Arochlor 1242)
- 104. PCB - 1254 (Arochlor 1254)
- 105. PCB - 1221 (Arochlor 1221)
- 106. PCB - 1232 (Arochlor 1232)
- 107. PCB - 1248 (Arochlor 1248)
- 108. PCB - 1260 (Arochlor 1260)
- 109. PCB - 1016 (Arochlor 1016)
- 110. Toxaphene
- 111. 2, 3, 7, 8 - Tetrachlorodibenzo-p-dioxin (TCDD)
- 112. Antimony (Total)
- 113. Arsenic
- 114. Asbestos
- 115. Berllium
- 116. Cadmium
- 117. Chromium
- 118. Copper
- 119. Cyanide
- 120. Lead
- 121. Mercury
- 122. Nickel
- 123. Selenium
- 124. Silver
- 125. Thallium
- 126. Zinc

CHAPTER 929 Sewer User Charges (Repealed)

EDITOR'S NOTE: Former Chapter 929 was repealed by Ordinance 150-1992, passed August 17, 1992.

CROSS REFERENCES

Sewerage rates - see Ohio R.C. 729.49
Weekly deposit of sewer rentals collected - see Ohio R.C. 729.52
Assessments - see Ohio R.C. Ch. 729
Wastewater Treatment Revenue Fund - see S.U. & P.S. Ch. 937

CHAPTER 937
Wastewater Treatment Revenue Fund

937.01	Definitions.	937.09	Annual rates for sewer service.
937.02	Annual sewer service charge required.	937.10	Additional surcharge for industrial wastes.
937.03	Charges may constitute a lien.	937.11	Hydraulic loadings per customer class.
937.04	Rules and regulations.	937.12	Reserved.
937.05	Payment dates; penalty charge.	937.13	Liability for payment.
937.06	Pro rata charges.	937.99	Penalty.
937.07	Evidence of sewer system use.		
937.08	Administration and disbursement of funds.		

CROSS REFERENCE
Assessment - see Ohio R. C. Ch. 729

937.01 DEFINITIONS.

Unless the context specifically indicates otherwise, the naming of terms used in this chapter shall be as defined in Section 925.01.

- (a) "Annual rates for sewer service" means the annual charge to each recipient of waste treatment services within the City's service area representing a proportionate share of the costs of operation and maintenance, replacement and bond retirement required to construct, operate, administer and repair the City's sanitary sewer facility.
- (b) "User class" means the division of users within the City's service area, by the origin of the sewage discharged and by the similarity of the function of such users.
- (c) "Operation and maintenance costs" means all expense of collecting, pumping, treating and disposing of wastewater.
- (d) "Replacement costs" means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. Unless specifically excluded, the term operation and maintenance shall include replacement.
(Ord. 150-1992. Passed 8-17-92.)

937.02 ANNUAL SEWER SERVICE CHARGE REQUIRED.

Whereas it is necessary to recover from all users of the City sewerage system the costs of constructing and financing construction of improvements to the City's sewerage system and whereas the recovery of such costs are in addition to these charges necessary to comply with the United States Environmental Protection Agency rules and regulations, be it ordained that every person, firm or corporation whose premises are served by a sewer connection which discharged sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into sewage facilities under the jurisdiction of the department, will be charged for the use of such facilities and for the treatment of such sewage and wastes. The annual charge shall be applied to each and every premises discharging into the sewerage system. (Ord. 150-1992. Passed 8-17-92.)

937.03 CHARGES MAY CONSTITUTE A LIEN.

Each user charge levied pursuant to this chapter is hereby made a lien upon the premises charged therewith, and if the same is not paid within ninety days after it is due and payable, it shall be certified to the Auditor of the County, who shall place the same on the tax duplicate, with the interest and penalties allowed by law, and shall be collected as other Municipal taxes are collected. (Ord. 104-1976. Passed 8-16-76.)

