

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

TITLE ONE - Street and Sidewalk Areas

- Chap. 907. Sidewalks.
- Chap. 913. Tree Policy.

TITLE THREE - Utilities

- Chap. 925. Sewer Regulations.
- Chap. 933. Water Regulations.
- Chap. 941. Water and Sewer Charges.

TITLE FIVE - Other Public Services

- Chap. 953. Brush Pick-Up Services.
- Chap. 959. Parks and Recreation.

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TITLE ONE - Street and Sidewalk Areas

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CHAPTER 907
Sidewalks

907.01	Inspection of existing sidewalks.	907.05	Procedure for non-compliant sidewalks.
907.02	Determination from inspection.	907.06	Enhancement fee.
907.03	Standards and specifications.	907.07	Damage by Village.
907.04	Maintenance of sidewalks within the Village.	907.08	Replacement or repair of existing driveway approaches.

CROSS REFERENCES

Sidewalks and gutters - see Ohio R.C. 729.01 et seq.
Construction or repair at owner's expense - see Ohio R.C. 729.01 et seq.
Notice to construct or repair sidewalks - see Ohio R.C. 729.03 et seq.

907.01 INSPECTION OF EXISTING SIDEWALKS.

(a) The Zoning Board shall establish an annual inspection schedule of sidewalks to be completed by the Village Administrator or persons appointed.

(b) If a sidewalk complaint is received, the Village Administrator or appointed persons will inspect the location within a 48 hour period, adhering to the same procedures as the annual inspection.

(c) All sidewalks within the Village of Fayette shall be inspected for size requirements and hazards.

- (1) Size requirements:
 - A. The width of the sidewalk must be equal to or greater than four feet (4').
 - B. Concrete in sidewalks shall be at least four inches (4") in thickness, and in driveway crossings shall be either six (6") or eight (8") inches to correspond with the driveway thickness.

C. Control Joints are to match adjacent joint spacing, but not to exceed five foot (5') intervals perpendicular to the curb. When applicable, three foot (3') or varied joint spacing should be used.

(2) Hazards:

- A. Stubtoes: The vertical misalignment along any part of the slab between two slabs, or between sections within a slab fractured by cracks, one inch in elevation or greater.
- B. Traverse (lateral) Slope: Any individual slab or portion of a slab that slopes either toward the paved portion of a street or the adjoining property at a ratio of more than one inch per lineal foot.
- C. Longitudinal Slope: Other than the handicap ramps, each individual slab, or fragmented sections of a slab, that deviates from the average line of the sidewalk surface level at a ratio of more than one inch per lineal foot.
- D. Gaps: A space between slabs or the depth of the gap between slabs in excess of one inch in width; those caused by the absence of a fragmented section of the sidewalk exceed one inch in width.
- E. Surface Quality:
 - 1. Cracked Slabs: Slabs fragmented by cracks into four or more sections, where any one of the gaps between fragments is greater than one inch in width or depth.
 - 2. Pitted Slabs: Slabs whose surface is granular and contains hazardous depressions of surface break-up in excess of one inch in depth. Depth is to be determined by a two-foot straight edge laid on the surface of the sidewalk.
- F. Surface Irregularity: Any surface irregularity in the sidewalk that allows impounding of water for more than one square foot in area.
- G. Obstructions: Any encroachment prohibiting the use of the sidewalk, including bushes, trees and other living plants.

(Ord. 2008-13. Passed 9-11-08.)

907.02 DETERMINATION FROM INSPECTION.

Once the sidewalk has been inspected, a determination shall be made concerning the status of the sidewalk. The determinations are as follows:

- (a) In Compliance: Sidewalk meets the size and hazard requirements. No action is required.
- (b) Out of Compliance: Sidewalk fails to meet the size requirements and/or hazard requirements. Action is required with guidelines established by the Zoning Board and enforced by the Village Administrator or persons appointed.
- (c) Emergency Status: Sidewalk fails to meet the size requirements and/or hazard requirements and is an immediate threat to public health and safety. Immediate action is required with guidelines established by the Zoning Board and enforced by the Village Administrator or persons appointed.

