

CODIFIED ORDINANCES OF BALTIMORE

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TITLE TWO - Street and Sidewalk Areas

Chap. 1002. Excavations.

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CHAPTER 1002

Excavations

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1002.99 Penalty. (Repealed)

CROSS REFERENCES

Openings by City - see Ohio R.C. 723.02

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

1002.01 WRITTEN CONSENT REQUIRED.

All public service companies and corporations, persons and individuals wishing to dig into or open up holes, ditches, or trenches in the sidewalk or roadway of any of the improved or unimproved streets, alleys or public ways in the Village, for the purpose of placing or extending or repairing therein any pipes, conduits or wires, or for any other purpose, shall, at least five days before proposing or proceeding to do so, submit an application for utility permit. The permit application shall be reviewed and acted upon by the Village's Service Superintendent and Village Engineer. A record of the approved or denied application shall be maintained by the Village.

(Ord. 666. Passed 11-18-68; Ord. 2005-09. Passed 3-14-05.)

1002.02 SUPERVISION OF VILLAGE.

Upon consent by the approval of the right-of-way permit application, the Village's Service Superintendent shall supervise and control the work performed as stated within the permit application. The work shall be performed and completed in such manner and within such time as approved in conjunction with the right-of-way permit application.

(Ord. 666. Passed 11-18-68; Ord. 2005-09. Passed 3-14-05.)

1002.03 PROTECTION OF OPENING.

All public service companies and corporations, persons and individuals who have made any opening in any street, alley or sidewalk, after having complied with Section 1002.01 of this chapter, shall carefully backfill each day, secure open cuts with safety fence, lights, metal travel plates, etc., all or any of the above, as needed as determined by the Village. All equipment shall be secured at the end of each work day. All protection of any opening shall be performed in such manner as to prevent accidents and be plainly visible to pedestrian and vehicular traffic.

(Ord. 666. Passed 11-18-68; Ord. 2005-09. Passed 3-14-05.)

1002.04 RESTORATION SPECIFICATIONS.

Any street or alley to be open cut shall be excavated to a minimum depth of 12 inches below finish grade. Pavement restoration shall conform to the latest Village of Baltimore specifications. For the open cutting of existing asphalt pavements, asphalt replacement shall be a minimum of one and one-half inches of intermediate course and one and one-half inches of surface course, and otherwise meet the Village of Baltimore specifications. The minimum width shall be 24 feet for street and 12 feet for alleys. The Village shall choose when to pave a newly opened street or alley. If someone other than the Village wishes to pave a newly opened street or alley, they may do so at their own expense. Said paving shall be a minimum of three inches thick, consisting of a minimum of one two-inch lift 301 base asphalt, and a minimum of one one-inch finish coat 404 asphalt. The Service Superintendent, or designee, shall inspect all work performed to determine whether the above requirements have been met.

(Ord. 88-29. Passed 9-26-88; Ord. 2005-09. Passed 3-14-05.)

1002.05 CUTTING EXISTING ASPHALT CONCRETE PAVEMENT.

All existing asphalt concrete pavements shall be saw cut before excavation. All excavation under existing pavement shall be backfilled with Low Strength Motor Backfill, ODOT Item 613, Type 1. The backfill shall be extended three feet behind the back of curb, or edge of pavement.

(Ord. 2005-09. Passed 3-14-05.)

1002.06 MAINTENANCE BOND/SECURITY.

For any project incorporating more than one individual residential lot, or for all commercial and/or industrial projects, a maintenance bond or security in the amount of the estimated project costs must be deposited with the Village's Fiscal Officer before any pavement or sidewalk is disturbed.

(Ord. 2005-09. Passed 3-14-05.)

1002.07 RIGHT-OF-WAY PERMIT FEE.

Anyone obtaining a right-of-way permit from the Village shall pay a fee of fifty dollars (\$50.00). Such fee shall be waived for property owners performing repairs to their existing sidewalk(s) or driveway approach(es).

(Ord. 2005-37. Passed 8-8-05.)

1002.08 DISRUPTION OF SIDEWALKS.

Sidewalks shall be maintained at all times through the construction periods, as follows:

- (a) Temporary sidewalks, pedestrian detours and pedestrian and construction facilities shall be constructed as needed to maintain pedestrian traffic and business access, as shown on the plans or as directed by the Municipality;

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- (b) Sidewalk access will be provided to abutting land users at all times, as approved by the Municipality and in accordance with Village specifications and ADA requirements;
- (c) Unobstructed walkways of four feet minimum width, unless otherwise approved by the Municipality, will be provided at all times;
- (d) Temporary pedestrian walkways shall be separated from roadway and construction areas by barricades as approved by the Municipality;
- (e) The contractor shall construct a temporary walkway for any existing sidewalk closed due to construction outside of normal working hours of 7:00 a.m. to 6:00 p.m., with all temporary sidewalks meeting ADA requirements;
- (f) In no instance will a sidewalk be closed for more than ten consecutive days, without written authorization by the Baltimore Village Administrator;
- (g) Should the contractor/owner fail to provide temporary pedestrian walkways in the manner described above, the Village of Baltimore will provide such temporary walkways as required, with a cost to be borne by the contractor/owner of two and one half times the cost to provide the temporary walkway.
(Ord. 2006-40. Passed 10-9-06.)

1002.99 PENALTY. (REPEALED)

(Editor's note: This section was repealed by Ordinance 2005-09, passed March 14, 2005.)

CHAPTER 1004
Trees

- 1004.01 General regulations. (Repealed) 1004.99 Penalty.
1004.02 Shade trees overhanging sidewalks.
(Recodified)

CROSS REFERENCES

Injuring vines, bushes, trees or crops - see GEN. OFF. 642.04
Landscaping - see P. & Z. 1214.12

1004.01 GENERAL REGULATIONS. (REPEALED)

(Editor's note: Section 1004.01 was repealed by Ordinance 2003-38, passed December 8, 2003. See Chapter 1050 regarding regulations for trees, shrubs and other plants.)

1004.02 SHADE TREES OVERHANGING SIDEWALKS. (RECODIFIED)

(Editor's note: Pursuant to Ordinance 2005-44, passed 9-12-05, this section was recodified as Section 1050.10. See Section 1050.10 for current provisions.)

1004.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not to exceed one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

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TITLE FOUR - Public Utilities

- Chap. 1020. Sewer Use.
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CHAPTER 1020

Sewer Use

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| 1020.01 | Description and purpose. | 1020.07 | Industrial permits. |
| 1020.02 | General provisions. | 1020.08 | Reports and records. |
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| 1020.04 | Building sewers and connections. | 1020.10 | Judicial remedies. |
| 1020.05 | Use of public sewers. | 1020.99 | Penalty. |
| 1020.06 | Accidental discharges, bypasses and spills. | | |

CROSS REFERENCES

- Power to regulate water closets and privies - see Ohio R.C. 715.40
 Compulsory sewer connections - see Ohio R.C. 729.06
 Regulations to control sewers and connections - see Ohio R.C. 729.51
 Untreated sewage - see Ohio R.C. 3701.59

1020.01 DESCRIPTION AND PURPOSE.

The sanitary sewer system of the Village of Baltimore, Ohio, consists of trunk, interceptors, and collection sewers laid in streets, alleys, rights-of-way, and easements and wastewater treatment plant, the locations of which are shown upon plans and drawings filed in the Office of the Village Administrator, and all other appurtenances which are used in whole or in part in connection with the collection, treatment, and disposal of wastewater and industrial wastes; and all other extensions, additions and improvements which may be made to such a system. Its purpose is to provide for the collections and treatment of domestic wastewater and such industrial wastes as are permitted by this chapter, in order to protect the health, safety and general welfare of the residents of the Village in conformity with all applicable State and Federal laws relating thereto. The objectives are:

- (a) To prevent the introduction of pollutants into the Village sewage works which will interfere with the normal operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the Village sewage works which do not receive adequate treatment and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewater and sludge from the system; (Ord. 2005-43. Passed 9-12-05.)

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1020.02 GENERAL PROVISIONS.

(a) Right to Contract. The Village reserves the right to enter into contracts to provide sewage treatment services with other entities and/or other users regardless of the nature of wastes to be discharged. Provided, however that such contracts shall be in compliance with the provisions of this chapter and the rules and regulations of other governmental agencies with authority.

(b) Severability. If any section, clause, phrase word, provision or portion of this chapter shall be held to be unconstitutional or invalid by any court of competent jurisdiction, the holding or decision shall not affect the validity of this chapter as a whole, or any part thereof other than the section, clause, word, provision or portion so held to be invalid.

(c) Validity of Other Laws. In any case where a provision of this chapter is different from the requirements of other lawfully adopted regulations, codes or ordinances existing on the effective date of this chapter, the more restrictive requirement or higher standards shall prevail.

(Ord. 2005-43. Passed 9-12-05.)

1020.03 DEFINITIONS.

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

- (1) "Act" means the Clean Water Act (33 U.S.C. 1251 et. seq.), as amended, Public Law 92-500, and any amendments thereto, as well as any guidelines, limitations and standards promulgated by the U. S. Environmental Protection Agency to the Act.
- (2) "Administrator" or "Village Administrator" means the Village Administrator of Baltimore, Ohio.
- (3) "Applicable treatment standard" means any pretreatment limit or prohibited standard (Federal and/or local) contained in this chapter deemed to be the most restrictive which non-domestic users will require to comply with.
- (4) "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 without an approved state pretreatment program. The State of Ohio is an NPDES state with an approved state pretreatment program.
- (5) "Authorized representative of industrial user" means an authorized representative of an industrial user which may be:
 - A. A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
 - B. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
 - C. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which indirect discharge originates;
 - D. Any representative meeting the requirements of 40 CFR 403.12 (1).
- (6) "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- (7) "Average weekly discharge limitation" means the highest allowable average of "daily

discharges” over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges that week.

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- (8) “Biochemical Oxygen Demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure as outlined in the Environmental Protection Agency “Guidelines Establishing Test Procedures for Analysis of Pollutants” (Ref. FR 10-16-73, Vol. 38, No. 199, Part II), in five days at twenty degrees Centigrade, expressed in parts per million by weight.
- (9) “Building drain” means that part of the lowest horizontal piping of a drainage system carrying gray water or clean water but not combined which receives discharge from soil, waste and other drainage pipes inside the walls of the building, and conveys it to the building sewer, which begins five feet outside the inner face of the building wall.
- (10) “Building sewer” means the extension from the Building drain to the public sewer or other place of disposal, also called “house connection.”
- (11) “Bypass” means the intentional diversion of waste streams from any portion of an industrial user's treatment facility as per 40 CFR 403.17(a).
- (12) “Categorical pretreatment standards” means the national pretreatment standard specifying quantities or concentrations of pollutants of pollutant properties which may be discharged or introduced into the sewage treatment works by specific industrial users.
- (13) “Chemical Oxygen Demand (COD)” means the quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedures expressed in milligrams per liter.
- (14) “Combined sewer” means a sewer which is designed to carry sanitary wastewater, industrial wastewater, and storm water.
- (15) “Compatible pollutant” means BOD's or suspended solids, ph, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works was designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.
- (16) “Composite sample” means a sample that should contain a minimum of eight discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable.
- (17) “Cooling water” or “industrial cooling water” means the unpolluted water discharged from any system of condensation, air conditioning cooling, refrigeration or other similar use.
- (18) “Daily discharge” means the discharge or a pollutant measured during a calendar day or any 24- hour period that reasonably represents the calendar for purposed of sampling.
- (19) “Discharger” or “industrial discharger” means any non-residential user who discharges an effluent into a WWTP by means of pipes, conduits, pumping stations, force mains, intercepting ditches, and all constructed devices and appliances appurtenant thereto.
- (20) “Domestic” means a residential user of the wastewater treatment works.
- (21) “Dry discharger” means a contributor that meets all the following criteria:
 - A. Discharges only sanitary waste;
 - B. Has no reasonable potential for toxic spills to the wastewater collection system; and
 - C. Does not affect the wastewater treatment plant either by the quantity or the quality of the discharge.
- (22) “EPA methods” means Methods for Chemical Analysis of Water and Wastes.
- (23) “Floatable oil” means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment plant.

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- (24) “Garbage” means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from handling storage, and sale of produce.
- (25) “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.
- (26) “Incompatible pollutant” means any pollutant which is not a “compatible pollutant”.
- (27) “Industrial user” or “industry” or “user” means a source of indirect discharge.
- (28) “Indirect discharge” means the discharge of the introduction of non-domestic pollutants from a source regulated under the Act into the sewage works.
- (29) “Industrial wastes” (sometimes called “process wastewater”) means the liquid, solid, or gaseous wastes from industrial manufacturing processed, or processing of natural resources.
- (30) “Interceptor” means a device designed and installed so as to separate and/or retain deleterious, hazardous or undesirable matter from normal sewage, and permits normal wastewater or discharge into the disposal terminal by gravity.
- (31) “Interference” means the inhibition or disruption of the sewage treatment works, treatment processes of operation which contributes to a violation of any requirement of the Village NPDES permit. The term includes prevention of wastewater sludge use or disposal by the treatment plant in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act, The Clean Air Act, the Toxic Substance Control Act, Resource Conservation Recovery Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV or the Solid Waste Disposal Act) applicable to the method of disposal or use employed by the Village.
- (32) “Maximum daily discharge limitations” means the highest allowable “daily discharge”.
- (33) “May” is permissive, “shall” is mandatory.
- (34) “Natural outlet” means any outlet, for storm drain overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- (35) “New source” means any building, structure, facility of installation from which there is or may be discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act or under 40 CFR 403.3(k) 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 of installation is constructed at a site at which no other source is located;
 - B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - 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.
- (36) “Non-significant industrial user” means a contributor that meets all the following criteria:
 - A. Does not have in its waste a toxic pollutant in toxic amounts as defined in Section 307 of the Federal Act.
 - B. Is found by the Village, State, or the USEPA, either singly or in combination with other industries, to have a significant impact on the waste treatment system, the quality of sludge, the systems effluent quality or air emission generated by the system.

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- (37) "Normal strength sewage or wastes" as defined for the purpose of determining surcharge means wastewater having an average daily suspended solids concentration of not more than 250 mg/1, an average daily BOD's concentration of not more than 200 mg/1 and not containing any of the characteristics in excess of the limitations as prohibited and established by Section 04(e) and (f).
- (38) "NPDES permit" means the National Pollutant Discharge Elimination System permit issued to the Village of Baltimore Wastewater Treatment Plant by the OEPA.
- (39) "OEPA" means the Ohio Environmental Protection Agency.
- (40) "Orders" means the letter issued by the Village Engineers setting forth conditions for the discharge of pollutants to the WWTP pursuant to this chapter.
- (41) "Owner" means any person in title or having any interest in real property in any of the sanitary sewer districts and their extensions and /or drainage area or areas now existing or subsequently created by Council, or covered by contract providing for Village service to the area under contract.
- (42) "Pass through" means any indirect discharge which exits the WWTP into waters of the United States in quantities or concentrations, which alone or in conjunction with a discharge(s) from other sources, is a cause of violation of any requirement of the WWTP's NPDES permit (including an increase in the magnitude or duration).
- (43) "Person" means any individual, firm, company, association, society, corporation or group.
- (44) "Ph" means the logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution. (Low values indicate the presence of acids or acid forming salts. High values indicate the presence of alkaline material. A ph of 7.0 is considered neutral.
- (45) "Pollutant" means dredged spoil, solid waste, incinerator residue, wastewater, garbage wastewater sludge, munitions, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.
- (46) "PPM" means parts per million by weight and or milligrams per liter (mg/1).
- (47) "Pretreatment" 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 the sewage works.
- (48) "Pretreatment standard" means any regulation containing pollutant discharge limits, established by national, state and/or local requirements.
- (49) "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (50) "Public sewer" means a common sewer which is owned and controlled by the Village of Baltimore, Ohio.
- (51) "Receiving stream" means the watercourse, stream or body of water receiving the waters finally discharged from the WWTP.
- (52) "Sanitary sewer" means a sewer which carries gray water to the wastewater treatment plant.
- (53) "Sewage" means the liquid wastes that originates from sanitary connections from residences, commercial buildings, industrial plants and institutions, (including polluted cooling water) and shall be synonymous with "gray water".
- (54) "Sewage system" means the structures, equipment and process required to collect transport and treat sanitary sewage at the wastewater treatment system.

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- (55) “Sewage works” means all facilities for collecting, pumping, treating, and disposing of wastewater, including industrial wastewater.
- (56) “Sewer” means water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.
- (57) “SIC Manual” means the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented.
- (58) “Significant industrial user” means a contributor that meets any or all of the following criteria:
- A. All industrial users subject to categorical pretreatment standards; and
 - B. Any other industrial user that has a reasonable potential, in the opinion of the Village Engineer or wastewater superintendent, to adversely affect the WWTP's operation or violating any pretreatment standard or requirement.
- The Administrator may at any time with the approval of the Village Engineer and/ or Service Superintendent in response to a petition received from an industrial user, determine that a non-categorical industrial user is not a Significant Industrial User if the industrial user has no reasonable potential to adversely affect the WWTP's operation or for violating any pretreatment standard or requirement.
- (59) “Sludge” means any solid, semi-solid, or liquid waste generated by a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects as defined in standards issued under Section 402, 405, of the Act and in applicable requirements under Sections 3001, 3004 and 4004 of the Solid Waste Disposal Act (PL 94-580).
- (60) “Slug” or “slugload” means any pollutant, including oxygen demanding pollutants (BOD's, etc.) released in a single extraordinary discharge episode of such volume or strength as to cause interference to the WWTP.
- (61) “Specifications for materials” means standard of specifications identified by the following abbreviations:
- ANSI: American standards approved by the American National Standards Institute Inc.
 - ASTM: Standard and tentative standards published by the American Society for Testing of Materials.
 - CS: Commercial standards representing recorded voluntary Recommendations of the trade, issued by the United States Department of Commerce and obtainable from the Superintendent of Document, Government Printing Office, Washington D. C. 20234.
- (62) “Standard Industrial Classifications (SIC)” means classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (63) “Standard methods” means the Laboratory Procedures set forth in the latest edition, at the time of analysis, of “Standard Methods for the Examination of Water and Wastewater” and referred to as “Examination of Water and Wastewater” prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
- (64) “Storm drain” means a pipe or conduit designed for the purpose of carrying storm, surface waters, and drainage (clear water), but which excludes sanitary wastewater and industrial wastewater, other than unpolluted wastewater and cooling water.
- (65) “Superintendent” means the Service Superintendent for the Village of Baltimore.

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- (66) “Service Superintendent” means the Village Street and Utility Services Superintendent.
- (67) “Suspended solids” means .the total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Waste and Wastewater” and referred to as “non-filterable residue.”
- (68) “Total solids” or “total residue” means the sum of suspended and dissolved solids.
- (69) “Toxic amount” means concentrations of any pollutant or combination of pollutants which upon exposure to, or assimilation into, any organism will cause adverse effects.
- (70) “Toxic pollutants” means those substances referred to in Section 307(2) of the Act as well as any other known potential substances capable of producing toxic effects.
- (71) “Unpolluted water” means water of quality equal to or better than effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment plant provided.
- (72) “Upset” means an exceptional incident in which a user unintentionally and temporarily is in a state of non-compliance with the standards set forth in 40 CFR 403.16 or this chapter due to factors beyond the reasonable control of the user and excluding non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation thereof.
- (73) “USEPA” means the United States Environmental Protection Agency.
- (74) “User class” means the division of users within the Village's service area, by the origin of the sewage discharge and by the similarity of the function of such users. Stated in four general classes, they are:
- A. The Domestic Class shall include all customers whose use of the sanitary sewerage system is domestic in nature. This includes all single and multiple family residences. It does not
 - B. The Commercial Class shall include those customers who are service oriented as distinguished from residential and manufacturing. Examples: automotive service businesses including filling stations and car washes, food handling businesses including restaurants and grocery stores, hair dressing and barber shops; office buildings, including all professional offices; retail establishments; hotels and motels, laundries and dry cleaning establishments, etc.
 - C. The Government /Institutional Class include those customers who are service oriented and essentially non-profit in nature, such as hospitals, schools, government buildings, etc.
 - D. The Industrial Class includes all users who discharge to the Village Sewage Works liquid, solids, and/or gaseous wastes resulting from processes employed in industrial or manufacturing, or from the development of any natural resource.
- (75) “Village” means the Village of Baltimore, Ohio and/or their representative.
- (76) “Village Council” means the legislative authority of Baltimore, Ohio.
- (77) “Volatile organic matter” means the material in the wastewater solids transformed to gases or vapors when heated to 550 degrees C. for 15 to 20 minutes.
- (78) “Wastewater” means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from the residences, commercial building, industrial plants, and institutions.
- (79) “Wastewater treatment plant” or “WWTP” means any arrangement of devices and structures used for treating wastewater-domestic and non-domestic.

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- (80) “Watercourse” or “waterway” means a channel in which a flow of water occurs, either continuously or intermittently.
- (81) “Water and Sewer Department” or “Department” means the department established by the Village for the purpose of managing and operating the water works and sewage works of the Village.
- (82) “Water works” means all facilities for water supply, filtration plant, pumping plant, storage reservoirs, water lines services, booster stations for obtaining, treating, and distributions potable water.
(Ord. 2005-43. Passed 9-12-05.)