937.04 RULES AND REGULATIONS.

The Safety-Service Director shall make and enforce such rules and regulations as he may deem necessary for the enforcement of the provisions hereof, for the proper determination and collection of the rates and charges herein provided and for the safe, efficient and economical management of the system. Such rules and regulations, when not repugnant to existing ordinances of the City or laws of the State, shall have the same force and effect as ordinances of Council. (Ord. 104-1976. Passed 8-16-76.)

937.05 PAYMENT DATES; PENALTY CHARGE.

(a) The charges levied by Section 937.09 shall take effect on January 1, 1991, and shall be billed in four quarterly payments on the first days of January, April, July and October of each year at the end of the period of service rendered, and shall be payable at the office of the Sewer and Water Department located in City Hall within fifteen days thereafter. All bills not paid within fifteen days after the date when billed shall be subject to a ten percent (10%) penalty.

(b) The industrial surcharge levied by Section 937.10 shall take effect on July 1, 1991, and shall be billed in two semi-annual payments of the first days of January and July of each year at the end of the period of service rendered, and shall be payable at the office of the Sewer and Water Department located in City Hall within fifteen days thereafter. All bills not paid fifteen days after the date when billed shall be subject to a ten percent (10%) penalty. (Ord. 150-1992. Passed 8-17-92.)

937.06 PRO RATA CHARGES.

Any premises making connection with the system after July 1, 1971, shall be charged a per diem, pro rata amount based upon the quarterly, or semi-annual charge, from the time such connection is made until the next following billing period applicable to such premises. (Ord. 104-1976. Passed 8-16-76.)

937.07 EVIDENCE OF SEWER SYSTEM USE.

Where a sanitary sewer is available to any lot, parcel of land, building or premises which are improved, it is a conclusive presumption that sewage from the lot, parcel of land or any premises which are improved, is discharged into such sewer, and the premises or property shall be billed for sewage service charges as provided herein. Any lot, parcel of land or premises abutting a street, alley or easement in which there is public sanitary or combined sewer shall be deemed to have available access to a sanitary sewer.
(Ord. 104-1976. Passed 8-16-76.)

937.08 ADMINISTRATION AND DISBURSEMENT OF FUNDS.

(a) The funds received after the effective January 1, 2006 from the rates and charges hereinafter provided in Section 937.09 shall be deposited as received with the City Treasurer, who shall keep the same in a separate fund designated the Wastewater Treatment Revenue shall contain sub-accounts hereinafter designated as follows:

- | | |
|-------------------------------|--|
| (1) Wastewater Treatment Fund | The revenue deposited in this Fund shall be: All County revenues and sixty percent (60%) of all City Revenues. |
| (2) WWT Debt Fund | The revenues deposited in this fund shall be: All County debt service payments and thirty-five percent (35%) of all City revenues. |
| (3) Capital Improvement Fund | The revenue deposited in this fund shall be: Five percent (5%) of all City Revenues. |

(b) All funds received from the Industrial surcharge provided in Section 937.10 shall be deposited as received with the City Treasurer, who shall keep the same in the Wastewater Treatment Fund.

(c) The proposed rates will be re-evaluated every two (2) years starting in 2005.
(Ord. 50-2004. Passed 4-5-04.)

937.09 ANNUAL RATES FOR SEWER SERVICE.

(a) The following rates are effective October 1, 2004, with respect to any such premises situated within the corporate limits of the City. All sewer charges will be billed on a quarterly basis, with billing in the months of January, April, July and October.