(Ord. 2008-13. Passed 9-11-08.)

907.03 STANDARDS AND SPECIFICATIONS.

- (a) A sidewalk permit is required for any construction, reconstruction or repair of a sidewalk. Upon installation, the Village Administrator, or persons appointed, will inspect the sidewalk for compliance. If the sidewalk does not meet pass the inspection, the property owner will have 30 days to bring it into compliance.

(b) The property owner must notify the Village during normal business hours when the concrete is ready for disposal. The Village Maintenance Crew must inspect the concrete prior to approving disposal at a specified area. The property owner may dispose of the concrete at their expense.

(c) All construction, grading, repairing or replacing of such sidewalks shall comply with O.D.O.T. requirements. Please contact Village Administrator for specifications.

(d) Location: Sidewalks shall be placed on the street right-of-way, running parallel with the centerline of the adjacent street.

(e) Concrete in sidewalks shall be at least four (4") inches in thickness, and in driveway approaches shall be either six (6") or eight (8") inches to correspond with the driveway thickness. The width of the perimeter sidewalks shall be four feet (4').

(f) The sub-grade shall be either two inches (2") of compacted aggregate base for a 4" concrete walk, or a minimum of six inches (6") of a compacted aggregate base for a driveway, or other pre-approved base (contact the Village Administrator for approval).

(g) Control Joints are to match adjacent joint spacing, but not to exceed five foot (5') intervals perpendicular to the curb. When applicable, three foot (3') or varied joint spacing should be used.

(h) The sidewalk shall have a transverse slope of one quarter (1/4") inch per foot (1" per 4' width) with the low side adjacent to the roadway.

(i) The surface of the sidewalk shall be rough (usually broomed).

(j) Trees, stumps, roots, bushes, and other greenery shall be trimmed or removed before work commences on the sidewalk. (Ord. 2008-13. Passed 9-11-08.)

907.04 MAINTENANCE OF SIDEWALKS WITHIN THE VILLAGE.

All maintenance of sidewalks shall be duty of the property owner. No owner shall fail to maintain a sidewalk and must adhere to the size requirements and prevent hazards as detailed in Section 907.01(c).

(Ord. 2008-13. Passed 9-11-08.)

907.05 PROCEDURE FOR NON-COMPLIANT SIDEWALKS.

(a) Upon inspection or observation of a non-compliant sidewalk, the Village Administrator or person appointed shall send correspondence to the property owner confirming the sidewalk is no longer in compliance and providing a quote for having the sidewalk constructed, reconstructed or repaired by a third party contracted by the Village. The property owner has 60 days to bring the sidewalk up to code on their own or to commit to allowing the third party contracted by the Village to complete the work.

(b) Failure to comply within 60 days shall result in the Village bringing the sidewalk into compliance and charging the property owner for the materials and labor.

(c) The property owner may choose one of the following payment options:

- (1) Pay invoice total in full.
- (2) Property Assessment.

(Ord. 2008-13. Passed 9-11-08.)

907.06 ENHANCEMENT FEE.

A Sidewalk/Tree Enhancement Fee shall be implemented at the Village Council's discretion contingent upon receiving funding from, but not limited to, either a Healthy Ohio Grant and/or a Safe Routes to School Grant.

(Ord. 2008-13. Passed 9-11-08.)

907.07 DAMAGE BY VILLAGE.

If a sidewalk is removed or damaged by the Village due to infrastructure maintenance, upgrades, repairs, or unforeseen circumstances, the Village will repair or replace the sidewalk to its condition prior to damage. Prior to work commencing, a photo will be taken of said sidewalk for a record of the sidewalk condition. The photo will be used by the Zoning Board to determine the portion of the homeowner's responsibility.

(Ord. 2008-13. Passed 9-11-08.)