1020.04 BUILDINGS SEWERS AND CONNECTIONS.

- (a) Control of Sewer Systems. The sewer system of the Village, as constructed, or hereafter added to or changed, shall be under charge and control of the Village Administrator under whose supervision the sewer systems shall be used by property owners. No person shall enter into, open, or interfere with or use or do any repair or maintenance work with respect to the sewer systems except under the inspection and direction of the Service Superintendent, and after a written permit shall be issued on payment of a fee established by Council from time to time.
- (b) Connection Fees. The Council shall adopt ordinances, rules and regulations to govern the construction and maintenance of the sewer system and shall therein fix the amount of fees that shall be chargeable to persons or property owners who may wish to enter use of the sewer system, which shall be sufficient in an amount to pay for the cost of installation of such entry or entries listed in the latest sewer tap fees and sewer capacity fees ordinances.
- (c) Application for Services. The owner or his agent shall make application to the Village of Baltimore, Ohio, for services. All plans and specifications shall be submitted to the Zoning Administrator and must follow the outline listed in the Subdivision Regulations for review by the Administrator, Service Superintendent, and the Village Engineer and approved by Council.
- (d) Permit Limitations Permits. Permit limitations permits granted under this chapter shall be for a specific wastewater, and such permits shall be granted only after the submission and approval of plans set forth hereinafter. Subsequent wastewaters of different quantity, quality, and characteristics shall be covered by separate permits.
- (e) Protection of Sanitary and Building Sewers During Construction. No person constructing a sanitary sewer, building, or house connection shall leave same open, unsealed or incomplete in such a fashion as to permit storm, surface or subsurface water to enter such sewers.
- (f) Cost of Building Sewer. All costs and expenses incidental to the installation and connection of the Building Sewer shall be borne by the owner. The owner shall indemnify the Village from any cost or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.
- (g) Building Sewer Limitations. Every separate building which is the source of the heretofore described acceptable wastewater shall be provided with a separate and independent Building Sewer.

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(h) Combined Sewers. The construction of or extension to combined sewers is hereby prohibited unless approved by OPEA.

(i) Private Sanitary Sewers. Private (as opposed to “public”) sanitary sewers shall continue to be owned by the owners now owning same until such time as the owner and Council mutually agree to a transfer of ownership to the Village. Such sewers shall be controlled by the Village but shall be operated and maintained by their owners, unless the Village agrees in writing to provide this service in which case a proper easement shall be dedicated to the Village.

(j) Permit Refusal. The Village may refuse to issue a permit for a new connection the sanitary sewer system unless there is available capacity in all down stream facilities, including treatment plan capacity for BOD's.

(Ord. 2005-43. Passed 9-12-05.)

1020.05 USE OF PUBLIC SEWERS.

(a) Prohibitions of Unpolluted Water. No person shall discharge or cause to be discharged, either directly or indirectly any storm water, surface water, ground water, roof run-off sump pump subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.

- (1) Any such connections made whether before or after the effective date of this chapter shall be considered illegal and shall be subject to immediate removal by the owner of the premises so connected and at such owner's expense.
- (2) Sub-foundation building drains connected to sanitary sewers before the effective date of this chapter will not be required to be removed unless it is established by the Village that such connection is detrimental to the satisfactory operation of the sewage works and that such removal is cost-effective. Any such connections made after the effective date of this chapter shall be prohibited and shall be considered illegal.
- (3) Should the owner of such an illegally connected premises fail to remove the connection within 90 days after official notice to do so, the Village shall cause the connection to be removed and the cost thereof shall be billed to the owner of the premises.

(b) Illegal Discharges to Natural Outlet or Storm Drain. No person shall discharge or cause to be discharged to any natural outlet or storm drain any sanitary, industrial, or other polluted wastewater.

(c) Allowable Discharge of Unpolluted Water. Storm water and all other unpolluted drainage, such as from air conditioning, swimming pools, etc. shall be discharged into such sewers as are specifically designed and designated as storm sewers or to a natural outlet approved by the Village Engineer. Industrial cooling water or unpolluted wastewater may be discharged, on approval of the Village Engineer, to a storm drain or natural outlet. If such waters are polluted with insoluble oils or grease of suspended solids, they shall be treated for removal of the pollutants, and the clear water discharged as specified.

(d) Trucked or Hauled Wastes. No person shall access the sewer system or WWTP for any activity including discharge of hauled septic or industrial wastes. Any removal of manhole lids, or other access to the sewer system for the purpose of discharging wastes shall be considered a violation and shall be subject to enforcement action including fines and penalties allowed under this chapter.

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(e) General Discharge Prohibition.

- (1) Any waters or wastes which are discharged or are proposed to be discharged which contain compatible or incompatible pollutants other than sanitary sewage and which may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, including violation of applicable water quality standards, or which otherwise create a hazard to life or constitute a public nuisance. The Village shall:
 - A. Reject the discharge of such waters;
 - B. Require pretreatment of quantities and rates of discharge to the public sewers; and/ or
 - C. Require payment to cover the added cost of handling, treating and disposing of the wastes.
- (2) Provided however, no person, firm or corporations shall contribute, discharge, or cause to be discharged, directly or indirectly any of the following described substances into the Village sewage works.
 - A. Any liquids, solids or gasses which by reason of their nature or quality are, or may be sufficient either alone or by interaction to cause fire or explosion, including but not limited to, waste streams with a closed cup flash point of less than 140 degrees Fahrenheit or 60 degrees centigrade using the test method specified in 40 CFR 261.21, or be injurious in any other way to persons or the operation of the sewage works;
 - B. Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference's with the operation of the sewage works;
 - C. Any wastewater having a ph less than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works;
 - D. Any wastewater containing toxic pollutants, either singly or by interaction resulting in the presence of toxic gases, vapors, or fumes within the sewage works in sufficient quantity to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitations set forth in Categorical Pretreatment Standards;
 - 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 wastewater treatment plant effluent of treatment residues, sludge, or scum, to be unsuitable for reclamations and reuse or to interfere with the reclamation process, In no case, shall a substance discharged to the sewage works cause noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, Resource Conservation Recovery Act, or State standards applicable to the sludge management method being used;
 - G. Any substance which will cause the wastewater treatment plant to violate its NPDES and or disposal System Permits;

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- 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 wastewater treatment plant resulting in interference, but in no case, wastewater with a temperature at the introduction into sewage works which exceeds 40 degrees Centigrade (104 degrees Fahrenheit);
- J. Any slug as defined in Section 1020.03;
- K. Any wastewater containing any radio active wastes or isotopes of such half life or concentration that exceeds limits established by the Village in compliance with applicable State and Federal regulations;
- L. Any wastewater which causes a hazard to human life or creates a public nuisance;
- M. Wastewater containing more than 50 milligrams per liter of petroleum oil, non-biodegradable cutting oils, product of mineral oil origin, or floatable oils, fat, wax, or grease (Freon soluble) or in sufficient amounts to pass through or cause interference in the sewage works;
- N. Wastewater containing oil or grease or other substances which will solidify or become discernible viscous at temperatures between 30 and 50 degrees Fahrenheit;
- O. Any garbage that has not been properly shredded the installations and operation of any garbage grinder equipped with a motor of three-fourths HP or greater shall be subject to the review and approval of the Village Engineer; or
- P. Any unpolluted water including, but not limited to non-contact cooling water, which is used to dilute process wastewater, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement (40 CFR 403.6) (d), except such water may be discharged to a sewer which is designated to carry storm water.

(f) Limitations on Wastewater Strength. The National Categorical Pretreatment Standards as promulgated by the US EPA pursuant to the Act which are hereby adopted and incorporated herein by the reference shall be met by all users of regulated industrial categories. (A copy of standards shall be available at the Village). The only exception to this requirement is when the Village upon application for removal credits, receives a modification to the categorical pretreatment standards as provided for under the Act.

- (1) State requirements and limitations on discharges to the sewage works shall be met by all users which are subject to such standards in any instance in which they are more stringent than Federal requirements and limitations or those in this or any other applicable ordinance.
- (2) The Village reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to the sewage works where deemed necessary to comply with the objectives set forth in Section 1020.01.
- (3) No user shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.
- (4) No user shall discharge wastewater containing concentrations of the following

enumerated materials, exceeding the following values.

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Material	Concentration (mg/l)
Total cyanide (CN)	0.5
Hexavalent chromium	1.0
Total chromium	0.2
Copper	0.5
Zinc	1.0
Cadmium	0.1
Nickel	0.5
Phenols	0.1
Lead	0.3
Mercury	0.001
Silver	0.2
Arsenic	0.5
Barium	5.0
Fluoride (F)	5.0
Iron (dissolved)	15.0
Manganese (dissolved)	5.0
Sulfide (S)	10.0
Total phosphorus (P)	10.0
Hydrogen sulfide	10.0
Sulfur dioxide	10.0
Nitrous oxide	10.0

- (5) The Village may impose mass limitations on dischargers where the imposition or mass limitations are deemed appropriate by the Village Administrator and/or Village Engineer.

(g) Removal Credits. Where applicable, the Village may elect to initiate a program of removal credits as part of this chapter to reflect the wastewater treatment plants ability to remove pollutants in accordance with 40 CFR 403.7.

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(h) Grease and Oil Interceptors. For grease, oil, and inorganic material such as sand, grit, etc., interceptors shall be provided when, in the opinion of the Administrator, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in subsection (e)(2)M. of this section, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Administrator. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

(i) Pretreatment Facilities. Industrial dischargers shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by this chapter and the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the village shall be provided, operated and maintained at the discharger's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Village for review of such plans and operating procedures shall be acceptable to the Village before constructing the facilities and operating procedures shall in no way relieve the discharger from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Village under provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operations shall be reported to and be acceptable to the Village prior to the discharger's initiation of changes.
(Ord. 2005-43. Passed 9-12-05.)

1020.06 ACCIDENTAL DISCHARGES, BYPASSES AND SPILLS.

(a) Accidental Discharges. Each user shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this chapter. If required by Village, the user shall prepare, submit and maintain a Spill Prevention Control and Counter Measure Plan. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Village for review, and shall be approved by the Village Engineer before constructions of the facility. Each existing user shall complete its plan and submit same to the Village within 90 days of the effective date of this chapter. Review and approval of such plans and operating procedures shall not relieve the user from responsibility to modify its facility as necessary to meet requirements of this chapter.

- (1) Users shall notify the Administrator or Service Superintendent immediately upon accidentally discharging wastes in violation of this chapter to enable countermeasures to be taken to minimize damage to the sewage works, treatment processes and the receiving water. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. A written notification containing the same information shall follow within three working days. This notification shall be followed, within 15 days of the date of occurrence, by a detailed written statement

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describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any fines provided for in Section 1020.99, or for any expense, loss or damage to the sewage works, or treatment process, or for any fines imposed on the Village on account thereof.

- (2) In order that employees of users be informed of these requirements, users shall make available to their employees copies of this chapter together with such other wastewater information and notices which may be furnished by the Village from time to time directed more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this chapter.
- (3) Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system shall be eliminated. Where such action is impractical or unreasonable to the user shall appropriately label entry points to warn against discharge of such wastes in violation of this chapter.

(b) Bypass. A 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. If the user knows in advance of the need for a bypass, it shall submit prior notice to the Administrator, if possible at least ten days before the date of the bypass. A user shall submit the oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to sewage works immediately upon becoming aware of the bypass. A written submission shall also be provided within five (5) days of the time the 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 to continue; and steps taken or planned to reduce, eliminate, and prevent re-occurrence of the bypass. Bypass is prohibited, and the Village may take enforcement action against an industrial user for a bypass unless:

- (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during the normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercises of reasonable engineering judgment to prevent bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- (3) The industrial user submitted notices as required by 40 CFR 403.17.

(c) Operating Upsets. Any user which experiences an upset in operations which places the user in a temporary state of non-compliance with this chapter shall inform the Administrator or Service Superintendent thereof within 24 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 user with the Wastewater Superintendent within five days. The report shall specify:

- (1) Description of the upset, the cause thereof and the upset's impact on a user's compliance status;
- (2) Duration of non-compliance, including exact dates and times of non-compliance, and if the non-compliance 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 of other condition of non-compliance.

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A documented and verified bonafide operating upset shall be an affirmative defense to any enforcement action brought by the Village against a user for any non-compliance with the chapter which arises out of violations alleged to have occurred during the period of upset. The user seeking to establish the occurrence of an upset shall have the responsibility to provide proof of upset. (Ord. 2005-43. Passed 9-12-05.)

1020.07 INDUSTRIAL PERMITS.

(a) Industrial Waste Discharge Permit and Pretreatment. No person shall discharge industrial waste, either directly or indirectly, into the Village sewage works without first obtaining approval and/or a written permit from the Village, after the Administrator has ascertained that the discharge of waste in the particular instance is not in violation of this chapter and the discharge shall receive satisfactory pretreatment as may be required by this chapter. Industries classified as significant industrial users and others as deemed necessary by the Administrator shall obtain the written permit. Obtaining an approval and/or a discharge permit does not relieve the industry from its obligation to obtain other permits required by Federal, State or local law. Upon due notification and just cause, the Village has the right to revoke or suspend any permit issued in accordance with this chapter.

(b) Wastewater Discharge Permit Disclosure. All industrial users proposing to connect to or to discharge sewage, industrial wastes and other wastes to the sewage works shall complete and file with Village a permit application in the form prescribed by the Village. Existing industrial users shall file the necessary forms within 30 days after receiving an official request by the Administrator to do so, and proposed new users shall file its forms at least 90 days prior to connecting to the sewage works. No discharge permit shall be issued unless and until the user has submitted the following required information:

- (1) Disclosure of name, address and location of the user;
- (2) Disclosure of Standard Industrial Classification (SIC) number according to the "Standard 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 analysis. Sampling and analysis shall be performed in accordance with procedures established by the USEPA 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 Village due to cost or non-feasibility;
- (6) Disclosure of the 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 Village's sewage works;
- (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 user to comply with this chapter;

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- (9) Where additional pretreatment and/or operations and maintenance activities will be required to comply with this chapter, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation additional operational and maintenance activities according to Section 1020.08(c);
- (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) For industrial users subject to equivalent mass or concentration limits a reasonable measure of user's long term production rate shall be included. For all other industrial users subject to categorical regulations in terms of allowable pollutant discharge per unit of production the report shall include the user's actual production during the period sampled as per 40 CFR 403.12(d).
- (13) For industrial users subject to equivalent mass or concentration limits a reasonable measure shall be included. For all other industrial users subject to categorical regulations in terms of allowable pollutant discharge per unit of production the report shall include the user's actual production during the period sampled as per 40 CFR 403.12(d).
- (14) Permit applications shall include a certification statement as required in 40 CFR 430.6(a) (2)(ii) and amendments thereto.

The Administrator will evaluate the complete application and data furnished by the user. Within thirty days and after full evaluation, the Village will notify the user of acceptance and if deemed necessary, issue a Wastewater Discharge Permit subject to terms and conditions provided for herein or rejected thereof and the basis therefore.

- (c) Permit Conditions. Wastewater Discharge permits shall specify no less than the following:
 - (1) Fees and charges are to be paid upon initial permit issuance;
 - (2) Limits on the average and maximum wastewater constituents and characteristics regulated thereby;
 - (3) Limits on average and maximum rate and time discharge and/or requirements for flow regulations and equalization;
 - (4) Requirements for installation and maintenance of inspection and sampling facilities;
 - (5) Special conditions as the Village 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;
 - (6) Compliance schedule;
 - (7) Requirements for submission of special technical reports or discharge reports where same differ from those prescribed by this chapter.

(d) Permit Duration. All wastewater discharge permits are issued for a specified time period not to exceed five years.

(e) Permit Continuation. An expired permit will continue to be effective and enforceable until the permit is reissued if:

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- (1) The user has submitted a completed permit application at least 90 days prior to the expiration of the user's current permit;
- (2) The failure to reissue the permit prior to its expiration is not due to any act or failure to act on the part of the user.

(f) Permit Modification. The Village reserves the right to amend any wastewater discharge permit issued hereunder in order to assure compliance with applicable laws and regulations. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of each user 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 referred to the current National Categorical Pretreatment Standard by the USEPA. In addition, the user with an existing wastewater discharge permit shall submit to the Village within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard, the information required by divisions (b)(8) and (b)(9) of this section. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. In addition the Village will forward pertinent information regarding changes in the National Pretreatment Categorical Standards to industries affected if the information received by the Village from the EPA does not indicate that the industry has already been informed by the EPA.

(g) Permit Appeals. The Administrator will provide all interested persons with notice of final permit decisions. Upon notice by the Administrator, any person including the industrial user, may petition to appeal the terms of the permit within 30 days of the notice. All such appeals are subject to the following conditions:

- (1) Failure to submit a timely petition for review shall be deemed to be waiver of the appeal.
- (2) In its petition, the appealing party must indicate the permit provisions objected to, the reason for this objection, and the alternative condition, if any, it seeks to be placed in the permit.
- (3) The permit shall be in effect and shall not be stayed pending reconsideration by the Village. If, after considering the petition, the Village determines that reconsideration is proper, the Village shall remand the permit for re-issuance. Those permit provisions being reconsidered shall be stayed pending reissuance.
- (4) The Village's decision not to reconsider a final permit shall be considered final administrative action for the purpose of judicial review.
- (5) Aggrieved parties seeking judicial review of the final industrial wastewater discharge permit conditions must do so by filing an appeal with the court of competent jurisdiction.

(h) Permit Transfer. Wastewater discharge permits are issued to a specific user for a specific operation and may not be assigned to another user or transferable to any other location, without the prior approval of the Administrator.

(Ord. 2005-43. Passed 9-12-05.)

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1020.08 REPORTS AND RECORDS.

(a) Reporting Requirements for Industrial User. Any user subject to a pretreatment standard set forth in this chapter shall submit to the Village within 90 days following the final compliance date of such pretreatment standard, or, in the case of a new user, within 90 days after commencement of the discharge to the Village's sewage works, and thereafter during the months of June and December, unless required more frequently by the Village, a report indicating the nature and concentration of prohibited or regulated substances in its discharge 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 flow during the reporting period. Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility considerations justify, the Village may accept reports of average and maximum flows estimated by verifiable techniques. The Administrator, for good cause shown considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuation factors, may authorize the submission of such reports on months other than those specified above.

- (1) Reports of users 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 Village. The frequency of monitoring by the user shall be as prescribed in the applicable pretreatment standard of this chapter. All analysis shall be performed in accordance with 40 CFR, Part 136. This does not include a sampling and analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of the USEPA. Determination of the character and concentration of the discharge by the user or his qualified agent as approved by the Administrator. The results of the analysis shall be reported to the Village on a periodic basis on forms provided for by the Village. The Village makes its own analysis on the wastes and these determinations shall be binding as a basis for charges, except as follows:
 - A. In case the analysis performed by the industry and the Village results substantially different values, an effort shall be made by the industry to collect samples at the same time the Village collects its own samples. The results of the analyses of the samples collected by the Village and the industry shall be compared using the same testing procedures and the differences negotiated.
- (2) Reports shall state whether applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional facilities and/or pretreatment is necessary to gain compliance with applicable pretreatment standards or requirements.
- (3) If an industrial user's sampling data indicates a violation, the industrial user shall notify the Administrator within 24 hours of becoming aware of the violations as per 40 CFR 403.12 (g)(2) and amendments thereto. The user shall re-sample and submit to the Administrator the results of the re-sampling within 30 days of becoming aware of the initial violation. Any violation of this chapter revealed by the industrial user's sampling shall be considered to continue until a subsequent sampling shows the results to be in compliance.
- (4) Reports required shall be based on data outlined during the period covered by the report and on an amount of sampling appropriate for that industrial user as per 40 CFR 403.12

(g)(3) and amendments thereto.

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- (5) Results of additional monitoring at Village designated monitoring sites beyond the minimum required shall be included in the reports required during the same period as per 40 CFR (g)(3) and amendments thereto.

(b) Wastewater Volume Determinations. The volume of flow used for computing industrial waste charges shall be the metered water consumption of the person as shown in the records of water meter readings maintained by the Village, except as herein provided in this section.

- (1) If the person discharging industrial wastes into the public sewers procures any part, or all, of this water from sources other than the Village water system, all or part of which is discharged into the public sewer works, the person shall install and maintain at his expense approved metering structures and meters of a type approved by the Administrator and Service Superintendent for the purpose of determining the volume of water obtained from those other sources.
- (2) The person discharging industrial wastes into the public sewers may install and maintain at his own expense metering devices for determining the volume of waste being discharged to the public sewer, from which the industrial waste charges would be computed. The measuring devices shall be of a type acceptable to the Village.
- (3) The Village may require the installation of devices for measuring the volume of waste discharged if these volumes cannot otherwise be determined from the metered water consumption records.
- (4) Any metering device for determining the volume of waste discharge to the public sewer shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the Administrator, and Service Superintendent.

(c) Compliance Schedule. 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 user to comply with the requirements of this chapter including, but not limited to, dates relating to hiring an engineer, completing preliminary plans, completing final plans, execution contract for major components, commencing construction, completing construction, and all other acts to achieve compliance with this chapter. Under no circumstances shall the Village permit a time increment for any single step directed toward compliance which exceeds nine months. Not later than 14 days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the Administrator, including no less than a statement as to whether or not it complied with the increments of progress represented by that 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 user to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the Village.

(d) Signatory Requirements. All reports under this section shall include a certification statement as required in 40 CFR 403.6 (a)(2)(ii) and amendments thereto. Additionally all reports are to be signed by:

- (1) A president, secretary, treasurer, or vice president of a corporation;
- (2) A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively;
- (3) A duly authorized representative of the above if the authorization is previously made in

writing to the Administrator.