RESIDENTIAL**ANNUAL RATE**

Single Family Unit	\$196.00
Duplex Residential	392.00
Each Additional Residential Unit	196.00
Mobile Homes and House Trailers	196.00

COMMERCIAL

(Stores, Restaurants, Bars, Garages, Gas Stations, Professional Offices, Barber/Beauty Shops, Bowling alleys, Theaters, Lodges, Clubs, Business Offices and any other public building)

Church	\$30.60
Toilet/Urinal	130.00
Showers	83.00
Food Prep/Bar Sink (Per Bowl)	55.60
Hair Rinse Sink	30.60
Hand Sink	23.00
Slop Sink	31.60
Hotel/Motel	223.40
Each Bedroom	31.60
Rooming House	190.00
Each Bedroom	31.60
Laundromat or Coin Operated Machine	115.00
Commercial Laundries (By Pound)	12.60
Car Washes	
Each Single Stall Manual	\$233.00
Each Single Stall Automatic	775.00
Each Drive-Through Automatic	4,910.00
Hospitals/Nursing Homes	
(Per Employee/Patient)	\$26.80
Sports Facility/Arena (Per Seat)	2.60
Schools, Public - Private - Day Care	
Per Student and Employee	6.20

INDUSTRIAL

Industrial Flow for each Million Gallons	\$560.00
Industrial Employee (Per Employee)	31.60

(b) The following rates are effective October 1, 2005, with respect to any such premises situated within the corporate limits of the City. All Sewer Charges will be billed on a Quarterly basis, with billing in the months of January, April, July and October.

RESIDENTIAL**ANNUAL RATE**

Single Family Unit	\$206.00
Duplex Residential	412.00
Each Additional Residential Unit	206.00
Mobile Homes and House Trailers	206.00

COMMERCIAL

(Stores, Restaurants, Bars, Garages, Gas Stations, Professional Offices, Barber/Beauty Shops, Bowling alleys, Theaters, Lodges, Clubs, Business Offices and any other public building)

Church	\$32.00
Toilet/Urinal	137.00
Showers	87.00
Food Prep/Bar Sink (Per Bowl)	58.60
Hair Rinse Sink	32.00
Hand Sink	24.00
Slop Sink	33.00
Hotel/Motel	234.00
Each Bedroom	33.00
Rooming House	199.00
Each Bedroom	33.00
Laundromat or Coin Operated Machine	120.00
Commercial Laundries (By Pound)	13.20
Car Washes	
Each Single Stall Manual	\$244.00
Each Single Stall Automatic	814.00
Each Drive-Through Automatic	5,155.00
Hospitals/Nursing Homes	
(Per Employee/Patient)	\$28.00
Sports Facility/Arena (Per Seat)	3.00
Schools, Public - Private - Day Care	
(Per Student and Employee)	6.60

INDUSTRIAL

Industrial Flow for each Million Gallons	\$560.00
Industrial Employee (Per Employee)	33.00

(c) The following rates are effective October 1, 2006, with respect to any such premises situated within the corporate limits of the City. All Sewer Charges will be billed on a Quarterly basis, with billing in the months of January, April, July and October.

RESIDENTIAL**ANNUAL RATE**

Single Family Unit	\$216.00
Duplex Residential	432.00
Each Additional Residential Unit	216.00
Mobile Homes and House Trailers	216.00

COMMERCIAL

(Stores, Restaurants, Bars, Garages, Gas Stations, Professional Offices, Barber/Beauty Shops, Bowling alleys, Theaters, Lodges, Clubs, Business Offices and any other public building)

Church	\$33.00
Toilet/Urinal	144.00
Showers	91.60
Food Prep/Bar Sink (Per Bowl)	61.40
Hair Rinse Sink	33.80
Hand Sink	25.20
Slop Sink	35.00
Hotel/Motel	246.00
Each Bedroom	35.00
Rooming House	209.00
Each Bedroom	35.00
Laundromat or Coin Operated Machine	126.00
Commercial Laundries (By Pound)	13.80
Car Washes	
Each Single Stall Manual	\$256.00
Each Single Stall Automatic	855.00
Each Drive-Through Automatic	5,400.00
Hospitals/Nursing Homes	
(Per Employee/Patient)	\$29.40
Sports Facility/Arena (Per Seat)	3.20
Schools, Public - Private - Day Care	
(Per Student and Employee)	7.00

INDUSTRIAL

Industrial Flow for each Million Gallons	\$560.00
Industrial Employee (Per Employee)	35.00

(Ord. 50-2004. Passed 4-5-04.)