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(e) Confidential Information. Information and data furnished to the Village with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Village that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or secret processes or proprietary information of the user. When requested by a user 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 National Pollutant Discharge Elimination Systems (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 involving that User furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Village as confidential, shall not be re-submitted to any governmental agency or to the general public by the Village until and unless a ten-day notification is given to the user.

(f) Changes in the Wastewater. All industrial users shall promptly notify the Administrator at least two weeks in advance of any substantial changes in the volume or character of pollutants in their discharge, including those listed or characteristics of hazardous wastes for which the industrial user is required to submit notification under 40 CFR 403.12(e). For the purpose of this section, “substantial change” shall mean a change in either discharge flows or mass of pollutants of more than 20% above or below daily average flow or mass.

(g) Monitoring Facilities. The Village may require any industrial user to provide and operate at the user's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the Village sewer works. All monitoring and sampling facilities shall be constructed and maintained in accordance with applicable local constructions standards and specifications. Each monitoring facility shall be situated on the user's premises, except where such a location would be impractical or cause undue hardship on the user. The Village may permit the facility to be 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. 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 as may be required shall be maintained at all times in a safe and proper operating condition at the expense of the user. Plans and specifications for proposed monitoring facilities shall be submitted for approval to the village within 60 days of the receipt of request for installation by the user. Construction shall be completed within 90 days of receipt of permit by the User.

(h) Inspection and Sampling.

(1) The Village may inspect the facilities of any user to determine compliance with the requirements of this chapter. The user shall allow the duly authorized employee(s) of the Village bearing proper identification to enter upon the premises of the user at all reasonable hours, without delay, for the purpose of inspection, observation, measurement, sampling, or records examination. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The duly authorized employee(s) of the Village shall

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have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations, and to make copies of such records as deemed necessary. The powers and authority herein granted shall be in addition to powers of inspection otherwise granted by law to the Village.

- (2) All information in the possession of the owner bearing on the industrial, commercial, or other process which, in the judgment of the Administrator, affects the sewage works of the system, shall be made available to the Administrator or his authorized representative.

(i) Record Retention. All users 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 analysis made by or in behalf of a user 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 Village pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. (Ord. 2005-43. Passed 9-12-05.)

1020.09 ADMINISTRATIVE ENFORCEMENT.

(a) Notification of Violation, Administrative Adjustment.

- (1) Whenever the Village finds that any user has violated, or is violating, provisions of this chapter or is engaged in conduct which justifies termination of a wastewater treatment service, pursuant to division (c) of this section, the Administrator may serve or cause to be served upon such user, a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation.
- (2) Within ten days of the date of receipt of the notice the user shall respond personally or in writing to the Village Administrator, 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.

(b) Orders. The Administrator may issue orders to any user as deemed necessary to administer and enforce the provisions of this chapter. No user shall violate any order issued to that user. Orders shall be served upon the affected user directly or by certified mail. Any user issued an order by the Village may appeal that order according to division (e) of this section. The Administrator may issue, but is not limited to the following type of orders:

- (1) Consent orders. The Administrator may enter into consent orders establishing an agreement with any user responsible for non-compliance. Such orders shall include specific action to be taken by the user to correct the non-compliance within a specific time period.
- (2) Compliance orders. When the Village finds that a user has violated, or continues to violate this chapter, the Administrator may issue an order to that user, directing the user that following a specified time period, sewer service shall be discontinued unless adequate treatment facilities have been installed and properly operated. The orders may also contain other requirements as deemed necessary and appropriate to address the non-compliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

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- (3) Cease and desist orders. When the Village finds that a user has violated, or continues to violate this chapter, The Administrator may issue an order to cease and desist such violations and direct those users in non-compliance to; comply forthwith, take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(c) Revocation of Treatment Services. The Village may seek to suspend or terminate the water and/or wastewater treatment services, and where applicable, revoke the discharge permit of any user which fails to:

- (1) Factually report the wastewater constituents and characteristics of its discharge;
- (2) Report significant changes in wastewater constitutes or characteristics;
- (3) Permit reasonable access to the user's premises by a representative of the Village for the purpose of inspection or monitoring; or
- (4) Violate the conditions of this chapter, permit, or any final judicial order entered with respect thereto.

Reissuance of a discharge permit shall be at the discretion of the Administrator, and may be subject to such conditions as deemed appropriate.

(d) Show Cause Hearing. Where the violation of any subsection verified hereof is not corrected by timely compliance by means of administrative adjustment, the Village may order any user which causes or allows conduct prohibited by division (c) of this section, to show cause before the Administrator or his duly authorized representatives, why the proposed service enforcement action should not be taken. A written notice shall be served on the user either personally or by certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the Administrator, or it's designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the user to show cause before the Administrator why the proposed enforcement action should not be taken. The notice of hearing shall be served no less than ten days before hearing. Service may be made on any agent, officer, or authorized representative of a user. The Administrator shall conduct the hearing and take evidence. At the hearing, all testimony shall be taken under oath and recorded. The transcript shall be made available to the public or any party to the hearing upon full payment of the costs of the transcript. Within ten days of the hearing, the Administrator shall transmit to the Village Council his written recommendations for enforcement action against the discharger, together with his written report of the evidence and a complete transcript of the hearing. Within 30 days of receipt of the recommendations of the Administrator, the Village Council shall impose whatever enforcement action it deems necessary and appropriate to accomplish the purpose and policy of this chapter. The Administrator shall give written notice to the user of the date, time, and place of each meeting of the Village Council at which the recommendations of the Administrator shall be considered. Notwithstanding any other provision in this chapter the Village, and the user may enter into an agreement to correct the violations and to accomplish the purpose and policy of this chapter, subject to the following:

- (1) The agreement shall be in writing and signed by the Administrator and the agent or officer of the user;
- (2) If the Administrator has transmitted recommendations to the Village Council, the agreement must be approved by Village Council;

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- (3) The agreement must provide that all violations of this chapter will be corrected;
- (4) All costs of the hearing to show cause and all costs incurred by the Village must be paid in full by the user; and
- (5) The user must agree to any additional reporting requirements that the Village Council deems necessary to protect the sewer works from further misuse.

Any industry who fails to appear at a show cause hearing shall be deemed to have agreed to whatever action is taken by the Village Council as a result of the show cause hearing. Appeal of such orders may be taken by the user in accordance with applicable local or State law.

(e) Right of Appeal. Any user or any interested party shall have the right to request in writing an interpretation or ruling by the Village Council on any matter covered by this chapter and shall be entitled to a prompt written reply. Requests shall be filed within ten days of action resulting from this chapter. In the event that such inquiry is by the user and deals with matters of performance or compliance with this chapter for which enforcement activity relating to an alleged violation is the subject, receipt of the user's request, shall stay all enforcement proceedings pending receipt of the aforesaid written reply. The Village Council shall convene a hearing to discuss the matter within 30 days of receipt of said request. The Village Council may grant continuances if deemed necessary. A written decision on the appeal shall be issued within ten days of the hearing. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with local and State law.

(f) Emergency Suspension of Service. The Village Council may for good cause shown, suspend an industrial user's waste discharge permit and/or suspend the wastewater treatment service to a user when it appears to the Village Council that an actual or threatened discharge presents or may present an imminent or substantial danger to the health or welfare of persons or to the environment, interferes with the operation of the sewage works, or violated any pretreatment limits imposed by this chapter. Any user notified of the suspension of the Village's wastewater treatment service shall immediately cease all discharges. In the event of failure of the user to comply voluntarily with the suspension order, the Village may commence judicial proceedings to complete compliance with such order. The Village shall have such remedies to collect all fees incurred from such proceedings as it has to collect other sewer service charges. The Village Council shall reinstate the wastewater treatment service and terminate judicial proceedings upon proof by the user of the elimination of the non-complying discharge of conditions creating the threat of imminent or substantial danger as set forth above.

(g) Enforcement Actions; Annual Publication. At least annually, the Administrator shall publish a list of all industrial users which at any time during the previous twelve months were in significant non-compliance (SNC) with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant non-compliance if its violations meet one of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 60% 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 33% 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);

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- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Administrator determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WWTP personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment of human health, welfare, or to the environment that has resulted in the Village's exercise of emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 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 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report non-compliance; or
- (8) Any other violation or group of violations which the Administrator determines will or has adversely affected the operation or implementation of the village's pretreatment program.

(h) Administrative Fines. Any user who violates this chapter or any orders or permit issued hereunder, may be assessed, on a strict liability basis, administrative fines not to exceed one thousand dollars (\$1,000.00) per violation. Each day when a violation occurs shall be deemed a separate violation. Such assessments may be added to the user's next scheduled service charge and the Village shall have such other collection remedies as it has to collect other service charges.

(i) Recovery of Costs Incurred by the Village. Any user violating any of the provisions of this chapter or who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the Village sewage works shall be liable to the village for any expense, loss, or damage caused by such violation or discharge, including any EPA fines occurred by the Village as a result of the violation. The Administrator shall bill the user for the costs incurred by the Village for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this chapter enforceable under the provisions of division (c) of this section.

(Ord. 2005-43. Passed 9-12-05.)

1020.10 JUDICIAL REMEDIES.

Following the entry of any order by the Administrator with respect to the conduct of a user contrary to the provisions of Section 1020.09(c) of this chapter, the Attorney for the Village may, following the authorization of such action by the Administrator, commence an action for appropriate legal and/or equitable relief in the appropriate local court.

(Ord. 2005-43. Passed 9-12-05.)

1020.99 PENALTY.

(a) Prohibitions. No person shall violate any section or provision of this chapter or any other made in pursuance thereof, nor shall any person obstruct or interfere with the execution of any order or willfully or illegally fail to obey such order.

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(b) Falsifying Information. Any person who knowingly makes any false statement, representation of 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 or authorized under this chapter, shall, upon conviction, be guilty of a misdemeanor of the first degree, and shall be punished by imposition of a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six months, or both.

(c) Civil Penalties. Any industrial user who has violated or continues to violate this chapter or any order or permit issued hereunder, shall be liable to the Village for a civil penalty of at least one thousand dollars (\$1,000.00) plus actual damages incurred the WWTP, per violation, per day, as long as the violation continues. In addition to the above described penalty and damages, the Village may recover reasonable attorney's fees, court cost, and other expenses associated with the enforcement activities, including sampling and monitoring expenses. The Administrator shall petition the Court to impose, assess, and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation.

(d) Criminal Prosecution. An industrial user who willfully or maliciously violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor of the first degree, punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than one year or both.

(e) Tampering with Sewage Works. No person shall maliciously or willfully break, damage, destroy, uncover, deface, or otherwise tamper with any structure, appurtenance or equipment which is part of the Village sewage works. A violation of this provision shall constitute a misdemeanor offense of the fourth degree, and the person committing such a violation shall, upon conviction, be punished by the imposition of a fine of not more than two hundred-fifty dollars (\$250.00) or by imprisonment for not more than 30 days, or both. In addition, such person shall be liable to the Village for any expense, loss or damage occasioned by reason of such violation.

(Ord. 2005-43. Passed 9-12-05.)

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CHAPTER 1022
Water

1022.01 Backflow prevention.

1022.02 Discontinuance of water for failure to

CROSS REFERENCES

Theft of utilities - see GEN. OFF. 672.06

Sewer and water charges - see S.U. & P.S. Ch. 1024

Water as required improvement for subdivisions - see P. & Z. 1214.07

1022.01 BACKFLOW PREVENTION.

(a) If, in the judgement of the Service Superintendent, an approved backflow prevention device is necessary for the safety of the public water system, the Service Superintendent will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his or her own expense, install such an approved device at a location and in a manner approved by the Service Superintendent and shall have inspections and tests made of such approved devices as required by the Service Superintendent.

(b) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other

than the regular public water supply of the Village may enter the supply or distributing system of the Village unless such private, auxiliary or emergency water supply shall have been approved by the Service Superintendent of the Village of Baltimore and by the Ohio Environmental Protection Agency.

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

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

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

(f) The following supplemental rules and regulations shall be complied with in their entirety, regarding backflow prevention in the Municipal public water supply system. These rules and regulations are in addition to any established requirements that have not been superseded or rescinded by this or any previous legislation or act.

RULES AND REGULATIONS

Village of Baltimore, Ohio, pursuant to the authority granted under Village of Baltimore Ordinance 2005-44, Chapter 6109 of the Ohio Revised Code, and Section 3745-95 of the Ohio Administrative Code, hereby adopts, establishes, and publishes these rules and regulations to be effective at the earliest date allowed by law. These rules and regulations are in addition to any established requirements that have not been superseded or rescinded by this or any previous act.

APPLICATION

These Rules and Regulations shall apply to all properties served by the public potable water supply system of the Village of Baltimore.

WATER SYSTEMS

- For the purposes of these Rules and Regulations, the water system shall be considered as consisting of two parts: the public water supply system and the consumer's water system.
- The public water system shall consist of the source facilities and distribution system, and shall include all the facilities of the potable water system under the control of the Baltimore Water Department up to the point where the consumer's water system begins.
- The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water distribution system.
- The public water supply distribution system shall include the network of piping used to deliver water from the source to the consumer's water system.
- The consumer's water system shall include all parts of the facilities beyond the curb stop used to convey water from the public water supply distribution system to points of use.

PLUMBING SYSTEMS

- It shall be the responsibility of the consumer to have their water plumbing system comply with the latest additions and revision of the Ohio Plumbing Codes and the Village of Baltimore Codes. The consumer shall retain records of installation, maintenance, testing, and repairs as required by these Rules and Regulations for a

period of at least five years.

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Backflow Prevention Rules

Backflow or cross-connection control is intended to prevent the contamination or pollution of the public and consumer's potable water system. The following Backflow Prevention Rules have been approved by the Service Superintendent.

Cross-connection control devices allow for the protection of the public water supply by isolating within the consumer's water system any contaminants or pollution which could backflow through the service connection.

Cross-connection Prohibited

No water service connection shall be installed or maintained to any property where actual or potential cross-connections to the public potable or consumer's water system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the Village of Baltimore and the Ohio Environmental Protection Agency (OEPA).

No connection shall be installed or maintained whereby water from an auxiliary water system may enter the public potable or consumer's water system unless the Service Superintendent approves such auxiliary water system and the method of connection.

There shall be no arrangement or connection by which an unsafe substance may enter the public potable water supply.

Water Use Surveys and Inspections

The owner/consumer's property shall be accessible at all reasonable times to the Department of Public Utilities or an authorized representative to perform water use surveys or to inspect or test backflow prevention assemblies within the property.

On request by the Baltimore Service Superintendent or an authorized representative, the consumer shall furnish information regarding the piping system or water usage within the consumer's property.

It shall be the owner/consumer's responsibility to arrange periodic surveys of water use practices at their property to determine whether there are actual or potential cross-connections to the water system through which contaminants or pollutants could backflow into the potable water supply system. All cross-connection control or water use surveys must be conducted by the Service Superintendent or an authorized representative.

Where Protection Is Required

An approved backflow prevention assembly or method shall be installed on each service line to a consumer's water system serving properties, where any of the following conditions exist:

- I. Properties that have or have access to second source water unless actual or potential cross-connections are abated or controlled to the satisfaction of the Service Superintendent and the OEPA.

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- II. Properties where any substance is handled which can create an actual or potential hazard to the public potable water supply. This shall include properties having sources or systems containing process fluids or water originating from the public potable water supply system that are no longer under the quality control of the Village of Baltimore Water Department.
- III. Properties having internal cross-connection that in the judgment of the Service Superintendent are not correctable or where intricate or complex plumbing arrangements make it impractical to determine whether or not cross-connections exist.
- IV. Properties with security requirements, other prohibitions or restrictions which make it impossible or impractical to make a complete cross-connection survey.
- V. Properties supplied by more than one service, where the services are connected to the water distribution system within different pressure districts.
- VI. Properties having repeated history of establishing or re-establishing cross-connections.
- VII. Installation of backflow prevention assemblies in parallel is required anywhere Baltimore Service Superintendent determines there is a need if the complete interruption of water is critical to the owner/customer's operations.

Type of Protection Required

The type of protection required shall depend on the degree of hazard and be determined by the Service Superintendent.

- I. A "severe health hazard" classification shall mean a harmful or potential threat of contamination of the water system that could be harmful. An approved fixed air gap separation shall be installed and maintained in accordance with Rule and regulation 2005-1.
- II. A "health hazard" classification shall mean an actual or potential threat of contamination of a physical or toxic nature that would be a danger to health. An approved fixed air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed and maintained in accordance with Rule and Regulation 2005-1.
- III. A "non-health hazard" classification shall mean an actual or potential threat to the physical properties of the water supply, but which would not constitute a health hazard, as defined. An approved fixed air gap separation, an approved reduced pressure principle back flow prevention assembly or an approved double check backflow assembly shall be installed and maintained in accordance with Rule and Regulation 2005-1.
- IV. The type of protection required for instances described in "Where Protection Is Required" Numbers 3, 4, 5 and 6 shall be an approved fixed air gap or an approved reduced pressure principle backflow prevention assembly.
- V. The type of protection required for instances described in "Where Protection Is Required" Section VII shall be equal to the containment assembly required.
- VI. Fire protection systems with chemicals added or with the ability to add chemicals shall install approved reduced pressure principle backflow assembly.
- VII. Fire protection systems without chemicals shall install an approved double check backflow assembly.

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VIII. A reduced pressure detector assembly (ASSE 1047) and a double check detector check assembly (ASSE 1048) can be installed in lieu of a reduced pressure or double check backflow assembly, respectively. Note that all meter requirements must comply with the Department of Public Utilities meter installation specifications.

Below is a list of property types and their respective backflow requirements. This list was established as a guideline and is not to be used as a legal requirement without the approval of the Service Superintendent. Updates to these requirements can be obtained by contacting the Village of Baltimore at (740) 862-8550.

TYPE OF PROPERTY	REQUIREMENTS
Industrial	Reduced Pressure Backflow Device
Commercial	Reduced Pressure Backflow Device
Residential With Lawn Irrigation*	Reduced Pressure Backflow Device
Residential with water uses other than domestic	Reduced Pressure Backflow Device
Residential with second source water or access to second source water	Reduced Pressure Backflow Device

* pressure Vacuum Breaker may be used on lawn irrigation.

THE FOLLOWING ARE TO BE PROTECTED AS LISTED, REGARDLESS OF ON-SITE WATER-USE HAZARDS

TYPE OF PROPERTY	REQUIREMENTS
Hospitals	Reduced Pressure Backflow Device
Mortuaries	Reduced Pressure Backflow Device
Medical Clinics, Offices, etc.	Reduced Pressure Backflow Device
Nursing and Convalescent Homes	Reduced Pressure Backflow Device
Laboratories	Reduced Pressure Backflow Device
Sewage Treatment Plants	Reduced Pressure Backflow Device
Car Washes	Reduced Pressure Backflow Device
Lawn Irrigation	Reduced Pressure Backflow Device
Automotive and Auto Body Repair Shops	Reduced Pressure Backflow Device
Commercial Lease Accounts	Reduced Pressure Backflow Device
Full Service Restaurants	Reduced Pressure Backflow Device

Backflow Prevention Assemblies

I. The Village of Baltimore requires that backflow prevention devices be endorsed by the American Society of Sanitary Engineering

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- II. Installation of approved assemblies shall be made in accordance with standard detail drawing #1 (attached) and to the satisfaction of the Baltimore Service Superintendent.
- III. Maintenance shall be performed as recommended by the manufacturer of the assembly and the Service Superintendent.
- IV. A fixed proper air gap separation is defined as a physical separation between the free flowing discharge end of a potable water supply pipeline and an open (non-pressure receiving) vessel. The separation shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel and in no case less than one (1) inch.

Testing and Maintenance

Wherever backflow assemblies are required by the Baltimore Service Superintendent, it shall be the duty of the owner/consumer to have inspections, tests, maintenance and repairs made according to the following schedule:

- **FIXED AIR GAP SEPARATION BACKFLOW ASSEMBLIES** shall be inspected and tested at the time of installation and every twelve (12) months, or more frequently if required by the Baltimore Department of Public Utilities.
 - **REDUCED PRESSURE PRINCIPLE BACKFLOW ASSEMBLIES** shall be inspected and tested at the time of installation and at least every twelve (12) months, or more frequently if required by the Department of Public Utilities, and rebuilt as needed.
 - **DOUBLE CHECK VALVE BACKFLOW ASSEMBLIES** shall be inspected and tested at the time of installation and at least every twelve (12) months, or more frequently if required by the Department of Public Utilities, and rebuilt as needed.
 - **PRESSURE VACUUM BREAKER BACKFLOW ASSEMBLIES** shall be inspected and tested at the time of installation and at least every twelve (12) months, or more frequently if required by the Department of Public Utilities, and rebuilt as needed. The consumer shall visually inspect the installed assembly every three (3) months for conditions that would prevent the normal functioning of the assembly.
- I. Backflow Testers who are certified shall perform testing. The actual tester must possess an active Ohio Department of Commerce Backflow Prevention Assembly Tester's Certificate and be approved by the Department of Public Utilities.
 - II. Each backflow prevention assembly shall have a tag attached listing the date of the most recent test, the name of the tester, the tester's certificate number, the company with which the tester is employed, the type and date of any repairs, and the test results.
 - III. The consumer shall forward test and repair results to the Village of Baltimore.
 - IV. The consumer shall maintain a maintenance and test log and store it in a manner so that it will always be readily available to the Baltimore Service Superintendent or an authorized representative upon request. The log shall include: date of each test, name and certificate number of the tester, name of the company with which the tester is employed, test results, repairs or servicing required, repairs made and date completed, and servicing performed and date completed.
 - V. Fixed air gap separation assemblies shall have a tag attached listing the date of the most recent visual inspection and the name of the certified inspector.

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- VI. Whenever backflow prevention assemblies required by the Baltimore Service Superintendent are found to be defective, they shall be repaired or replaced by the owner/ consumer, at their expense, without delay.
- VII. Backflow prevention assemblies shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Service Superintendent.
- VIII. Test equipment used for initial, annual or emergency backflow prevention assembly testing required by the Baltimore Service Superintendent, shall be calibrated at least every twelve (12) months by an independent calibration company.

Installation

Required backflow prevention assemblies shall be installed at a location and in a manner approved by the Baltimore Service Superintendent and at the expense of the water consumer. For detailed instruction refer to Standard Drawing 1.

Violations

Non-compliance with any of the backflow prevention requirements may result in certain penalties including discontinuation or denial of water service until the consumer has eliminated the actual or potential risk of cross-connection to the satisfaction of the Baltimore Service Superintendent.

SUPPORT DOCUMENTATION

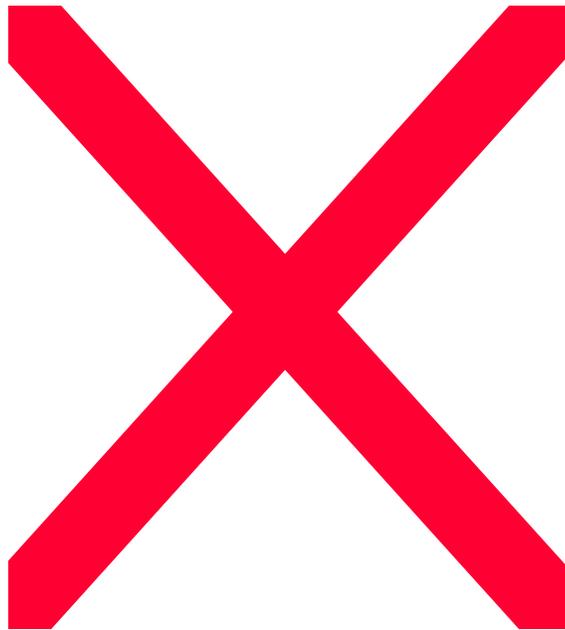
- Backflow prevention assemblies shall be installed so that the inlet shut-off valve of the backflow device is the next piped fitting (including piping) after the water meter, except where a meter bypass, limited area fire system or strainer is needed.
- Where the meter is located in the pit and the backflow device has been approved to be installed in the building, the backflow assembly inlet valve shall be twelve (12) inches from the wall or immediately after the ninety degree bend where the supply enters the floor.
- All assemblies are to be installed in a horizontal orientation.
- Minimum and maximum ground clearance is measured from the floor to the lowest part of the assembly.
- Each installation shall include properly located test cocks and manufacturer approved tightly closing shut off valves.
- All shut off valves two (2) inch and under are to be ball valve types.
- No backflow assembly shall be subject to excessive heat or cold.
- It is recommended that a floor drain be installed as close as possible to the assembly.
- Reduced Pressure Principle Backflow Assemblies shall not be installed in a pit, vault or any area subject to flooding and shall always have an approved air gap assembly.
- Pressure vacuum Breakers shall never be subject to back pressure and must be installed a minimum of 12 inches above the highest downstream discharge.
- Lawn Irrigation Systems shall not have any outside exposed tees, drains or hose bibs.
- Backflow Prevention Assemblies shall prevent the release of on-site pressure to the public distribution water system. Therefore, internal compensation in accordance with the Ohio

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Plumbing Code shall be considered and made when needed, to relieve any excessive increase in on-site pressure due to hot water heating systems or other heat sources.

- No Backflow Prevention Assembly shall be bypassed unless the bypass line contains equal backflow protection and the approval of the Department of Public Utilities.

NOTE: If there is a reason any of these criteria cannot be met, you will need to contact the Village of Baltimore at (740) 862-8550.



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REDUCED PRESSURE DEVICE

In these figures, the RP device is shown on the service connection. The minimum clearance of 12 inches above the floor from the lowest point of the RP device above the floor grade is to ensure an air gap between the relief valve and any water that might puddle beneath the device. The maximum height is so that the device will be easy to work on during testing and maintenance. Minimum distances from a wall or protective enclosure are for testing and maintenance as well.

**OHIO E.P.A. APPROVED BACKFLOW PREVENTION
REDUCED PRESSURE DEVICES**

<u>COMPANY</u>	<u>MODEL</u>
Ames	4000 SS
Buckner	2400 for 3/4" 2401 for 1"
Cal-Vac	RP-2
Conbraco	40-204 for 3/4" 40-205 for 1"
Febco	825YA
Flomatic	RPZ B9200 for 3/4" RPZ B9201 for 1"
Hersey	FRPII
Orion	BRP
Rain Bird	RPA-075 for 3/4" RPA-100 for 1"
Watts	009,909
Wilkins	975

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VILLAGE OF BALTIMORE BACKFLOW CONTACTS

D.J. Palmentera
Department of Public Utilities
Cell: 740-808-6704
Fax: (740) 862-4368
E-Mail: dpalmentera@baltimoreohio.org

Scott Brown
Water Department
Office: (740) 862-4043
E-Mail: sbrown@baltimoreohio.org

Scott Brown
Village Administrator
Office (740) 862-4491
Fax (740) 862-4368
E-Mail: sbrown@baltimoreohio.org

ALL FORMS FOR TESTING AND RULES AND REGULATIONS ARE AVAILABLE
AT THE VILLAGE OF BALTIMORE WEB SITE FOR DOWNLOADING. THE
ADDRESS IS WWW.BALTIMOREOHIO.ORG

VILLAGE OF BALTIMORE
 RETURN ORIGINALS TO 103 WEST MARKET ST.
 Annual Test & Maintenance Report for Backflow Prevention Assemblies

Facility Name: _____ Address: _____
 Contact Person: _____ Phone No. _____

Assembly Information
 Make: _____
 Model: _____
 Size: _____
 Serial Number: _____

Installation Information

Containment		Isolation	
Meter Pit <input type="checkbox"/>	Basement <input type="checkbox"/>	Floor Number: _____	
Penthouse <input type="checkbox"/>	Boiler Room <input type="checkbox"/>	Room Number: _____	
Mechanical Room <input type="checkbox"/>	Protection Provided: _____		

Double Check Assembly			
Initial Test	Outlet Valve		Pass <input type="checkbox"/> Fail <input type="checkbox"/>
	1 st Check Valve	_____ psid	Pass <input type="checkbox"/> Fail <input type="checkbox"/>
Date	2 nd Check Valve	_____ psid	Pass <input type="checkbox"/> Fail <input type="checkbox"/>

Reduced Pressure Assembly		
1 st Check Valve	_____ psid	Pass <input type="checkbox"/> Fail <input type="checkbox"/>
Relief Valve Opening Point	_____ psid	Pass <input type="checkbox"/> Fail <input type="checkbox"/>
2 nd Check Valve		Pass <input type="checkbox"/> Fail <input type="checkbox"/>
Outlet Valve		Pass <input type="checkbox"/> Fail <input type="checkbox"/>

Pressure Vacuum Breaker		
Air Inlet Valve	_____ psig	Pass <input type="checkbox"/> Fail <input type="checkbox"/>
Check Valve	_____ psig	Pass <input type="checkbox"/> Fail <input type="checkbox"/>

Repairs & Materials Used

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Double Check Assembly			
Re-Test After Repairs	Outlet Valve		Pass <input type="checkbox"/> Fail <input type="checkbox"/>
	1 st Check Valve	_____ psid	Pass <input type="checkbox"/> Fail <input type="checkbox"/>
Date	2 nd Check Valve	_____ psid	Pass <input type="checkbox"/> Fail <input type="checkbox"/>

Reduced Pressure Assembly		
1 st Check Valve	_____ psid	Pass <input type="checkbox"/> Fail <input type="checkbox"/>
Relief Valve Opening Point	_____ psid	Pass <input type="checkbox"/> Fail <input type="checkbox"/>
2 nd Check Valve		Pass <input type="checkbox"/> Fail <input type="checkbox"/>
Outlet Valve		Pass <input type="checkbox"/> Fail <input type="checkbox"/>

Pressure Vacuum Breaker		
Air Inlet Valve	_____ psig	Pass <input type="checkbox"/> Fail <input type="checkbox"/>
Check Valve	_____ psig	Pass <input type="checkbox"/> Fail <input type="checkbox"/>

TESTER CERTIFICATION: I certify that the above data is correct and that the backflow prevention device is in proper working condition.

Tester Name (Printed) _____ Signature _____ Phone No. _____
 Company Name _____ O&H Cert. No. _____ Contractor No. _____ Date _____

FACILITY CERTIFICATION: I hereby certify that the above backflow prevention device has been in constant use at this location during the entire prescribed interval between test periods and during that period this device was not bypassed, made inoperative or removed without proper authorization. I further certify that I have the authority and responsibility to ensure the above.

Owner/Officer (Printed) _____ Signature _____ Phone No. _____
 Title: _____ Date: _____

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1022.02 DISCONTINUANCE OF WATER FOR FAILURE TO CONNECT TO SEWER SYSTEM.

(a) It is hereby determined to discontinue water service to residents outside the corporation of the Village, upon failure of the residents to comply with a request by the Council to connect to the municipal sewer, when said residents are within the appropriate distance to a public sewer as established by the Ohio Revised Code and Village of Baltimore Regulations.

(b) The request shall be in the form of a registered or certified letter allowing the residents 90 days from receipt of the request to connect his or her home to the Baltimore Municipal Sewer System. If the request is not complied with by the residents within the 90-day period, then water service by the Village shall be discontinued to the resident outside the Village corporation limits.
(Ord. 708. Passed 2-15-71; Ord. 2005-44. Passed 9-12-05.)

1022.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not to exceed one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

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CHAPTER 1024
Sewer and Water Charges

1024.01	Purpose.	1024.07	Debt service charge.
1024.02	Definitions.	1024.08	Permit required.
1024.03	Sewer service charges.	1024.09	Application; engineer approval.
1024.04	Water service charges.	1024.10	Prepayment of capacity charges.
1024.05	Water and sewer tap charges and related fees.	1024.11	Availability of service outside
1024.06	Payment and late payment.		

1024.12 Storm sewer charge.

CROSS REFERENCES

Theft of utilities - see GEN. OFF. 672.06

Sewers - see S.U. & P.S. Ch. 1020

Water - see S.U. & P.S. Ch. 1022

1024.01 PURPOSE.

It is hereby determined and declared to be necessary and conducive to the public health, safety welfare and convenience of the village to operate the sewerage system of the Village as a public utility and to levy and collect sewer service charges upon all lots, lands and premises served by having connections with the system and such charges when collected shall be used for the purposes hereinafter provided.

(Ord. 424. Passed 6-28-58.)

1024.02 DEFINITIONS.

For the purposes of this chapter the terms set forth below are defined as follows:

- (a) "Industrial wastes" means the liquid waste resulting from any commercial, manufacturing or industrial operations or processes.
- (b) "Sewage" means the water or water borne wastes from premises on which any structure has been erected having connection with the system.
- (c) "Residential unit." Each single-dwelling structure with a potable water connection sufficient to provide water and sewer service. For example, a single-family residence constitutes one

residential unit, a duplex (even if served by a single water tap and/or a single sewer tap) constitutes two units, and a 40-unit apartment complex constitutes 40 units.

- (d) “Commercial Unit.” Each single commercial or institutional structure with a potable water connection sufficient to provide water and sewer service. For example, a commercial building with four separate suites (even if served by a single water tap and/or a single sewer tap) constitutes four commercial units.

(Ord. 424. Passed 6-28-58; Ord. 2012-16. Passed 4-9-12.)

1024.03 SEWER SERVICE CHARGES.

For the purposes stated in Section 1024.01 of this chapter there is hereby charged, levied and assessed upon each lot or parcel of land in the Village on which a structure has been or may be erected having

connection with the sewer system of Baltimore or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly into the Village sewerage system, sewer service charges payable in the amounts determined as follows.

- (a) The monthly user charge for each unit shall be:

Rate

\$16.80 for the first 2,000 gallons or less per month

\$8.65 for each 1,000 gallons in excess of the first 2,000 gallons per month

- (b) The sewer service rates shall be reviewed yearly by the Finance Committee in the third quarter of each year.

(Ord. 424. Passed 6-28-58; Ord. 90-41. Passed 10-8-90; Ord. 98-32. Passed 11-9-98; Ord. 99-43. Passed 11-22-99; Ord. 2000-37. Passed 12-11-00; Ord. 2001-32. Passed 10-8-01; Ord. 2003-37. Passed 11-10-03; Ord. 2004-63. Passed 10-25-04; Ord. 2006-48. Passed 11-13-06; Ord. 2009-55. Passed 12-14-09; Ord. 2012-11. Passed 3-26-12; Ord. 2013-46. Passed 12-9-13.)

1024.04 WATER SERVICE CHARGES.

(a) Inside the Village Corporation Limits. The monthly charges for water service for customers whose properties being serviced are located inside the Village of Baltimore corporation limits, shall be at the rate of \$14.71 for the first 2,000 gallons or less per month, and shall be at the rate of \$4.64 for each 1,000 gallons per month in excess of the first 2,000 gallons. The water salesman rate shall be \$2.66 for each 150 gallons.

(b) Outside the Village Corporation Limits. Effective January 1, 2014 and thereafter, the water service rates for Village of Baltimore water service customers whose properties being serviced are located outside the Village corporation limits, shall be at the following percentage of the rates then in effect for water service customers whose properties being serviced are located inside the Village corporate limits:

January 1, 2014 200%

- (c) (1) Agreement to Annex. Effective January 1, 2014, all prospective water service customers whose properties to be serviced are located outside the Village corporation limits, shall, as a condition precedent to receiving water services from the Village, be required to annex to the Village as soon as the customer/property owner's property becomes contiguous to

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the Village, as defined by the applicable annexation statutes set forth in the Ohio Revised Code. The Agreement to Annex shall be recorded with the Fairfield County Recorder, the terms and conditions set forth therein shall run with the land, and the Agreement shall obligate the property owner and all future titleholders to comply with all terms and conditions of the Agreement to Annex.

- (2) Credit for advance commitment. Any current or prospective water service customers whose properties currently being serviced or to be serviced are located outside the Village corporation limits, and who commit to receive water services from the Village and execute and complete all necessary documents including but not being limited to an Agreement to Annex on or before January 1, 2014, shall be billed at the water service rates then in effect for water service customers whose properties being serviced are located inside the Village corporate limits.

(d) The water service rates shall be reviewed yearly by the Finance Committee in the third quarter of each year.

(Ord. 93-29. Passed 11-8-93; Ord. 96-19. Passed 7-8-96; Ord. 98-30. Passed 11-9-98; Ord. 99-42. Passed 11-22-99; Ord. 2000-38. Passed 12-11-00; Ord. 2001-31. Passed 10-8-01; Ord. 2003-36. Passed 11-10-03; Ord. 2004-62. Passed 10-25-04; Ord. 2005-46. Passed 10-10-05; Ord. 2006-47. Passed 11-13-06; Ord. 2008-62. Passed 12-08-08; Ord. 2009-56. Passed 12-14-09; Ord. 2013-27. Passed 8-26-13; Ord. 2013-35. Passed 10-14-13; Ord. 2013-46. Passed 12-9-13; Ord. 2014-05. Passed 2-24-14.)

1024.05 WATER AND SEWER TAP CHARGES AND RELATED FEES.

- (a) Consumer deposit for water and sewer for new users \$ 100

- (b) (1) Tap fee:

A tap fee is in reference to the cost associated with physically unearthing the Village's main water and/or sewer line, making a tap or tapping into the main line, and extending the service lateral to the property owner's lot and all the supplies and materials associated with this process.

The Village does not provide this service. It is the property owner's responsibility to hire a contractor to perform this service.

For a 3/4-inch or 1-inch residential water and/or sewer tap the Village charges \$100.00 to inspect and approve each tap.

Commercial taps and large developments such as a subdivision shall have inspections. The fee schedule shall be based on the project and shall be finalized at the preconstruction meeting.

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(2) Capacity fee:

A capacity fee is based on the required gallons to service a property and the cost of the meter. This fee is used to maintain the Village’s water and wastewater treatment plants and to make necessary upgrades to the collection and distribution system in order to meet demand.

(c) Fee Schedule.

<i>Gallons per Day (gpd)</i>	<i>Tap Size</i>	<i>Water</i>	<i>Gravity Sewer</i>	<i>Low Pressure Grinder Pump</i>	<i>Fire Tap*</i>
400 (Residential only)	3/4 inch	\$2,500	\$3,500	\$15,000	
1,000 (Minimum commercial)	1 inch	\$5,000	\$7,000	\$25,000	
2,500	1.5 inch	\$10,000	\$14,000	\$25,000	
5,000	2 inch	\$15,000	\$21,000	\$45,000	\$7,500
30,000	4 inch	\$45,000	\$63,000		\$23,000
90,000	6 inch	\$67,500	\$94,500		\$34,000
200,000	8 inch	\$90,000	\$126,000		\$45,000

For a connection larger than 8 inches or 200,000 gpd, legislative approval must be obtained.

*A fire tap is exempt from Village minimum billing.

Credit for residential property owner providing installation services: \$3,000.00 (See below)

In the event that a property owner desires to provide his/her own installation services, the following requirements must be met prior to the approval of an installation credit as set forth above:

- (1) All work must be performed during normal working hours so that the Village can provide on-site inspection;
- (2) The Village shall obtain a permit from Fairfield County Utilities in order for the property owner’s existing septic tank to be abandoned. The property owner shall have the existing septic tank pumped and cleaned by a licensed waste disposal company. The property owner shall then: remove or crush the top of the tank; disconnect and remove any electrical aeration equipment; bulkhead the inlet and outlet pipes; and fill the tank with sand;
- (3) The property owner shall test the newly installed lateral pipe for leaks. The Village shall provide the property owner with construction specifications for all work to be performed by the property owner;

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- (4) The property owner shall provide and install all seeding and mulching materials;
- (5) The property owner shall be responsible for clean-up and disposal of all on-site construction debris;
- (6) The property owner shall be responsible for all electrical work inside the residence, including providing a connection for the grinder pump control panel, any upgrades, and permits;
- (7) The Village shall provide start-up services for the grinder pump unit, per the manufacturer's representative;
- (8) The property owner must relinquish ownership of the 1-1/4-inch lateral line and grinder pump unit to the Village. The Village shall assume ownership of the same, and provide operation, maintenance and replacement services. The property owner shall retain ownership, maintenance, and replacement responsibility for the 4-inch lateral line from a point measuring ten feet from the grinder pump unit towards the residence;
- (9) The property owner must give the Village ingress and egress rights for the operation and maintenance of the on-lot system, including the 1-1/4-inch service lateral.

Agreement to Annex. As a condition precedent to receiving sewer services from the Village, all prospective users of the 256 Sanitary Sewer Line Extension Project shall be required to agree to annex to the Village as soon as the user/property owner's property becomes contiguous to the Village, as defined by the applicable annexation statutes set forth in the Ohio Revised Code. The Agreement to Annex shall be recorded with the Fairfield County Recorder, the terms and conditions set forth therein shall run with the land, and the Agreement shall obligate the property owner and all future title holders to comply with all terms and conditions of the Agreement to Annex.

Credit for Advance Commitment. Any prospective users of the 256 Sanitary Sewer Line Extension Project who commit to receive sewer services from the Village on or before June 1, 2013, and execute and complete all necessary documents including but not being limited to an Agreement to Annex, shall be billed at the sewer rates then in effect for in-Village users, as opposed to being billed at the sewer rates then in effect for out-of-Village users.

(d) Water capacity charges for multi-family dwellings	
(1) First dwelling unit	\$2,980
(2) Each additional dwelling unit	1,987
(e) Sewer capacity charges for multi-family dwellings	
(1) First dwelling unit	\$ 3,584
(2) Each additional dwelling unit	2,389
(f) Water meter fee	Cost of meter purchased by Village, plus 20%

	Total charge	Amount Applied to Water Fund	Amount Applied to Sewer Fund
(g) Charge to re-read meter when initial reading was correct	\$30	\$15	\$15
(h) Meter test charge when no repairs are required of meter	\$30	\$15	\$15
(i) Meter repair (actual labor times cost for repair) Minimum charge (fault of property owner)	\$30	\$30	- 0 -
(j) Parts to repair meter (fault of property owner)	Actual cost plus 15%	100%	- 0 -
(k) Returned check charge	\$50	\$25	\$25
(l) One and off charge (\$37.50 - on and \$37.50 - off)	\$75	\$37.50	\$37.50
(m) Use of meter for hydrant hook up (water used from hydrant to be metered - billed at actual current rates on water used)	\$50	N/A	N/A

(Ord. 95-10. Passed 4-24-95; Am. Ord. 2001-33. Passed 10-9-01; Ord. 2004-25. Passed 5-10-04; Ord. 2006-45. Passed 10-23-06; Ord. 2011-37. Passed 9-12-11; Ord. 2012-24. Passed 5-14-12; Ord. 2012-36. Passed 9-10-12; Ord. 2013-22. Passed 7-8-13; Ord. 2013-46. Passed 12-9-13.)