(d) For the purpose of determining the factory charge for any given year, the number of persons employed or engaged in services on the premises during the applicable billing period shall be considered to be that number arrived at by averaging over such period the number of such persons thereon on the first day of each of the six calendar months included in such period, which information shall be certified in writing by each employer to the Safety-Service Director.

(e) For the purpose of determining the school charge for any given year, the number pupils and regular employees in a school year shall be the aggregate number thereof enrolled or employed on January 1, of the preceding year.

(f) For the purpose of determining the charge for the hospitals, nursing or convalescent homes and for any given year, the number of patients, and regular employees during the applicable billing period shall be considered to be that number arrived at the averaging over such period the number of patients, and regular employees therein on the first day of each of the six calendar months included in such period.

(g) The proposed rates will be re-evaluated after the bid opening of the 2001 Wastewater Treatment Plant Up Grade and Expansion. This service will be reviewed every two (2) years starting 2003. (Ord. 96-2001. Passed 5-21-01.)

937.10 ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES.

(a) Any person, firm or corporation served by a sewer connection which discharges sanitary sewage, industrial wastes, water or other liquids into the wastewater treatment system, which are of unusual strength, volume or character, but acceptable by the City for treatment, shall be subject to an additional surcharge which shall be over and above the rates and charges established by Section 937.09.

(b) The surcharge shall be effective if any or all of the following are exceeded:

- (1) A five-day BOD greater than 300 parts per million by weight;
- (2) Suspended solids greater than 300 parts per million by weight;

(c) The surcharge shall be calculated and billed quarterly based on the results of tests and measurements made by the City effective April 1, 2001:

Additional Surcharge effective April 1, 2001

- | | | |
|-----|--|------------------|
| (1) | BOD in excess of 300 mg/l | \$0.06/lb of BOD |
| (2) | Suspended solids in excess of 300 mg/l | \$0.06/lb of SS |

Additional Surcharge effective October 1, 2001

- | | | |
|-----|--|------------------|
| (1) | BOD in excess of 300 mg/l | \$0.07/lb of BOD |
| (2) | Suspended solids in excess of 300 mg/l | \$0.07/lb of SS |

Additional Surcharge effective October 1, 2002

- | | | |
|-----|--|------------------|
| (1) | BOD in excess of 300 mg/l | \$0.08/lb of BOD |
| (2) | Suspended solids in excess of 300 mg/l | \$0.08/lb of SS |

Additional Surcharge effective October 1, 2003

- | | | |
|-----|--|-----------------|
| (1) | BOD in excess of 300 mg/l | \$0.09/lb BOD |
| (2) | Suspended solids in excess of 300 mg/l | \$0.09/lb of SS |

Additional Surcharge effective October 1, 2004

- | | | |
|-----|--|-------------------|
| (1) | BOD in excess of 300 mg/l | \$0.010/lb of BOD |
| (2) | Suspended solids in excess of 300 mg/l | \$0.010/lb of SS |

(d) When required by the Director of Public Safety and Service, the owner of any property discharging such wastes shall install a suitable chamber with gaging and sampling equipment in the building sewer to permit observation, sampling and measurement of the wastes from his premises. Such chamber and equipment shall be constructed in accordance with plans approved by the Director and shall be installed by the owner at his expense and shall be maintained by him.

(e) All measurements, tests and analyses of the characteristics of such wastes shall be determined by the City in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage", as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

(f) The strength of the wastes shall be determined from samples taken at the aforementioned chamber at any period or time and of such duration and in such manner as agreed upon between the owner and the City. The results of routine sampling and analysis by the owner may also be used, in determining the amount of the surcharge after verification by the City. The strength so found by analysis shall be used in determining the amount of the surcharge.

(g) The City shall have the right to enter and set up, on company property, such devices as are necessary to conduct a gaging and sampling operation and to begin such operation without advance notice to the company. While performing the work, the City will observe all safety rules applicable to the premises, established by the company.