1024.06 PAYMENT AND LATE PAYMENT.

(a) All water and sewer bills shall be payable monthly by the twentieth day of the month in which they are due. A postmark by the United States Postal Service of the twentieth day of the month or earlier shall be considered timely.

(b) All water and sewer service bills shall be subject to a late charge of 10% of the net amount due if not paid on or before the twentieth of the month in which they are due.

(c) Failure to receive a bill through the mail, loss of bill, or absence due to vacations do not constitute eligible grounds for exemption from the late charge. Payments by mail shall be postmarked no later than the twentieth day of the month. In other justifiable cases, the Administrator may, at his or her discretion, suspend the late charge.

(Res. 90-47. Passed 10-8-90.)

1024.07 DEBT SERVICE CHARGE.

(a) The sewer debt service charge for each user shall be \$27.00 per month, upon the passage of legislation to that effect. Effective January 1, 2012, the sewer debt service charge for each user shall be \$33.00 per month.

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(b) The water debt service charge for each user shall be \$10.00 per month, upon the passage of legislation to that effect.

(Ord. 2000-36. Passed 12-11-00; Ord. 2002-25. Passed 9-9-02; Ord. 2005-47. Passed 10-10-05; Ord. 2006-31. Passed 7-24-06; Ord. 2008-61. Passed 12-09-08; Ord. 2010-60. Passed 12-13-10.)

1024.08 PERMIT REQUIRED.

No person, firm or corporation shall make a service connection, or any part thereof, to the sanitary sewer system of the Village without having first been issued a permit therefor by the Village.

(Ord. 2004-25. Passed 5-10-04.)

1024.09 APPLICATION; ENGINEER APPROVAL.

A capacity charge shall be paid whenever an application is made for the issuance of a sewer permit to provide water or sewer service to a new structure, or whenever an existing structure is enlarged or its use changed which necessitates a larger water tap. All water supply lines and sanitary sewer connection line sizes, other than for single-family dwellings, must first be approved by the Village Engineer.

(Ord. 2004-25. Passed 5-10-04.)

1024.10 PREPAYMENT OF CAPACITY CHARGES.

The owner, developer or subdivider of any lands to which a connection will be made may, if they so elect, prepay the capacity charges at any time. However, if charges provided for by this chapter increase between the time of prepayment and the time that the service connection is made, the owner, developer or subdivider shall pay the difference between the then-current capacity charges (the charges in effect at the time that the connection is actually made) and the prepaid capacity charges.

(Ord. 2004-25. Passed 5-10-04.)

1024.11 AVAILABILITY OF SERVICE OUTSIDE MUNICIPALITY.

Municipal water and/or sewer service shall be extended within the 20-year Sanitary Sewer Service Area Boundary Map, as approved by Village Council.

(Ord. 2004-25. Passed 5-10-04; Ord. 2005-44. Passed 9-12-05.)

1024.12 STORM SEWER CHARGE.

A storm sewer charge and account are hereby created. The storm sewer charge for each billing unit shall be \$1.00 per month, for billing units in the Village corporation limits only, effective upon the passage of legislation to that effect.

(Ord. 2013-27. Passed 8-26-13.)

CHAPTER 1026
Water and Wastewater Rules and Regulations

1026.01	Ownership and control of systems.	1026.07	Sanitary sewer rates, fees and charges.
1026.02	Description of water service.	1026.08	Rate review.
1026.03	Service line.	1026.09	Applications for users.
1026.04	Requirements for sanitary sewer.	1026.10	Rendering and payment of bills.
1026.05	Cross connection.	1026.11	Special provisions.
1026.06	Water rates.	1026.12	Authority.
		1026.13	Fats, oils and grease.

1026.01 OWNERSHIP AND CONTROL OF SYSTEMS.

(a) Water System.

- (1) The public water supply system, including all water mains, valves, hydrants, meters and services is under the exclusive control of the Water/Wastewater Department of the Village of Baltimore and its authorized agents and employees. Such control shall include all piping from the Village's mains to the curb stop, and includes the meter and remote reading device. Such control shall be governed by these rules and regulations.
- (2) Whenever a break or leak occurs in a water main or water service line between the main and the curb box, the Water/Wastewater Department will repair this at its own expense as soon as possible. If a break or leak occurs between the curb box and the meter at any place upon the property supplied, it shall be repaired by the owner at their own expense as soon as possible. If the Water/Wastewater Department, in order to prevent excessive water waste and/or substantial damage, deems a leak or break to be an urgent and necessary action, utility service may be terminated and/or shall cause the leak or break to be repaired and bill the property owner at 2.5 times the actual cost of repair.

(b) Sanitary Sewer System.

- (1) The sanitary sewer collection system, including all sewer mains, pump stations, manholes, grinder pumps, and service connections, is under the exclusive control of the Water/Wastewater Department of the Village of Baltimore and its authorized agents and employees. Such control does not include any piping from the service connection (tap) at the main to the service structure. Such control shall be governed by these rules and regulations.
- (2) Whenever a leak, break or clog occurs in a sanitary sewer main, the Water/Wastewater Department will repair this at its own expense as soon as possible. If a leak, break or clog occurs between the service connection and the service structure at any place upon the property supplied, it shall be repaired by the owner at their own expense as soon as possible. If the Water/Wastewater Department, in order to prevent excessive water waste and/or substantial damage, deems a leak or break to be an urgent and necessary action, utility service may be terminated per division (d) of this section and/or shall cause the leak or break to be repaired and bill the property owner at 2.5 times the actual cost of repair.

(c) Tampering with the Systems Prohibited. Without permission from the Water/Wastewater Department, it shall be unlawful for any person to violate any of the following regulations:

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- (1) No person shall connect to any public water, tamper with or remove any meter.
 - (2) No person shall operate, open or otherwise tamper with any valve, curb stop or unlawfully secure a supply of water through such valve, stopcock, or curb stop or other device.
 - (3) No person shall make any alterations for conducting water into any premises until he or she first obtains permission from the Water/Wastewater Department or its authorized representative.
 - (4) No person except an authorized agent of the Water/Wastewater Department or Fire Department shall open or take water from any fire hydrant.
 - (5) No person shall make or maintain a physical connection between any other source of water or liquid and the public water supply piping. No spigot or outlet shall be physically connected to a sewer or drain or shall be below a free overflow or submerged.
 - (6) No person shall disconnect or otherwise tamper with a remote readout dial or any of its connections. No person shall cover a remote dial with paint, objects, etc., so as to make it impossible or unhandy to read the remote dial.
- (d) Termination of Service.
- (1) The Village may terminate utility service to any property, in accordance with the procedures set forth in this section, for any of the following reasons:
 - A. A final meter reading is performed.
 - B. Nonpayment by the owner for utility service to the service address affected.
 - C. At the request of the owner.
 - D. Tampering with the water meter(s), theft of service, or fraud for the premises by the owner or consumer.
 - E. Failure to install remote reading meter(s) and register(s), or to have installed meter inspected.
 - F. Failure to permit the Village access to the meter.
 - G. Emergency termination.
 - H. For the purpose of a water emergency as defined by the Village.
 - I. Violation of the Village plumbing code, Village regulations and/or failure to cooperate with any department of the Village.
 - J. Abandonment of the property.
 - K. Condemnation of property.
 - L. The continued use of water when expressly prohibited by the Water Department.
 - (2) The owner of any property in which utility service was terminated for any of the reasons stated above shall have the right to appeal.
 - (3) All terminations shall be documented by a written service order recording the date, time and identity of the Village employee performing the terminations; such documentation shall be retained in the address file.
 - (4) Termination methods shall be performed in a manner that is most practical to the Village. In most cases terminations will occur at the water curb box valve. In cases where the water curb box valve is inaccessible or termination at the water curb box valve will interrupt another consumer with a current account, the water meter will be removed and the inside water shutoff valve will be locked. In extreme circumstances, one of the utility service lines will be excavated in the right-of-way or utility easement

and terminated through mechanical means. In this instance, the property owner will bear the costs of the materials

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and labor associated with this termination multiplied by 2.5 times the actual costs and such costs added to the outstanding account balance.

- (5) Except for emergency terminations or scheduled finals, terminations shall not occur on any day which precedes a holiday or weekend.
- (6) A utility service account terminates upon the date of the final meter reading of the account.
- (7) All requests for voluntary termination may be made at the Billing Office in writing provided the consumer shall provide identification at the time of the request.
(Ord. 2010-17. Passed 5-24-10.)

1026.02 DESCRIPTION OF WATER SERVICE.

(a) Quantity. The Water/Wastewater Department will exert every effort to deliver a continuous and sufficient supply of water at proper pressure. The Water/Wastewater Department does not guarantee any fixed pressure or continuous supply, but it will in case of accidents which will cause the water supply to be cutoff, endeavor to notify consumers affected thereby. Those using steam boilers and/or water heaters and receiving their supply direct from the Village mains should have a tank large enough to hold an ample supply for emergencies because the Village will not consider any damage claims whatsoever due to lack of water supply or pressure.

(b) Quality. The Village will endeavor to see that all water furnished through the system is clean and safe for human consumption.

(c) Water Taps.

- (1) A written request for a permit to connect to the water system shall be submitted to the Water/Wastewater Department Billing Office. The applicant shall have valid proof that a building permit has been issued to him or her by the Zoning Administrator before a water permit can be issued.
- (2) The applicant shall agree to be bound by all of the rules and regulations of the Village. The applicant must pay for all costs associated with the expense of installing the tap, including any extra back fill, any paving, any curb or gutter repair made necessary by the tap. The applicant will be billed for any additional charges based on the record of cost kept by the Water/Wastewater Department, after the tap is completed. Payment for any additional charges incurred while making the tap will be due and payable no later than 30 days after the billing date, unless prior written arrangements are approved by the Village. The completion of service lines and taps will be performed by a contractor registered within the Village, with inspection performed by an authorized employee or agent of the Village.
- (3) When a tap is applied for and purchased, the building that the tap is purchased for must start construction within 30 days from the date the tap was issued or the tap fee will be declared null and void, the tap fee will be returned to the applicant and a new tap permit and fee will have to be issued before a tap may be made. During the development of a subdivision, taps may be purchased and installed prior to the construction of homes.

(d) Verification of Tap Inspection. No water service will be connected for a new tap unless all rules and regulations for the Water/Wastewater Department are followed. Verification of inspection and compliance must be kept on file at the Water/Wastewater Office before water can be turned on by

the Village.

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- (e) Connection of Service. Only authorized employees of the Water/Wastewater Department or their agents may turn on water service connections.
- (f) Curb Stops. The Water/Wastewater Department or its authorized agents have the authority to deem it necessary to install a new curb stop (shut-off valve) because the old one cannot be located. If the property owner was responsible for the inaccessibility of the old curb stop, then the property owner will be charged for all material, labor and other costs incurred for the installation of a new curb stop.
- (g) Meters.
- (1) General specifications. The Village reserves the right to require specific styles and brands of water meters. We reserve the right to reject used water meters due to age, condition, or other reason. No meter smaller than $\frac{3}{4}$ inch may be installed in a new building or residence. The meter shall register in U.S. 1,000 gallon reading. The size of meter will correspond with the size of the water service line. All new meters will be ordered by the Village and paid for by the customer. All new meters will become the property of the Village so that effective repair and replacement work can be accomplished.
 - (2) Meter removed. If for some reason, such as a building being vacated permanently, abandoned or torn down, the meter will be removed and stored at the water plant. When a new building is constructed or the old building made usable at the previous vacated site, a meter will be installed at no cost to the property owner. There will be no refunds for meters to property owners that sell their property even if meters are removed.
 - (3) Meter installation. Meter connections and settings will be furnished by the Water Department. The plumbing shall be completed before the meter is installed. Correct meter spacing shall be obtained from the Water/Wastewater Department. The meter will be installed by the Water/Wastewater Department authorized employee or agent. All meters shall be installed in a convenient location readily accessible for reading and maintenance, and shall be properly protected from damage. All meters must be set parallel a minimum of 2 feet from the floor and 12 inches from the adjacent walls; no vertical settings shall be allowed. All meters 1- $\frac{1}{2}$ inches or larger shall include a by-pass to permit repair of the meter without interruption of service. The by-pass must be installed and maintained per Village standards. Meter settings of the above size that are already in service which do not have a by-pass or valve may be required to be installed at the customer's expense. The by-passes will be locked and shall only be operated by the Village employees or authorized agents.
 - (4) Remote readout dial installation. The contractor, builder, etc., shall notify the Water/Wastewater Office that they are ready for installation of the remote readout wires that control the remote readout dial. Upon notification and payment for the meter, wires will be run by the authorized employee or agent of the Village. Meters will be installed when plumbing is completed.
 - (5) Meter shut-off valve. All new meters shall have one ball valve in the inlet piping. Such shut-offs shall be readily accessible. On the outlet side of the meter there shall be a shut-off valve. All valves are the property of the property owner, and is the property owner's responsibility to replace.
 - (6) Number of meters. The supply of water from the service connection may be measured by one or more meters. In the event more than one meter is required for a multiple

dwelling

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unit or other type of building, separate shut-offs for each unit shall be installed so that one unit is not dependent upon another unit in the case of a shut-off, unless the owner or his or her authorized agent will assume sole responsibility for all water consumed by having the billing in the owner's name. In the event that a group of buildings in a housing complex are built, a separate meter and shut-off will be required for each building.

- (7) Meter readings. Meter readings will be taken at an interval determined by the Village. Meters shall be installed in such a manner and location as to be readily accessible for reading. In the event the remote reader is unable to obtain a reading for any reason, an estimated charge will be made based on previous readings or similar past usage by the same customer. In the event the remote readout dial fails to work properly, the master meter will be read and charged accordingly. The Village recommends to all consumers that they read their master meter once a year and compare the reading with the remote dial. If any problems are noted, the consumer should contact the Water Department as soon as possible.
- (8) Re-reading the meter. If a consumer requests that their meter be re-read because they doubt the accuracy of the reading shown on the bill, the Water Department will re-read the meter. If the reading was accurate, there will be a charge for the trip to re-read the meter.
- (9) Access to premises. All authorized employees of the Water/Wastewater Department shall have reasonable access to inspect meters during business hours, unless due to an emergency. If an authorized employee of the Village is refused access or is hindered or prevented from making examination, the water will be turned off and not turned on again until free access is given. The on/off fee will be charged.
- (10) Testing meters. When requested by a water consumer, the Water Department will remove and test water meters for accuracy of reading. In the event the accuracy of the meter is within 3% of its true or correct reading, the consumer shall pay the cost of testing. In the event the meter accuracy varies more than 3% from the true reading, the cost of testing will be borne by the Village and a new or repaired and tested meter will be installed at no cost to the consumer.
- (11) Meter damage due to negligence. Meters damaged by negligent use, abuse, misuse, or any act of carelessness will be repaired by the Water Department at the expense of the owner. Meters damaged beyond repair shall be replaced at the total expense of the owner. The rule applies to remote readout dials also.
(Ord. 2010-17. Passed 5-24-10.)

1026.03 SERVICE LINE.

(a) Installation.

- (1) Water service branches or connections between the water main and the building to be served shall be constructed or installed in accordance with the standards of the Water Department. The size of the service line shall be not less than $\frac{3}{4}$ inch line for a single-family residence, 1 inch for a two-family to four multi-family residence, and 2 inches for a five family to 12 multi-family residence.
- (2) Sizes for all other installations shall be determined by the Water/Wastewater Department. All service lines shall be installed with at least 4- $\frac{1}{2}$ feet of cover. No person shall install a service line in the same excavation with a sewer line.

- (3) It shall be unlawful for more than one building to have one connection tapped into a water main unless authorized by the Village agent.

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(b) Materials. All materials shall conform to specifications required in the Village's Subdivision Regulations.

(c) Responsibility for Installation and Repair. The portion of the service line between the water main and the property line or curb stop shall be installed and maintained by the Water Department at the Village's expense. The portion of the service line between the property line or curb box and the building served shall be installed and maintained by the property owner at the property owner's expense. Failure on the part of the property owner to repair leaks or breaks in the service line within seven days after notification by the Village shall be sufficient cause to discontinue service until the repairs are properly made.

(d) Property Served Must Abut Roadway.

- (1) No new service line shall be installed to serve any premises which does not abut the street or road on which a water main is located.
- (2) A new service line may be installed to any lot that does not abut a street or road only for the purpose of serving accessory structures or uses as defined by the current Zoning Ordinance; however, not for residences.

(e) Turn On and Off. Water service will be turned on or off at any water service line or connection upon request by the consumer provided that the consumer has complied with all other rules and regulations of the Water/Wastewater Department. All shut-offs and turn-ons will be done during normal business hours. Emergency shut-offs or turn-ons shall be determined by the Water/Wastewater Supervisor, or designee.

(f) Turn Off for Violation.

- (1) If it becomes necessary to turn off water for a violation of any rule or regulation of the Water/Wastewater Department, a turn-on fee will be charged for turning water on again. When water is turned off it will not be turned back on until all outstanding fees, charges, penalties, and turn-on fee are paid in full. Failure to receive notice by mail will not excuse customer from paying the water bill and related charges. Any person, firm or corporation or premises having a delinquent account with the Water/Wastewater Department shall not be given water service on any other premise served by the Village water system until such delinquent accounts have been paid.
- (2) Turn-ons due to violations will be done during normal business hours.
(Ord. 2010-17. Passed 5-24-10.)

1026.04 REQUIREMENTS FOR SANITARY SEWER.

(a) Costs for Building Sewers. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the property owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly happen by the installation of the building sewer.

(b) Re-Use of Old Building Sewers. Old building sewers may be used in connection with new buildings when they are found on examination and test by the Water/Wastewater Department to meet all requirements of these regulations. A pre-installation camera inspection by the owner may be required.

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(c) Excavation Requirements. All excavation required for installation of a building sewer shall be open trench work unless otherwise approved by the Street and Water/Wastewater Supervisors. Pipe laying and backfill shall be performed in accordance with ACTM Specifications except that no backfill shall be placed until the work has been inspected by an authorized Village employee or agent. All excavations for building sewer connections shall be adequately guarded with barricades and lights so to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored according to Chapter 1002.

(d) Inspection. All sanitary sewers and house laterals shall be inspected during construction by an authorized Village employee or agent to insure compliance with the plans and specifications and these rules and regulations. No sanitary sewers or laterals shall be covered with backfill until such have been inspected and approved by the Village.

(e) Acceptance. Upon completion of the construction, as required in the Village Subdivision Regulations, the expiration of a one-year guarantee period by the contractor, after cameraing of the sewer line at the expense of the individual and the final inspection and approval by the Village of the sanitary sewers or lateral constructed by individuals, organizations, or companies, the authorized Village employee or agent shall recommend the acceptance by Council of said sewers and facilities to become part of the Village's central system. All sanitary sewers shall be videotaped in DVD format after construction prior to acceptance of the sewers of the Village. The videotape shall remain the property of the Village. The videotape shall clearly identify the location of the camera within the sewer, date and time of the videotape, and be of sufficient quality to determine the condition of the sewers. Upon completion, all sanitary sewers shall be hydro tested or air tested to meet the City of Columbus Standards.

(f) Connection Permit. No entity requiring sanitary sewer service shall be physically connected to a sanitary sewer or lateral in the Village until a permit for such connection is secured from the Water/Wastewater Billing Office. Application for such sewer permit shall be made by the owner of the property desiring sewer service. Such application shall be accompanied by the connection fee established by Village Council. In making such application for a permit, the owner shall agree to comply with and be bound by the rules and regulations as contained herein, and as they may be amended from time to time.

(g) Connections into Sewer System When Water is Not Obtained. In the event that a customer desires sanitary sewer services, but does not have a metered connection to the Village's water supply, the customer shall, at his or her own expense, purchase and install a Water Department approved water meter so that water consumption can be measured and the appropriate sewer service charge rendered accordingly. A meter shall be installed on the consumer's source of water, in a manner determined by the Water/Wastewater Department.

(Ord. 2010-17. Passed 5-24-10.)

1026.05 CROSS CONNECTION.

No person shall make or maintain a physical connection between any other source of water or liquid and the public water system. If such a connection is made, it shall be considered as a cross-connection and subject to termination of utility service per Section 1026.01(d). The Village shall provide an effective means for protecting the public water system from contaminants through any

water service connection into the Village water system.

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- (a) If in the judgment of the Village, an approved backflow prevention device is necessary for the safety of the public water system, the Village shall give notice to the water consumer to install such an approved device immediately. The owner shall, at his or her own expense and in a timely manner, install such an approved device at a location and in a manner approved by the Village and shall have inspections and tests made of such approved devices as required.
- (b) No person, firm or corporation shall establish or permit to be established, or maintained or permit to be maintained, any connection whereby a private, auxiliary or emergency water supply may enter the public water system.
- (c) The Water/Wastewater Supervisor shall cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Village shall deem necessary.
- (d) The Water/Wastewater Supervisor shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village for the purpose of inspecting the piping system or systems thereof. On demand, the owner, lessees or occupants of any property so served shall furnish to the Village any information which he or she may request regarding the piping system or systems or water use on the property. The refusal of such information, when demanded, shall be deemed evidence of the presence of improper connections as provided in this section.
- (e) The Water/Wastewater Supervisor is authorized and directed to discontinue, after reasonable notice to the occupant, the water service to any property if any connection in violation of the provisions of this section is known to exist, and to take other precautionary measures as he or she may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this section.

(Ord. 2010-17. Passed 5-24-10.)

1026.06 WATER RATES.

(a) Current Charges for Water Service.

- (1) Village Council will periodically review the needs of the Water/Wastewater Department to determine if the amount of user fees being collected is appropriate. An ordinance will be necessary to change any user fees.
- (2) No water and/or wastewater service will be provided to consumers located outside corporation limits, unless approved by ordinance by Village Council, either individually or as a general policy.

(b) Water Usage Charge for Training Fires. Currently there is no charge for the use of water by the Fire Department at training exercises. A log sheet shall be maintained by the Fire Department to determine the amount of water used during the training.

(Ord. 2010-17. Passed 5-24-10.)

1026.07 SANITARY SEWER RATES, FEES AND CHARGES.

(a) Connection Fees. All sewer taps, both residential and commercial, shall be installed to the service structure by a contractor registered by the Village at a cost to the owner. The Village shall

inspect the connection prior to acceptance. If required, the property owner shall obtain and pay a right-of-way permit from the Street Supervisor.

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(b) Sanitary Sewer Charges.

- (1) The charges for sanitary sewer service shall be based upon the amount of water used as determined by metering of the water.
- (2) Free wastewater treatment services are not provided to any users, including schools, municipal water works or public buildings.

(c) Definitions for Sewer Service Charges.

- (1) "Debt service." The portion of expenditures used to retire the debt incurred in financing capital improvements.
- (2) "Domestic sewage." Any water carried waste discharged from residences, commercial buildings, industrial plants and institutions which contains no more than 200 mg/l BOD and 250 mg/l SS. The discharge may not contain ground water, surface water, or storm water.
- (3) "Industrial waste." Liquid waste from industrial processes as distinct from domestic sewage.
- (4) "Operation and maintenance." Any activities required to maintain facilities for collection, treatment, and disposal of wastewater. Replacement is included in this activity.
- (5) "Upgrade or improvement." Equipment installed, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (6) "Wastewater service charge." A charge levied on users of a treatment works for debt service and operation and maintenance of such works.
- (7) "Useful life." Estimated period during which the treatment works will be operated.
- (8) "User charge." A charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance (including replacement) of such works.
- (9) "Residential unit." Each single-dwelling structure with a potable water connection sufficient to provide water and sewer service. For example, a single-family residence constitutes one residential unit, a duplex (even if served by a single water tap and/or a single sewer tap) constitutes two units, and a 40-unit apartment complex constitutes 40 units.
- (10) "Commercial unit." Each single commercial or institutional structure with a potable water connection sufficient to provide water and sewer service. For example, a commercial building with four separate suites (even if served by a single water tap and/or a single sewer tap) constitutes four commercial units.

(d) User Classes. Each user of the treatment works shall be grouped into one of three classes:

- (1) Residential user. Any dwelling discharging domestic sewage to the sanitary sewer.
- (2) Commercial/institutional user. Any commercial or institutional structure discharging domestic sewage to the sanitary sewer.
- (3) Industrial user. Any structure or group of structures discharging industrial waste.

(e) Waste Load Parameters.

- (1) Any of a group of waste indicators, such as BOD and SS, used to document the level of pollution in a water source shall be defined as follows:

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- A. BOD - The quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedures, in five days at 20 degrees C expressed in terms of weight concentration (mg/l).
 - B. SS - The suspended solids or nonfiltrable residue portion of a sample as determined by laboratory analysis.
- (2) Additional waste load parameters may be defined in industrial process wastes, if required.
(Ord. 2010-17. Passed 5-24-10; Ord. 2012-15. Passed 3-26-12.)

1026.08 RATE REVIEW.

The user charge system shall be reviewed on an annual basis to ensure that each user pays his or her proportionate share of the operation and maintenance costs for water and wastewater services. The annual review shall be conducted by the Village Administrator, Water/Wastewater Supervisor and Fiscal Officer, and shall include the following:

- (a) Review the total system to assure sufficient revenue is generated to pay the operation and maintenance costs necessary for the proper functioning of the treatment works.
- (b) Examine the surcharge rates to insure adequate revenue for treating high strength wastes.
- (c) Review the replacement cost budget items and revise as indicated by operating experience.
- (d) Review the distribution of operation and maintenance costs among users and user classes and revise the user charges to maintain the proper proportionate cost to each.
(Ord. 2010-17. Passed 5-24-10.)

1026.09 APPLICATIONS FOR USERS.

(a) All users or consumers shall apply for water and/or wastewater service. A signed contract and deposit shall be fully executed before turning on water. The Village requires an applicant to submit proof of identity (valid State driver's license, valid State identification of valid passport).

(b) On all rental properties, the property owner is liable for utility services incurred at their property. Direct billing is available for a tenant if the owner and tenant enter into a tenant billing agreement with the Village. Once the agreement is signed, the tenant will receive all bills, delinquent bills and termination notices; the owner will receive only delinquent bills and termination notices. Direct billing does not relieve the property owner of liability for utility charges.

(c) The signer of the contract shall agree to abide by the rules and regulations governing the operation of the Water/Wastewater Department, and shall agree to be liable for all water and wastewater service charges. When the applicant moves and/or sells the property, notice for cutoff and cancellation of the contract shall be provided to the Water Department by the applicant.

(d) Deposit.

- (1) All new users must pay a deposit before water service can be provided.
- (2) Owner-occupied properties: In the case of an owner-occupied property, the deposit is owed when the owner purchases the property and will be held until the property is sold.
- (3) Rental properties. In the case of a rental property, the owner must pay a deposit when the property is first purchased, with the owner's deposit being held until the property is sold. Each renter must pay a deposit, which will be held until the renter no longer occupies the property.

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- (4) In both of the above cases, the deposit will then be applied to the final bill. If the final bill is less than the deposit, the remainder (if \$1.00 or more) will be refunded to the user. If the final bill is more than the deposit, all of the deposit will be applied to the bill, and the excess owed will be charged to the user. Should the remaining bill not be paid in full, a lien will be placed on the property.

(e) Former water users. If for some reason a customer has service discontinued and leaves a bill unpaid, all charges, penalties, and a new deposit must be paid before that consumer can have water service in his or her name again.

(Ord. 2010-17. Passed 5-24-10; Ord. 2011-48. Passed 11-28-11.)

1026.10 RENDERING AND PAYMENT OF BILLS.

(a) Meter Reading and Billing. Water meters shall be read at regular intervals determined by the Village, and at turn on and turn off of service. The water bill will be computed by the Water Department and mailed to the signer of the contract. Failure to receive bills for water/sewer service through the mail will not relieve the customer from prompt payment. Duplicate bills may be obtained from the Water/Wastewater Office. Bills shall indicate the payment's due date.

(b) Time of Payment. The maximum time allowed for prompt payment is indicated on the water bill card.

(c) Responsibility for Payment. Owners of property shall be held responsible for water used on their premises. Payments will be accepted from tenants. In the event tenants and/or owners do not pay the bill or comply with the rules and regulations of the Water/Wastewater Department, the water service will be discontinued. All unpaid accounts for water shall be a lien against the property served.

(d) Payment of Bill with Insufficient Fund Check. If for any reason the consumer's check that was issued for payment of the consumer's bill is returned for insufficient funds to the Water/Wastewater Billing Office, the consumer will be notified and be advised that the bill plus any penalties must be paid as well as a fee charged for the unpaid check. If the consumer fails to pay the account following the arrangements indicated in division (f) of this section, their service will be discontinued and not restored until all charges and fees are paid.

(e) Delinquent Bills.

- (1) Monthly bills for water service remaining unpaid after the due date will be considered as delinquent. A late fee will be attached to the next bill for the delinquent account. Should payment not be received by the due date shown on the bill, the consumer will receive a notice on the next bill which states "Past Due - If previous balance amount is not paid by the due date of this bill, you are subject to immediate disconnection without further notice." If the past due amount is not paid by the due date, service will be discontinued until payment is received in full or payment arrangements made. Turn-off and turn-on fees will be charged and must also be paid by the consumer prior to turn-on.
- (2) A record of all delinquent accounts will be maintained by the Water/Wastewater Office Clerk.

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- (3) Each charge levied by these rules and regulations are hereby made a lien upon the corresponding lot, parcel of land, building or premise served by a connection to the water system. If the delinquent account is not paid in full, it shall be certified to the County Auditor who shall place the same on the tax duplicate of the county with the interest, penalties and fees allowed by law, to be collected as other taxes are collected.

(f) Payment Arrangements. The Village will only accept payment arrangements for a one month period of time. The bill shall be required to be paid in full, including any penalties, by the due date of the next billing period. Should the bill not be paid in full, service will be discontinued until payment is received in full. Turn off and turn on fees will be charged and must also be paid by the consumer prior to turn on.

(g) Penalty. Any consumer that pays their bill after the due date shown on the bill shall be required to pay a late fee of 10%.

(h) Adjustment of Bills. No reduction of water and/or sewer charges or billing shall be made for leakage, except in cases where it shall appear upon investigation that the leakage is underground and not subject to detection by ordinary methods and where further, the owner and other occupants of the premise are free from negligence in causing or failing to report the leakage. The owner must provide documentation verifying repair work before the Water/Wastewater Department will consider any adjustments. Leakage in commodes will not be considered to be undetected leaks. Reductions for leakage shall be based on the consumer's excess amount above normal average usage, if so granted by the Village's Administrator.

(Ord. 2010-17. Passed 5-24-10; Ord. 2011-35. Passed 7-25-11.)

1026.11 SPECIAL PROVISIONS.

(a) Liability for Damages. The Village will not assume liability for an Act of God resulting in the damage due to water or the flow of sewage or storm water delivered through the consumer's facilities. This includes damage caused by spigots, faucets, valves, and other equipment that may be open or broken when water is turned on to the premise originally or after a temporary shut down. The Village shall also not be liable for damage to any water equipment of the consumer.

(b) Punishment. Any person violating any of the provisions hereof shall be guilty of a fourth degree misdemeanor, and shall be subject to a fine and/or imprisonment as determined by law.

(c) Severability. Each section or part of section of these rules and regulations are hereby declared to be a separate and distinct enactment. Should any section or part of a section be held inoperative or void, it shall not affect the validity of any other section or part of a section. All regulations enacted prior to the acceptance of these rules and regulations, inconsistent with these rules and regulations, shall be declared null and void.

(d) Voluntary Abandonment of Water and Sewer Taps. Whenever a real property has been vacant and the titled owner of the property desires to voluntarily abandon the property's water and sewer taps and terminate water and sewer services to the property, the owner shall execute an Affidavit of Voluntary Abandonment of water and sewer taps, which affidavit shall be reviewed, and when appropriate, approved by the Village Administrator. The affidavit shall set forth that the owner

acknowledges the following: (1) that by voluntarily abandoning the water and sewer taps, the owner and the owner's heirs, successors and

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assigns, shall be required to pay new tap fees (capacity charges) and any other expenses associated with future water or sewer service provided to the property, at the costs then in effect for such new laps; (2) that by voluntarily abandoning water and sewer taps and discontinuing water and sewer services, the owner shall be released from any further obligation to pay monthly fees for water or sewer services; (3) that, except as otherwise set forth herein, there shall be no costs assessed to the property owner for the abandonment of the water and sewer laps pursuant to this provision, which costs if any shall be incurred by the Village; and 4) that the affidavit shall be recorded with the Fairfield County Recorder and the terms thereof shall run with the land and shall be binding on the owner's heirs, devisees, executors, administrators, successors and assigns.

(Ord. 2010-17. Passed 5-24-10; Ord. 2012-23. Passed 3-14-12.)

1026.12 AUTHORITY.

(a) The Village may use the following powers as deemed necessary:

- (1) Limit future connections to the system if sufficient capacity is not available.
- (2) No water and/or wastewater service will be provided to consumers located outside corporation limits, unless approved by ordinance by Village Council.

(b) Authorized employees or agents of the Village, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater works lying within said easement. All entry and subsequent work shall be done in full accordance with the terms of the said easement.

(Ord. 2010-17. Passed 5-24-10.)

1026.13 FATS, OILS AND GREASE.

(a) Purpose. The purpose of these regulations is to control discharges into the public sewage collection system and wastewater treatment plant of animal and vegetable fats, oils, grease, food waste, soil, sand, lint and other materials that interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that either causes treatment difficulties or is beyond the treatment capability of the wastewater treatment plant.

(b) Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) "Grease." Material composed primarily of fats, oil, and grease (FOG) from animal or vegetable sources. The terms "fats," "oil," and "grease" shall be deemed as grease by definition. "Grease" does not include petroleum-based products.
- (2) "Grease trap." A device for separating and retaining water-borne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect solids capable of settling, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system.
- (3) "Food service facilities." Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking

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(all methods), grilling, sauteing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. These facilities include restaurants that are required to maintain a food license by the Fairfield County Health Department, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants, or any other sewer users as determined by the Village's Wastewater Superintendent (WS) who discharge applicable waste.

- (4) "User." Any person or establishment including those located outside the jurisdictional limits of the Village who contributes, causes, or permits the contribution or discharge of wastewater into the Village's wastewater collection or treatment system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.
 - (5) "Oil/water separator." An approved and industry standard system that is specifically designed and manufactured to separate oil from water. The system shall allow the oil to be collected and removed on a regular basis so as to prevent it from being discharged into the wastewater collection system. Only oil/water separators manufactured for that specific operation will be approved. Adequate support literature from the manufacturer will be required so as to allow a proper review by the WS.
- (c) Control Plan for FOG and Food Waste.
- (1) Any new construction, renovation, or expansion of food service facilities shall be required to submit to the Village a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.
 - (2) Any existing food service facilities shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Existing facilities shall not be exempt from the requirements of these regulations. There will be no "Grandfathering."
- (d) General Criteria.
- (1) Installation requirements. All existing, proposed, or newly remodeled food service facilities inside the Village wastewater service area shall be required to install, at the user's expense, an approved, properly operated and maintained grease trap.
 - (2) Sanitary sewer flows. Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease trap. These flows shall be conveyed separately to the sanitary sewer service lateral.
 - (3) Floor drains. Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease trap.
 - (4) Garbage grinders/disposals. It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used, it must be connected to the grease trap. The use of grinders is discouraged since they decrease the operational capacity of the grease trap and will require an increased pumping frequency to ensure continuous and effective operation.
 - (5) Dishwashers. Commercial dishwashers must be connected to the grease trap.

Dishwashers discharge soap and hot water which can melt grease and allow it to pass through an

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undersized grease trap. Traps must be sized accordingly to allow enough detention time to allow water to cool and grease to solidify and float to the top of the trap.

- (6) Location. To be determined by the Ohio Plumbing Code and the Village Building Department.
 - (7) Pass through limits. No user shall allow wastewater discharge concentration from grease trap to exceed 100 Mg/L (milligrams per liter) as identified by EPA Method 413.
- (e) Design Criteria.
- (1) Construction. Grease traps shall be constructed in accordance with the Village's standards and shall have a minimum of two compartments with fittings designed for grease retention. All grease removal devices or technologies shall be subject to the written approval of the WS. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.
 - (2) Access. Access to grease traps shall be available at all times, to allow for their maintenance and inspection. Access to trap shall be provided by two manholes (one on each compartment) terminating at finished grade with cast iron frame and cover.
 - (3) Load-bearing capacity. In areas where additional weight loads may exist, the grease trap shall be designed to have adequate load-bearing capacity (example: vehicular traffic in driving or parking areas).
 - (4) Inlet and outlet piping. Wastewater discharging to a grease trap shall enter only through the inlet pipe of the trap. Each grease trap shall have only one inlet and one outlet pipe.
 - (5) Grease trap sizing. To be determined by the Ohio Plumbing Code and the Village Building Department.
- (f) Grease Trap Maintenance.
- (1) Cleaning/pumping. The user, at the user's expense, shall maintain all grease traps to assure proper operation and efficiency and maintain compliance with the Village's pass through limits. Maintenance of grease trap shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. This work shall be performed by a qualified and licensed hauler. Decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited. This service shall also include a thorough inspection of the trap and its components. Any needed repairs shall be noted. Repairs shall be made at user's expense.
 - (2) Cleaning/pumping frequency. The grease trap must be inspected a minimum of once every four months and pumped and hauled away when the grease trap is full.
 - (3) Disposal. All waste removed from each grease trap must be disposed of at a facility approved to receive such waste in accordance with the provisions of this program. In no way shall the waste be returned to any private or public portion of the Village's sanitary sewer collection system. All waste from grease traps must be tracked by a manifest, which confirms pumping, hauling, and disposal of waste. The customer must obtain and retain a copy of the original manifest from the hauler.
 - (4) Maintenance log. A grease trap cleaning/maintenance log indicating each pumping for

the previous 24 months shall be maintained by each food service facility. This log shall include

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the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made available to the WS or his representative upon request.

- (5) Submittal of records. Each user shall submit all cleaning and maintenance records to the WS. The maintenance records shall include the following information:
- A. Facility name, address, contact person, and phone number.
 - B. Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap.
 - C. Types of maintenance performed.
 - D. Dates maintenance was performed.
 - E. Date of next scheduled maintenance.
 - F. Copies of manifests.

The user shall be required to submit maintenance records to the WS on a biannual basis (twice per year). Records shall be submitted by March 1 and September 1 of each year. The records shall be submitted to:

Attn. Wastewater Superintendent
Village of Baltimore
103 W. Market St.
Baltimore, Ohio 43105

The WS will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the WS, the user shall be required to perform the maintenance and records of said maintenance within 14 calendar days. Upon inspection by the WS the user may be required to install, at the user's expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

(g) Additives. Any biological additive(s) placed into the grease trap or building discharge line, including but not being limited to, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease, shall require written approval by the WS prior to use. The use of such additives shall in no way be considered as a substitution to the maintenance procedures required herein.

(h) Chemical Treatment. Chemical treatments such as drain cleaners, acid, or other chemical solvents designed to dissolve or remove grease shall not be allowed to enter the grease trap.

(i) Sand, Soil, and Oil Interceptors. All car washes, truck washes, garages, service stations, car and truck maintenance facilities, fabricators, utility equipment shops, and other facilities (as determined by the WS) that have sources of sand, soil, and oil, shall install effective sand, soil and oil traps, interceptors, and/or oil/water separators. These systems shall be sized to effectively remove sand, soil, and oil at the expected flow rates. These systems shall be, at the user's expense, cleaned or pumped on a regular basis to prevent impact upon the wastewater collection and treatment systems. Users whose systems are deemed to be ineffective by the WS shall be asked to change the cleaning frequency or to increase the size of the system. Owners or operators of washing facilities will be required to prevent the inflow of detergents and

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rainwater into the wastewater collection system. Oil/water separator installations shall be required at facilities that accumulate petroleum oils and greases and at facilities deemed necessary by the WS.

(j) Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage (into the wastewater collection system) of solids one-half inch (1/2") or larger in size such as rags, strings, buttons, or other solids detrimental to the system.

(k) Control Equipment. The equipment or facilities installed to control FOG, food waste, sand, soil, oil, and lint must be designed in accordance with the Ohio Plumbing Code (Ohio Administrative Code 4101:3), most current engineering standards, or other applicable guidelines approved by the WS. Underground equipment shall be tightly sealed to prevent inflow of rainwater and shall be easily accessible to allow regular maintenance and inspection. Control equipment shall be maintained by the owner and/or operator of the facility as to prevent a stoppage of the wastewater collection system, and the accumulation of FOG, food waste, sand, soil, and lint in the collection lines, pump stations, and wastewater treatment plant. If the Village is required to clean out the wastewater collection lines, as a result of a stoppage resulting from poorly maintained control equipment (or lack thereof), the owner or operator shall be required to refund the labor, equipment, materials, and any overhead costs to the Village, including any fines incurred due to any sanitary sewer overflow due directly to the stoppage. The Village retains the right to inspect and approve any and all installations of control equipment.

(l) Alteration of Control Methods. The Village, through the WS, reserves the right to request additional control measures if existing control equipment is shown to be insufficient to protect the wastewater collection system and wastewater treatment plant from interference due to the discharge of FOG, sand, soil, lint, or any other undesirable materials.

(m) Enforcement and Penalties. Any person who violates this section, in part or whole, shall be guilty of a misdemeanor of the fourth degree (M-4) on a first offense, and shall be guilty of a misdemeanor of the first degree (M-1) on a second or subsequent offense, and shall be subject to fines and/or imprisonment as determined by law. Each day's violation of this section shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

(n) Severability. Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
(Ord. 2012-14. Passed 8-13-12.)

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TITLE SIX - Other Public Services

- Chap. 1040. Garbage and Rubbish Collection and Disposal.
- Chap. 1042. Cemeteries.
- Chap. 1044. Swimming Pool.
- Chap. 1046. Parks.
- Chap. 1048. Snow Removal.
- Chap. 1050. Trees, Shrubs and Other Plants.

CHAPTER 1040
Garbage and Rubbish Collection and Disposal

- 1040.01 Container requirements in commercial areas. 1040.99 Penalty.

CROSS REFERENCES

- Littering - see GEN. OFF. 660.03
- Theft of utilities - see GEN. OFF. 672.06
- Required refuse collection areas - see P. & Z. 1246.07

1040.01 CONTAINER REQUIREMENTS IN COMMERCIAL AREAS.

(a) It shall be the duty of each commercial establishment occupying any premises in the Village to provide and maintain a substantial can, box, or barrel for the reception of rubbish. All rubbish containers shall be kept on the commercial establishment's premises as far from the street and public ways as is possible and as great a distance from neighboring premises as is practical and convenient. Each rubbish container shall be so constructed as to prevent its contents from being scattered by the wind, easily susceptible to catching fire, or to dropping its contents when moved.