Where a company or premises has security measures in force which require proper identification and clearance before entry into the company or premises is granted, such company or premises shall either make the necessary arrangements with their security guards that upon showing proper identification, personnel from the City will be permitted to enter, without delays, for the purpose of obtaining grab samples of wastes being discharged at the various sampling points; or the company or premises shall install suitable gaging and sampling manholes outside the security limits, which manholes will at all times be immediately accessible to City personnel.

(h) If a person, firm or corporation disagrees with the analysis on which the surcharge is based, he or it may request, in writing, additional sampling and analysis which shall be conducted in a manner acceptable to the Director of Safety-Service and the Manager of Wastewater Treatment. The cost of such additional sampling and analysis shall be borne in full by the requestor.

(i) The proposed rates will be re-evaluated after the bid opening of the 2001 Wastewater Treatment Plant Up Grade and Expansion. This service will be reviewed every two years starting 2003. (Ord. 96-2001. Passed 5-21-01.)

937.11 HYDRAULIC LOADINGS PER CUSTOMER CLASS.

The following amounts shall be used in all calculations that may be necessary to determine hydraulic and organic loadings in the City of Massillon sewer system and/or on the City of Massillon Wastewater Treatment Plant.

<u>TYPE UNIT</u>	<u>GALLONS PER DAY PER UNIT</u>
Single Family	225
Multiple Units	175
Churches	225
Toilets/Urinals	120
Kitchen Sinks	50
Slop Sinks	50
Car Wash-Drive	7670
-Manual	365
-Automatic	1200
Mobile Homes	150
Motels-Units	350
-Rooms	40
Students	20
Hospital Beds	200
Stadium Seats	0.40
Laundromat Machines	400
Industrial Emp.	20
(Ord. 150-1992. Passed 8-17-92.)	

937.12 RESERVED.

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

937.13 LIABILITY FOR PAYMENT.

(a) Liability for payment of service will continue to the owner of a residence or rental unit with a sewer connection unless providing such residence or rental unit occupancy is interrupted by complete vacation of the entire premises for an extended period to exceed thirty days. A time frame of vacancy will not be the only criterion. The question will depend upon the physical vacancy of personal property along with an absence of a tenant and is contingent upon an inspection by City personnel to determine the qualification for exclusion from liability. (Removal of the water meter may be required.)

(b) In the event of any exclusion, liability will continue for the current quarter. Upon resumption of service liability will be for the full quarter during which service was resumed.

(c) Commercial establishments that are occupied at a rate of decreased activity equal to fifty percent (50%) or more of the highest occupancy rate over the preceding twelve months shall be given relief based on the percentage of the difference between the highest monthly water usage during the past twelve months and the lowest anticipated water usage during the period in which relief is requested.

- (1) The customer seeking relief will be required to present the records of water usage for the twelve month period prior to the date when relief is requested. A form for this purpose will be available at the billing office. In all cases a minimum of ten percent (10%) of the normal usage charges will be required.
- (2) Requests for relief shall be for a minimum of three months and shall be pro-rated back to the beginning of the last billing period prior to the date relief is granted. At the end of the relief period water usage records for the months in which relief was granted shall be provided to the billing office by the customer. At this time the billing office will determine if adjustments are required for the charges during the relief period. Adjustments shall be added to the next full quarter billing. At no time shall billing charges be less than ten percent (10%) of the aforementioned twelve month period.

(d) Continuing quarterly inspections will be necessary to assure compliance.

(e) Relief may be granted for the period during which this section is enacted with the approval of the Service Director.

(f) Any person or firm purposely providing false information or using sewer facilities during a period of discontinuance shall be subject to penalties specified in Section 973.99. (Ord. 150-1992. Passed 8-17-92.)

937.99 PENALTY.

Any person who purposely and with intent to obtain a lesser sewer use charge provides false information, tampers or adjusts any meter or equipment provided for in Section 929.10(c)(1) and (2) shall be guilty of a minor misdemeanor, and upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. (Ord. 104-1976. Passed 8-16-76.)