(b) It shall be unlawful for any person, individual or corporation doing business as a commercial establishment in the Village to keep, place, or to deposit rubbish on any grounds or premises whatsoever except in the manner designated in the foregoing section hereof, and as described in the appropriate section of the Zoning Ordinance.

(Ord. 616. Passed 5-16-66; Ord. 2005-44. Passed 9-12-05.)

1040.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not to exceed one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

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CHAPTER 1042
Cemeteries

1042.01	Rules and regulations.	1042.06	Foundations.
1042.02	Deeds and transfers.	1042.07	Fees.
1042.03	Potted plants and plantings.	1042.08	Basil Cemetery Fund.
1042.04	Flower removal.	1042.99	Penalty.
1042.05	Interments and disinterments.		

CROSS REFERENCES

Burials may be prohibited - see Ohio R.C. 759.05
Management and control - see Ohio R.C. 759.09

1042.01 RULES AND REGULATIONS.

The following provisions of this chapter shall be in force for all cemeteries owned and/or maintained by the Village of Baltimore, Ohio.
(Ord. 84-36. Passed 12-10-84.)

1042.02 DEEDS AND TRANSFERS.

(a) Transfers must be issued by the Village Administrator for lots sold by individuals (in triplicate).

(b) All applications for the interment of persons other than members of the immediate family of the owner shall be accompanied with permission in writing from such owner or part owner and record made of such permitted interment shall be noted on the back of the deed.
(Ord. 84-36. Passed 12-10-84.)

1042.03 POTTED PLANTS AND PLANTINGS.

(a) If any tree or shrub standing on any lot shall, by means of its roots, branches, or otherwise become detrimental, dangerous, or inconvenient to adjacent lots or avenues or if it becomes unsightly or for any other reason, its removal shall be deemed necessary, the Village Administrator shall have the right to remove such tree or shrub or any part thereof, as in his or her judgement may seem appropriate.

(b) Hedges, wooden or iron trellises, posts and chains for the purpose of enclosure, railings, steps, boxing and borders are prohibited.

(c) All flowers planted shall be within one foot of the head marker.

(d) No wires, iron rods or coat hangers shall be used on any grave or lot.

(e) No planting or setting decorations shall be situated across graves. All decorations shall be kept within one foot of the monuments and markers.

(f) The Village will not be responsible for any decorations or urns on any lot or grave.

(Ord. 84-36. Passed 12-10-84.)

1042.04 FLOWER REMOVAL.

(a) Flowers will be removed from the grave at the discretion of the Village Administrator.

(b) Flower baskets and designs shall be removed from the grave and lot at the discretion of the Village Administrator.

(c) Flower baskets and designs shall be removed from the grave and lot at the discretion of the Village Administrator.

(d) On or near March 15 of each year, the cemetery will be cleaned of all grave blankets to allow the grass to grow.

1042.05 INTERMENTS AND DISINTERMENTS.

Interments and disinterments shall only be performed by designated Village employees and shall be performed only when authorized in writing by the Village and in a manner consistent with the Ohio Revised Code and the Rules and Regulations of the State Department of Health.
(Ord. 84-36. Passed 12-10-84.)

1042.06 FOUNDATIONS.

(a) Concrete foundations will be flush with the ground when possible.

(b) Foundations shall be a minimum of three inches larger than the marker on all sides.

(Ord. 84-36. Passed 12-10-84; Ord. 2005-44. Passed 9-12-05.)

1042.07 FEES.

(a) The following are the established Village cemetery fees.

Graves	\$400
Transfer charge	20
Interment and perpetual care	400
Weekends, after hours and Village holidays	550
Cremation and perpetual care	175
Weekends, after hours and Village holidays	350
Entombment	250
Weekends, after hours and Village holidays	400
Disinterment	600
Weekends, after hours and Village holidays	750

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(b) In the event of a death of a nonelected full time, non-seasonal, Baltimore Village employee, employee's spouse, or minor dependent child still living at home, the interment and perpetual care fee shall be two hundred dollars (\$200.00) during weekdays and two hundred fifty dollars (\$250.00) on weekends and Village holidays.

(Ord. 84-36. Passed 12-10-84; Ord. 86-10. Passed 5-12-86; Ord. 2005-37. Passed 8-8-05; Ord. 2007-41. Passed 10-8-07; Ord. 2010-49. Passed 11-8-10.)

1042.08 BASIL CEMETERY FUND.

A separate fund is hereby created and shall be designated the "Basil Cemetery Fund." The fund shall initially contain the sum of ten thousand dollars (\$10,000), shall be separately invested, and the proceeds earned from the fund shall be used solely for the maintenance, care, and upkeep of the Basil Cemetery.

(Ord. 83-10. Passed 3-21-83.)

1042.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not to exceed one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

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CHAPTER 1044
Swimming Pool

- 1044.01 Rules and regulations; discipline. 1044.03 Swimming Pool Manager.
1044.02 Rates.

CROSS REFERENCES
Parks - SU&PS Ch. 1046

1044.01 RULES AND REGULATIONS; DISCIPLINE.

The following are the rules and regulations for the Baltimore Swimming Pool.

(a) General Regulations.

- (1) Private party accommodations are available upon reservation. consult management for rental rates.
- (2) Parents, whether present or not, are responsible for their children using the pool facilities. Lifeguards are not babysitters.
- (3) Regular pool hours are as follows: Monday to Saturday from 12:00 p.m. to 8:00 p.m. (Exception: 4:00 p.m. to 8:00 p.m. when LU-T Schools are in session); Sunday from 1:00 p.m. to 7:00 p.m. When Seal Lions Swim Team has meets, the pool will close at 4:00 p.m. These dates will be posted. Customers must pay to enter the pool area whether they swim or not. Non-paying visitors will be confined to the entrance area.
- (4) Swimmers must wear swim suits. No cut-offs or other non-swimwear is permitted.
- (5) The baby pool is for children under five years of age. The lifeguards are NOT babysitters, and it is expected that at least one responsible person will always be in the baby pool.
- (6) Rest periods shall occur every 15 minutes at the end of each hour for all children. Adults (18 or over) may swim during this time. Small children, if directly supervised by an adult, may swim in the two-foot area.
- (7) Food and candy are permitted in the marked concession area only. Drinks are permitted in the marked concession area and lawn only. No loitering is permitted at the concession booth.
- (8) The pool will be cleared when there is danger of electrical storms.
- (9) No conversation is permitted with the lifeguards.
- (10) Spitting, spouting of water, blowing of the nose and similar activities are not permitted in the pool.
- (11) No alcoholic beverages or illegal drugs are permitted.
- (12) No glass containers are permitted. This is a state law.
- (13) No balls, rings, rafts, or similar devices are permitted in the large pool area.
- (14) No running or horseplay (including splashing, fighting, towel snapping, dunking, or other actions determined by the manager to be horseplay) that endangers the safety of others or disrupts the pleasure of other patrons.
- (15) Deep diving area. No stunts are permitted. Only one diver on the board at a time is permitted. All no diving areas must be observed. Over-and-back swim tests are permitted upon request. No cutaways, gainers or handstand stunts are permitted. There

will be no loitering at the diving area by non-diving patrons.

- (16) Sliding board. No stunts are permitted. Only one person at a time is permitted on a slide. Others must wait at the bottom of the ladder. No diving areas must be observed.
 - (17) Thefts and/or property destruction will not be tolerated.
 - (18) The pool capacity is 1,000 persons. The management reserves the right to temporarily close gates to non-members when the pool is reaching capacity.
 - (19) Profanity is prohibited.
 - (20) Loud offensive music is not permitted during open swim sessions. This includes any music with profanity. The manager on duty has the final say as to what music can be played.
 - (21) The pool management is not responsible for the loss of personal effects or valuables.
 - (22) A. Admission to the pool will be refused to all persons having any of the following:
 1. A known skin disease;
 2. Sore or inflamed eyes;
 3. Cold, nasal, or ear discharge;
 4. Any communicable disease.B. Persons with open sores and/or bandages of any kind will not be permitted. In accordance with the applicable provisions of the Ohio Administrative Code, any person who has been refused entry to or removed from the pool because of an infectious wound/communicable disease, may be granted entry upon the presentation of a written statement from a physician that the condition is not infectious.
 - (23) The management reserves the authority to supplement these rules at any time.
- (b) Discipline Procedures.
- (1) First offense of the day: Sitting out of the pool for ten minutes.
 - (2) Second offense of the day: Removal from the pool for the day.
 - (3) Second day removal: Three day suspension of swimming privileges.
 - (4) Third day removal: One week suspension of swimming privileges.
 - (5) Fourth day removal: Three week suspension of swimming privileges.
 - (6) Fifth day removal: Expulsion for remainder of swim season.
 - (7) Management reserves the right to modify the above disciplinary procedures due to extreme offenses and/or repeat offenders.
- (Ord. 2001-27. Passed 7-9-01.)

1044.02 RATES.

The fees for the Baltimore Swimming Pool shall be established by Council.
(Ord. 2005-44. Passed 9-12-05.)

1044.03 SWIMMING POOL MANAGER.

(a) There is hereby established the position of Swimming Pool Manager and Assistant Swimming Pool Manager for the Village Swimming Pool. Village Council may choose to contract for the pool oversight, in which case all staff shall be hired by the contractor.

(b) The compensation for the Pool Manager will be as set by ordinance.
(Ord. 84-12. Passed 3-19-84; Ord. 2005-44. Passed 9-12-05.)

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**CHAPTER 1046
Parks**

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| 1046.01 Shelter House and Community Center rates and rules for usage. | 1046.04 Recreation facility use agreement. |
| 1046.02 Rules and regulations for the parks. | 1046.05 Recreation facilities code of conduct. |
| 1046.03 Festivals, fundraisers, and other special events. | 1046.99 Penalty. |

CROSS REFERENCES

- Parks and Recreation Board - ADM. Ch. 250
 Minor’s curfew - GEN. OFF. 648.11
 Swimming Pool - S.U. & P.S. Ch. 1044

1046.01 SHELTER HOUSE AND COMMUNITY CENTER RATES AND RULES FOR USAGE.

(a) The Johnson Park Shelter House and the Basil Park Community Center shall be available to the public on a rental basis. The rates shall be as follows:

	<i>Johnson Park</i>		<i>Basil Park</i>	
	Resident	Nonresident	Resident	Nonresident
Half Day	\$50	\$75	\$50	\$75
Full Day	\$75	\$100	\$75	\$100

(b) Reservations shall be made through the Village offices. Reservations will begin on January 1 for the entire year. A reservation is not complete until the entire fee is paid. Cancellations made less than 30 days before the reserved date will result in loss of one-half of the rental fee. All renters of the shelters shall be charged a \$50.00 security deposit, which shall be refunded to the renters if the event is cancelled in a timely fashion (with 10 day advance notice), or if the shelter is left in a clean condition after the event concludes. In the event that the shelter is not left in a clean condition after the event concludes, or the event is not cancelled in a timely fashion (with 10 day advance notice), then the security deposit shall be retained by the Village.

(c) Free use rules- Lions Club, Liberty Township Trustees, Basil Garden Club, Boy Scouts are to have priority reservations up to four times a month in this order. The organizations listed and all other Baltimore non-profit organizations are to follow rules set up for free use of shelter houses.

- (1) Baltimore non-profit organizations may reserve up to two times a month. Other times as approved by the Village Administrator.
- (2) One key given per organization with (Do Not Duplicate) on the key.
- (3) Building is to be left clean. (No Deposit Required).
- (4) Days to be reserved (Mon. - Thurs.). Other times as approved by the Village Administrator.
- (5) Village Administrator will notify Service Committee of Rules violations. The Service Committee can recommend termination of Free Use to Council.

- (6) All groups and individuals using the shelter houses must abide by Section 1046.02 of this chapter, Rules and Regulations of the Parks for the Village of Baltimore.

(d) The shelter house at Alt Park shall be free for public use on a first come, first serve basis. No reservations will be taken. Groups will still be responsible for cleaning up the area.
(Ord. 90-15. Passed 4-23-90; Ord. 2004-18. Passed 4-12-04; Ord. 2004-49. Passed 9-27-04; Ord. 2009-11. Passed 5-11-09; Ord. 2010-46. Passed 10-11-10.)

1046.02 RULES AND REGULATIONS FOR THE PARKS.

The following rules and regulations for management, protection and control of the parks, park driveways, and park entrances of the Village of Baltimore, Ohio be and the same are hereby established as follows:

- (a) (1) The parks are constructed and maintained for the use of the public at large, and shall be open daily to all citizens and the public on absolutely equal terms and none shall be given special privileges therein or be permitted to make use of them for any purpose not practically common to all and not in consonance with the proper use of the park.
- (2) All parks shall be closed at 10:00 p.m. during the months of May, June, July, August, and September and shall be closed at dusk during the other months of the year. No person shall be allowed therein after closing time unless granted permission by the Village Administrator or his or her designated representative.
- (3) To that end no person shall without first obtaining permission from the Village Administrator or his or her designated representative, have or give any musical, theatrical or other entertainment, nor form any procession, nor hold any public gathering or meeting of any kind in any of the parks of the Village.
- (4) No person shall have in any of the parks any restaurant building, or place where refreshments, wares or goods of any kind are sold or orders taken therefor except upon permission granted by the park officials.
- (5) No person shall solicit fares, or money or other things of value, or publicly solicit subscriptions in any of the parks of the Village. Express permission may be granted to participating teams to take collections at lighted ballfields. No speakers stand shall be used except upon the permission of the Village Administrator or his or her designated representative.
- (b) (1) "Vehicle" as used herein shall be construed to include bicycle, automobile, motorcycle, truck, motor vehicle or any conveyance of any kind.
- (2) No vehicle shall be permitted to stand upon the driveways or roads to the obstruction or the inconvenience of travel. Vehicles must remain in designated parking areas.
- (3) No vehicle shall be driven within any park of the Village of Baltimore at a greater speed than ten miles per hour and such vehicle shall be driven or operated at a reasonable speed having regard for the weather conditions, width, traffic, use and general and usual rules for the roads through the parks. It shall be driven so as not to endanger the property, life, or limb of any person. It shall at all times be driven and operated so that the driver of or operator thereof has full and complete control of the same and at such speed that such vehicle may be stopped within a distance of ten feet. No vehicle shall be considered to have the right of way over, or be superior to pedestrians.

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- (4) The parking of all such vehicles shall be under the control and direction of the Police Chief or his or her designee, who shall have the power to direct the time, manner and place of parking any such vehicle within any of the parks of the Village of Baltimore.
- (c) (1) No person shall place or suffer to remain in or upon any park or park driveway any goods, merchandise or other articles in the nature of any obstruction to the free use and enjoyment of the park or park driveway. No person shall place any straw, dirt, chips, paper, shaving, shells, ashes, swill or garbage or other rubbish, even though not offensive to health in or upon the same.
- (d) (1) The placing of any structure, sign, bulletin board or advertising device of any kind whatever, or the erection of any post or pole, or the attachment of any notice, bill poster, sign, wire, rod or card to any tree, shrub, fence, fountain, wall, post or structure, or the placing of any advertising, decorative or other device of any kind whatever, on any of the vases, statues, bridges, or monuments in any park or park driveway is prohibited.
(2) Provided, that the Village Administrator or his or her designated representative may give permission for the erection of temporary decoration on occasions of public celebrations or holidays, and for temporary signs and displays promoting community health or welfare projects.
- (e) (1) No person shall remove, destroy, break, injure, mutilate or deface in any manner any structure, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, tree, shrub, fern, plant, flower, or other property in any park.
(2) No person, other than an employee of the parks, shall bring upon any of the parks, or have in his or her possession while therein any tree, shrub or plant, or any newly placed branch or leaf of a tree, shrub or plant.
- (f) (1) Dogs are not permitted in the Village parks except on leash. If dogs are found at large within any of the parks they may be impounded by the County Dog Warden.
(2) No animals, of any kind, will be allowed to run at large, and if found within the park limits, may be impounded.
(3) No animals of any kind will be allowed to enter the swimming pool.
(4) Owners of dogs, or any other animal that damage or destroy park property, will be held liable for the full value of the property damaged or destroyed. In addition to the penalty imposed for a violation of this section.
(5) Dog droppings must be removed and disposed of by any person who brings a dog into or upon the park.
(6) Horses may be allowed in the Village parks when permission is granted by the Village Administrator or his or her designated representative.
- (g) Climbing any tree; or walking, standing or sitting upon the monuments, fountains, railings, or fences; or throwing or rolling stones or other missiles in any of the parks is prohibited.
- (h) No game of chance of any kind whatever will be permitted within the park boundaries unless permission is granted by the Village Administrator or his or her designated representative.
- (i) Portions of the park may be set apart by the Village Administrator for croquet, tennis, baseball, or other games.
- (j) The use of fireworks or explosives of any kind within the park is prohibited except by permission of the Village Administrator or his or her designated representative. The use of firearms of any kind within the park is prohibited provided that such prohibition is authorized by law, including Ohio R.C. 2923.126, or related statutes, as interpreted by Ohio

courts of law.

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- (k) No person will be allowed to use any weapon, stick, stone, or missile of any kind to the destruction or injury of, or to in any manner disturb or molest any wild or domestic animal or fowl within the park limits. Hunting thereon is prohibited.
- (l) Sleeping or protracted lounging on the seats or benches, loud, boisterous, threatening or abusive, insulting or indecent language, or disorderly conduct or behavior, or any act tending to be a breach of the public peace is prohibited.
- (m) No person shall take into or upon any park intoxicating liquor, or drugs, either for sale to others or have in his or her possession for his or her own use or for the use of others nor shall any person give away or dispose of any intoxicating liquors in or upon any park. No intoxicated person will be allowed to enter or remain within any of the parks.
- (n) Picnics are permitted within Village parks only at facilities and such areas as are provided for such use. No person shall join any group without the consent of the persons of whom it shall be composed or shall in any manner disturb or interfere with the same.
- (o) No person shall injure, deface or destroy any notice of the rules and regulations for the government of the parks, which shall have been posted or permanently fixed by order or permission of the Village Administrator, nor shall any person injure, deface, remove or destroy any label or other sign from or on any park that has been placed there by the Service Superintendent.
- (p) No person shall clean, wash, polish or repair any automobile, truck or other vehicle in or upon any park except in areas designated by the Service Superintendent for that purpose.
- (q) No person shall indulge in any indecent or disorderly conduct, or in any loud or lascivious behavior in any park, nor shall any person commit any indecent, immodest or filthy act, in any park.
- (r) No person shall play golf or use golf balls and clubs within the public parks and playgrounds of the Village.
- (s) No person shall throw or cast any stone or other missile, or discharge any arrow, bolt on the contrivance for ejecting, discharging or otherwise throwing or shooting any missile, pellet, BB, stone, bolt, metal or other substance capable of causing injury to anyone in any park.
- (t) No person shall operate, or permit to be operated, any engine driven model airplane within any park except in areas specifically designated as suitable for such activities by the Service Superintendent. In any area so designated, no person shall operate or permit to be operated any such airplane in violation of regulations established by the Service Superintendent.

(Ord. 2005-44. Passed 9-12-05; Ord. 2008-09. Passed 4-28-08; Ord. 2010-46. Passed 10-11-10.)

1046.03 FESTIVALS, FUNDRAISERS, AND OTHER SPECIAL EVENTS.

A resolution shall be considered, and may be approved, annually by the Village of Baltimore Council for the use of Johnson Park for the Baltimore Festival, which resolution shall include modifications to the Rules and Regulations set forth in Section 1046.02 of the Baltimore Codified Ordinances that will be necessary and in effect for the festival. The organizers of all other festivals, fundraisers and/or other special events requested to be held at parks owned and operated by the Village of Baltimore shall submit details of the events to the Village Administrator for review, at least sixty (60) days prior to the proposed event. Upon the receipt and review of such details, the Village Administrator shall approve a special events permit, deny a special events permit, or in the Village Administrator's discretion, refer the matter to the Village of Baltimore Council for formal resolution by the Village Council.

(Ord. 2008-09. Passed 4-28-08; Ord. 2010-46. Passed 10-11-10.)

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1046.04 RECREATION FACILITY USE AGREEMENT.

(a) Purpose. The primary purpose of this policy and agreement is to maximize facility use and best serve the community while maintaining the quality of the parks and facilities. This policy serves to create a standardized approach to sports field allocation for all users. It also describes specific rules and regulations governing the use of sports fields and facilities owned or maintained by the Village.

(b) Village Recreation Facilities Inventory.

(1) Alt Park

1101 North Romulus Street

Features: 121 acres used for the majority of the area youth sports organizations, includes baseball diamonds, soccer fields, a football field, playground area, shelter house, and concession stands.

(2) Basil Park

211 North High Street

Features: playground equipment, basketball court, picnic area, and community center.

(3) Johnson Park

220 Summer's Choice Drive

Features: softball fields, playground equipment, basketball court, and community center.

(4) Municipal Swimming Pool

240 Summer's Choice Drive

Features: public pool for use either through season memberships or a daily rate, also used by youth swim team.

(c) Priority of Usage.

(1) This agreement shall give the league/organization use of facilities listed in this agreement during the time period as stated in this agreement. The Village has the right to schedule Village-sponsored activities or events on said facilities during the agreement dates, with timely notice given to league/organization.

(2) The scheduling of use of these facilities (other than community centers) by community organizations are based on the following criteria:

A. Baltimore youth sports organizations.

B. Groups and organizations serving Baltimore residents.

C. Liberty Union - Thurston School District youth programs.

D. Baltimore adult sports organizations.

E. Regional organizations and leagues.

(3) The scheduling of community centers is performed by Village administrative staff throughout the year on a first-come first-serve basis.

(d) Notification of Usage. Sixty days prior to the start of their respective season, each league/organization shall meet with the Village Parks and Recreation Board to determine the start and ending dates of their practices and games. Failure of the league/organization to meet with the Board may impact the ability of the league/organization's use of the facility.

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(e) Practice/Walk-on Field Use. Organized practices and walk-on games can use fields on a first-come first-serve basis. However, if a field is allocated to a group with a reservation or walk-on usage conflicts with use by a league/organization with an approved facility use agreement, the walk-on group must vacate the field.

(f) Supervision. League/organization officials are responsible for providing responsible adults to supervise league/organization activities and events. The league/organization is also responsible for enforcing the Village Code of Conduct during use of the facilities designated in this agreement.

(g) Maintenance and Operation.

- (1) Any league/organization that enters into a facility use agreement shall maintain Village property and facilities in good condition, with reasonable wear excepted. Such work shall be at the expense of the league/organization. Village staff shall provide basic park maintenance for common areas, parking lot, and playground.
- (2) The league/organization is responsible for cleaning and maintaining the field and spectator areas assigned to them by picking up and properly disposing of trash after each use. It is also responsible for placing all equipment back in approved storage locations so that Village staff can properly mow, etc. without having to move equipment.
- (3) The league/organization participants and fans must park only in designated areas. The Village maintains the right to enforce this rule.
- (4) The Village shall have the right to enter into and upon its property for the purpose of examining and inspecting the same, and determining whether the league/organization is in compliance with Village policies and procedures with respect to the care, maintenance, repair and renovations. Facility or equipment safety issues that are declared an emergency by the Village shall be corrected as directed by the Village or facility use may be suspended until corrective action is completed.

(h) Inclement Weather. In the event of inclement weather, the league/organization must err on the side of caution as to how the event will affect the condition of the fields and parks. League organizers and coaches are expected to exercise good judgment when fields are too wet, and to postpone play that will cause significant damage to fields. The Village reserves the right to have final authority on whether facilities are usable. Fields declared closed by the Village shall not be used until reopened.

(i) Indemnification. It is expressly agreed and understood that the Village, or any of its agents or employees, shall not be liable for any claims, damages, losses or expenses of any kind whatsoever, whether to persons or property (including, but not limited to those claims, damages, losses or expenses resulting from or by reason of negligent acts or omissions) arising out of, related to or connected with any accident, occurrence or event on or about the Village's property pursuant to this agreement. As a result of this agreement, any user of the recreation facilities identified herein will at all times indemnify and hold the Village, including any agents and employees thereof, harmless from any liability and will defend said claim or cause of action at its own expense, whether or not such claim or cause of action is covered by insurance of the Village.

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(j) Insurance.

- (1) The league/organization, as specified by Village facility agreement, shall provide to the Village evidence of maintaining liability insurance with minimum coverage of \$1,000,000, and with the league/organization named as insured.
- (2) The Village shall be written as additional insured, using the following language which must be shown on the insurance certificate:

“The following are additional insured: The Village of Baltimore, Ohio, its elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers, thereof. Coverage shall be primary to the additional insured and not contributing with any other insurance or similar protection available to the additional insured whether other available coverage be primary, contributing or excess.”

Location: Site for Use

Effective Date: Inclusive dates of events

(k) Signage. The user shall post no permanent signs on the property without prior approval of the Village. All temporary signs and banners must be located on the outfield or perimeter fences and attached securely at all four corners. Any other temporary signs used for a specific event must be removed at the end of the event so they are away from areas needing maintenance and mowing by Village staff.

(l) Vendors. No outside vendors are allowed to sell any product or service on park property without prior approval from the Village Parks and Recreation Board. Leagues/organizations with concession operations are permitted to operate within terms of this facility agreement and any applicable rules established by the County Board of Health.

(m) Structures. The user of the facility shall not alter or modify any existing building or structure or build or locate any new building, mobile structure or new structure on the Village property nor engage in excavation or landscaping without prior written approval of the Village and the approval of all appropriate Village agencies. Once completed, any permanent structure will become the property of the Village.

(n) Village Responsibility. The Village may provide the following services:

- (1) Provide basic field maintenance of all Village park facilities, i.e., mowing, watering, fertilizing, general park repair (not including actual field work).
- (2) Provide basic utilities to parks where installed (electric, water).
- (3) Coordinate special maintenance and other facility needs.

(o) User Responsibility. All users of all Village recreation facilities must abide by the Village's adopted Recreation Facilities Code of Conduct and all Park Rules and Regulations, as set forth in these Codified Ordinances. In addition, the following rules and regulations must be followed:

- (1) League/organization must designate a representative adult(s) to be present during any/all practices and/or games.

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- (2) Loudspeakers and/or amplified sound equipment must be reasonably used and be compatible with the residential neighborhood. All public address system use for athletic events must pertain to the game being played. Request from Village must be honored.
- (3) Any modifications or additions to the approved uses as permitted under this agreement must be approved by the Village prior to the scheduling of such modifications or additions.

(p) Loss of Facility Usage. Failure to comply with this agreement and all Village requirements may result in termination of any and all field and facility use.

(q) Approvals.

Name of Facility:

Dates or Season of Use:

League/Organization:

Name of Insurance Carrier:

President or Contact:

Phone: _____ Email:

Will League/Organization concessions stand be operated during the season? Yes No

Signed:

League/Organization Representative _____

Date

Village Administrator _____

Date

(Ord. 2011-35. Passed 6-27-11.)

1046.05 RECREATION FACILITIES CODE OF CONDUCT.

(a) Purpose. The Village encourages the development of young and older athletes who play for the love of the sport. In order to nurture that love of sports, we have endorsed a Code of Conduct for the players, parents, and coaches.

(b) Code of Conduct.

- (1) All players, parents, coaches and spectators must follow the Code of Conduct and the Recreation Facility Use Agreement before, during, and following games and practices.
- (2) All coaches, players, parents and spectators must comply with the meaning and spirit of the rules, regulations, and policies adopted by the Village and any Village youth sports organization.

- (3) Players, parents, and coaches must remain respectful toward other players, coaches, referees and spectators. No foul language, fighting, harassment, intimidation, booing or berating, or obscene gestures are allowed.
 - (4) Littering, vandalism or theft of any property is not permitted.
 - (5) Village parks and facilities are for recreational play. Sportsmanship and integrity are fundamental components of the game.
 - (6) Coaches, parents, volunteer or paid officials, and spectators will not use their position to upset or intimidate either their own team players or an opposing team's players.
 - (7) Under no circumstances will drugs, alcohol or tobacco use be permitted at any recreation facility function.
 - (8) No actions by players that are deemed to be physically dangerous to another player are permitted. Coaches and spectators must not incite players to initiate any retaliatory action regardless of the provocation, or to imply dissatisfaction with the officials (verbal expressions or gestures).
 - (9) Coaches, players and officials must cooperate in an effort to avoid unnecessary delays in the game.
 - (10) Playing conditions (weather, field conditions, equipment, etc.) must be assessed prior to each use, with due consideration given to both player safety and potential damage to facilities.
 - (11) It is the responsibility of coaches and organization boards to make sure that all players, parents and spectators are made aware of this Code of Conduct.
- (c) Breach of Code of Conduct.
- (1) Any violation of the Code of Conduct will be deemed unsportsmanlike conduct. It is everyone's responsibility to insure that the Code of Conduct is honored at all times. A copy of the Code is to be signed by the President of the league/organization and returned to the Village prior to any child or coach participating in a game or practice.
 - (2) Infractions of the Code of Conduct may result in a specific coach, player, parent, or spectator being removed and barred from future participation at Village recreation facilities. Multiple infractions by a team will result in the team being barred from participation at Village recreation facilities. Multiple team infractions may result in the youth sports organization being barred from participation at Village recreation facilities.

“I agree to read the Village of Baltimore “Code of Conduct” and agree to abide by all rules and regulations of the code. I agree that I have provided the “Code of Conduct” to the League/Organization Board, for review with players and parents. I understand that if any players, coaches, parents or spectators affiliated with my League/Organization fail to abide by the “Code of Conduct”, the League/Organization, or specific coaches or players, may be barred from participation at Village of Baltimore recreation facilities. I agree to post this Code of Conduct at a location that can be viewed by all coaches, players, and spectators.”

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Signature: _____

Date:

League/Organization:

(Ord. 2011-35. Passed 6-27-11.)

1046.99 PENALTY.

Whoever violates any provisions of this chapter is guilty of a minor misdemeanor for a first offense and shall be fined not more than one hundred dollars (\$100.00); for a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both; for each subsequent offense within one year of the first offense, such person is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both.

(Ord. 85-1. Passed 2-27-85.)

CHAPTER 1048
Snow Removal

1048.01 Plowing of snow and use of abrasives
for ice control.

CROSS REFERENCES

Snow removal - see Ohio R.C. 727.01, 4513.18, 5501.41

Snowmobiles - see TRAF. Ch. 446

Parking during heavy snowfall - see TRAF. 452.18

Removal of snow and ice - see GEN. OFF. 660.05

1048.01 PLOWING OF SNOW AND USE OF ABRASIVES FOR ICE CONTROL.

It is declared to be in the public interest that the plowing of snow and placing of abrasives for ice control may be performed in accordance with the standard practices of the Ohio Department of Transportation.

(Ord. 539. Passed 11-19-62; Ord. 2005-44. Passed 9-12-05.)

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CHAPTER 1050
Trees, Shrubs and Other Plants

1050.01	Definitions.	1050.06	Municipality may remove.
1050.02	Special assessments. (Repealed)	1050.07	Tree topping.
1050.03	Permits required; insurance.	1050.08	Abuse or mutilation of public trees.
1050.04	Removal from public street, park or other public place after notice.	1050.09	Placing materials on public property.
1050.05	Duty of property owner to prune privately owned trees.	1050.10	Shade trees overhanging sidewalks.
		1050.99	Penalty.

CROSS REFERENCES

Injuring vines, bushes, trees or crops - see GEN. OFF. 642.04

Landscaping - see P. & Z. 1214.12

Subdivision and development regulation fees - see P. & Z. Ch. 1218

1050.01 DEFINITIONS.

As used in this chapter:

- (a) "Evergreen" means any tree, shrub or other plant that has green living foliage the entire year.
- (b) "Municipality" means the Village of Baltimore, Ohio.
- (c) "Manager" means the Village Administrator of the Municipality, or his or her duly authorized representative.
- (d) "Other plants" means all woody vegetation, including, but not limited to, ground covers.
- (e) "Park" means all public parks having individual names.
- (f) "Person" means any individual, firm, partnership, association, corporation, business trust, joint stock company, unincorporated organization, religious or charitable organization or other entity.
- (g) "Private property" means all real estate within the Municipality, except real estate that is owned, leased, controlled or occupied by the United States, the State of Ohio, or any other governmental entity.
- (h) "Property owner" means any one or more of the following:
 - (1) The record owner or owners, including life tenants, if any, of a parcel of real estate as reflected by the current records in the County Auditor's office; or
 - (2) The executor or Manager of the estate of a deceased owner.
- (i) "Public place" means all other ground owned by the Municipality.
- (j) "Public street" means the entire width of every public way, including any easement or right-of-way area when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular or pedestrian traffic, and shall include alleys.
- (k) "Shrub" means a low growing woody plant with one or several perennial stems, producing branches, shoots or multiple stems from or near the base of the plant, and incapable of being pruned to provide at least six feet of clear branchless trunk within five years of planting.

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- (l) “Tree” means a tall growing woody plant with one or more perennial main stem(s) or trunk(s) which develops branches from the aerial section of the stem rather than the base; capable of being pruned to produce at least six feet of clear branchless trunk within five years of planting.
- (m) “Topping” means the severe cutting back of tree limbs larger than three inches in diameter to stubs within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.
(Ord. 2003-38. Passed 12-8-03.)

1050.02 SPECIAL ASSESSMENTS. (REPEALED)

(Editor's note: This section was repealed by Ordinance 2005-44, passed September 12, 2005.)

1050.03 PERMITS REQUIRED; INSURANCE.

- (a) Planting Permit. No person shall plant a tree, shrub, evergreen or other plant within a public street, park, or other public place in the Municipality, without first obtaining a planting permit to do so from the Manager by written application.
- (b) Maintenance Permit. Any person desiring to engage in the maintenance of trees, shrubs, or evergreens by pruning, surgery work, cutting above or below ground or cutting branches or roots, in a public street, park or other public place, shall first obtain a permit to do so from the Manager by written application. The permit shall be issued when the Manager determines that the work applied for is necessary and when he or she approves the proposed method and workmanship.
- (c) Removal Permit. Any person desiring to remove any trees, shrubs or evergreens in a public street, park or other public place shall first obtain a permit to do so from the Manager by written application. The permit shall be issued when the Manager determines that the removal is necessary and when the applicant agrees to pay the cost of removal.
- (d) Liability Insurance. The applicant for any permit under this section shall have liability insurance, or the company with which he or she contracts shall have liability insurance, in the minimum amount of three hundred thousand dollars (\$300,000) for bodily injury and fifty thousand dollars (\$50,000) for personal property damage. Confirmation of such insurance coverage shall be provided to the Manager prior to the issuance of any permit.
- (e) Excavation. No person shall excavate any ditches, tunnels, trenches or lay any drive or sidewalk within a radius of ten feet from any tree, shrub, or evergreen in a public street, park or other public place, without first obtaining written approval from the Manager.
(Ord. 2003-38. Passed 12-8-03.)

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1050.04 REMOVAL FROM PUBLIC STREET, PARK OR OTHER PUBLIC PLACE AFTER NOTICE.

It shall be the duty of every person who has planted trees, shrubs, evergreens, or other plants within a public street, park or other public place, or who claims ownership of or interest in such vegetation by reason of ownership of the adjacent lot or parcel of land, or otherwise, to remove the same upon being so directed in writing by the Manager. In the event of the failure of such person to remove such planting within ten days after receipt of such notice, or in the event that the person who caused such planting to be made or who claims interest therein is not known to the Manager or cannot be located, the Manager shall be authorized to remove such trees, shrubs, evergreens or other plants, or to trim or prune the same as he or she may deem appropriate.

(Ord. 2003-38. Passed 12-8-03.)

1050.05 DUTY OF PROPERTY OWNER TO PRUNE PRIVATELY OWNED TREES.

(a) It shall be the duty of any person or persons owning real estate bordering on any public street, park or other public place upon which property there may be trees, shrubs, or evergreens, to prune, or cause to be pruned, such vegetation in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct the visibility of traffic signs, obstruct the view of any street or alley intersection, or obstruct vehicular traffic.

- (b) (1) Should any person or persons owning real estate property bordering on any public street, park or other public place fail to prune trees, shrubs, or evergreens as provided above, the Manager shall order such person or persons within 15 days after receipt of written notice, to prune such vegetation.
- (2) The order required herein shall be served by mailing a copy of the same to the last known address of the property owner by certified mail. Should the certified letter be returned unclaimed, the Municipality shall send a letter, via regular mail, to the owner's last known address, and the owner shall have 15 days from the date of mailing to effect such removal.
- (3) When a person to whom an order is directed shall fail to comply within the time periods specified herein, it shall be lawful for the Municipality, its employees, or agents to enter onto the property to prune such trees, shrubs or evergreens, and to bill to the property owner the actual cost of the work incurred by the Municipality. If such billed costs are not paid by the property owner, the Municipality shall be entitled to make a written return to the County Auditor of its action with a statement of the charges for its services, the fees of the officers who made the service of the notice and return, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate of the property owner, shall be a lien upon such lands from the date of the entry, and shall be collected as other taxes and returned to the Municipality for deposit into the General Fund.

(Ord. 2003-38. Passed 12-8-03.)

1050.06 MUNICIPALITY MAY REMOVE.

- (a) (1) The Manager may remove or cause or order to be removed, any tree, shrub, evergreen, or part thereof which by reason of its nature is injurious to existing sewers, electric power lines, gas lines, water lines or other public improvements.

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- (2) The Manager shall have the right to examine or cause to be examined every tree, shrub, or evergreen within 12 feet on either side, for a maximum distance not to exceed 25 feet of any sanitary or storm sewer, drain, manhole or other public utility line above or below the surface of the ground, which has been reported as dangerous to or causing interference with said sewer, drain, manhole or public utility line, and if found dangerous or causing damage to or obstruction of such sewer, drain, manhole or public utility line, the Manager shall give to the property owner or the person having charge or control of said tree, written notice of the Manager's findings and an order that such person remove said tree, shrub, evergreen, or injurious part thereof. The order required herein shall be served by mailing a copy of the same to the last known address of the property owner by certified mail. Should the certified letter be returned unclaimed, the Municipality shall send a letter, via regular mail, to the owner's last known address, and the owner shall have 15 days from the date of mailing to effect such removal.
- (3) Should the property owner fail to comply within the time periods specified herein, it shall be lawful for the Municipality, its employees, or agents to enter onto the property to remove such trees, shrubs or evergreens, and to bill to the property owner the actual cost of the work incurred by the Municipality. If such billed costs are not paid, the collection of such unpaid amount shall be as prescribed in Section 1050.04(b).

(b) It is unlawful to retain or permit to stand, any tree, shrub, or evergreen designated dead, diseased or deemed a menace to the health, safety and welfare of people using public streets, parks or other public property in the Municipality. The Manager shall order removal of such tree, shrub, or evergreen identified as dead, diseased or a menace, by a letter sent by certified mail, return receipt requested. A period of no more than 15 days from receipt of certified letter shall be permitted to effect such removal. Should the certified letter be returned unclaimed, the Municipality shall send a letter, via regular mail, to the owner's last known address, and the owner shall have 15 days from the date of mailing to effect such removal. Should the property owner fail to comply within the time period specified herein, it shall be lawful for the Municipality, its employees, or agents to enter onto the property to remove such trees, shrubs or evergreens, and to bill to the property owner the actual cost of the work incurred by the Municipality. If such billed costs are not paid, the collection of such unpaid amount shall be as prescribed in Section 1050.04(b).

(c) The person to whom an order is directed under Sections (a) and (b) hereinabove, may appeal the order of the Manager by written notification to the Manager of such an appeal within 15 days after receipt of the written notice. Such written notification of an appeal shall be either personally delivered to the Manager at the Village Town Hall, or official postmarked by the U.S. Postal Service within 15 days of receipt of the written notice. The Manager shall delay enforcement of the order until such time that the appeal may be presented to and decided by the Council of the Municipality.

(Ord. 2003-38. Passed 12-8-03.)

1050.07 TREE TOPPING.

No person shall top any tree or evergreen in any public street, park or other public place. Trees or evergreens severely damaged by storms or other causes, and trees or evergreens under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the determination of the Manager.

(Ord. 2003-38. Passed 12-8-03.)

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1050.08 ABUSE OR MUTILATION OF PUBLIC TREES.

Unless specifically authorized by the Manager, no person shall do any of the following to a tree, shrub, evergreen or other plant in a public street, park or other public place:

- (a) Intentionally damage, cut, carve, transplant or remove such vegetation;
- (b) Attach any rope, wire, nails, advertising posters or other contrivance to any such vegetation;
- (c) Allow any gaseous liquid, or solid substance which is harmful to such vegetation to come in contact with them; or
- (d) Set fire or permit fire to burn when such fire or the heat thereof will injure any portion of any such vegetation.

(Ord. 2003-38. Passed 12-8-03.)

1050.09 PLACING MATERIALS ON PUBLIC PROPERTY.

No person shall deposit, place, store or maintain upon any public street, park, or other public place any stone, brick, sand, concrete or other materials which may impede the free passage of water, air or fertilizer to the roots of any tree, shrub, or evergreen growing therein, except by written consent of the Manager.

(Ord. 2003-38. Passed 12-8-03.)

1050.10 SHADE TREES OVERHANGING SIDEWALKS.

(a) All persons owning lots or unplatted lands abutting the streets or sidewalks in the Village shall keep their shade trees or other trees trimmed to a height of not less than eight feet above the sidewalks.

(b) All persons owning lots or unplatted lands abutting the streets or sidewalks in the Village shall keep their shade trees or other trees trimmed so as not to create a safety hazard. If the trees are not so trimmed the Village shall have the necessary work completed, and the costs thereof shall be levied and assessed against the abutting property, and paid to the Fiscal Officer within 30 days after notice. If not paid, the same shall be certified to the Fairfield County Auditor, placed upon the tax duplicate, and collected according to law.

(Ord. 126. Passed 4-20-25; Ord. 2005-44. Passed 9-12-05.)

1050.99 PENALTY.

Whoever violates any provisions of this chapter is guilty of a misdemeanor and shall be fined as follows:

- (a) First offense: one hundred dollar (\$100.00) fine;
- (b) Second offense (within one year of the first offense): two hundred dollar (\$200.00) fine;
- (c) All subsequent offenses (within one year of the first offense): five hundred dollar (\$500.00) fine.

(Ord. 2003-38. Passed 12-8-03.)

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