907.08 REPLACEMENT OR REPAIR OF EXISTING DRIVEWAY APPROACHES.

The construction, reconstruction or repair of driveway approaches is encouraged by the Council of the Village of Fayette. Property owners may elect to have work completed and either pay the invoice total in full or through a property assessment. Payment shall be determined prior to work commencement with the appropriate forms executed.

(Ord. 2008-13. Passed 9-11-08.)

CHAPTER 913

Tree Policy

913.01	Definitions.	913.09	Trees in new subdivisions.
913.02	Duty of private property owner.	913.10	Tree spacing.
913.03	Village may remove.	913.11	Distance from curb and sidewalk.
913.04	Village responsibility.	913.12	Distance from the street corners and fire plugs.
913.05	Trees prohibited on public property.	913.13	Utilities.
913.06	Abuse or mutilation of public trees.	913.14	Adoption of rules.
913.07	Placing materials on public property.	913.99	Penalty.
913.08	Planting and maintenance of treelawns.		

CROSS REFERENCES

Power to regulate shade trees and shrubbery - see Ohio R.C.

715.20

Assessments for tree planting or maintenance - see Ohio R.C.

727.011

Destruction of shrubs, trees or crops - see GEN. OFF. 541.06

913.01 DEFINITIONS.

As used in this chapter:

- (a) "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.
- (b) "Street or Highway" means the entire width of every public way, easement or right-of-way when any part thereof is open to the public, as a matter of right, for the purpose of vehicular and pedestrian traffic, and shall include alleys.
- (c) "Public Places" shall include all other grounds owned by the Village of Fayette.
- (d) "Property Line" means the outer edge of a street or highway.
- (e) "Treelawn" means that part of a street or highway, lying between the property line and that portion of the street or highway usually used for vehicular traffic.
- (f) "Property Owner" means the person owning such property as shown by the County Auditor's Plat of the Village of Fayette, Fulton County, Ohio, including the executor, administrator, or beneficiary of the estate of a deceased owner.
- (g) "Tree" means a tall growing woody plant with one or more perennial main stems or trunk which develops branches from the aerial section of the stem rather than from the base; capable of being pruned to as least six feet of clear branchless trunk below the crown within five years of planting.

- (h) "Shrub" means a low growing woody plant with one or several perennial main 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.
- (i) "Public Trees" shall include all shade and ornamental trees now or hereafter growing on any public places.
- (j) "Right-of-Way" means any portion of the public way, street, alley, or sidewalk.
- (k) "Tree Topping" means the severe cutting back of limbs to stubs of three (3) inches or more in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

(Ord. 2001-01. Passed 3-22-01.)

913.02 DUTY OF PRIVATE PROPERTY OWNER.

(a) It shall be the duty of any property owner owning or occupying property bordering on right of way upon which property there may be trees or shrubs, to prune or cause to be pruned such tree or shrub in such a manner that they will not shade or obstruct street lights, street signs, or obstruct pedestrian or vehicular traffic on sidewalks or streets.

(b) It shall be the duty of any person owning or occupying property bordering on the right of way upon which property there are any trees or shrubs which are designated by the Tree Commission as dead, dying, diseased, or hazardous or deemed a menace to the health, safety, and welfare of the people of Fayette, to remove or cause to be removed said tree(s) and/or shrub(s).

(c) In either of the above situations, the Village Administrator shall send a written notice to the property owner indicating the required action (pruning or removal) to be taken. A period of thirty days from receipt of this letter shall be permitted for the property owner to affect the indicated action. Should the property owner or occupant fail to comply, it shall be lawful for the Mayor or his agent to enter upon the property and cause such action. The property owner or occupant shall be charged treble the actual cost of the work and cash payment shall be made within thirty days or triple the actual cost of the work shall be assessed to the property taxes.

(Ord. 2001-01. Passed 3-22-01.)

913.03 VILLAGE MAY REMOVE.

(a) The Village Administrator may remove or cause or order to be removed, any trees 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.

(b) The Village Administrator shall examine or cause to be examined every tree within 100 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 or obstruction of such sewer, drain, manhole or public utility line, he shall give to the property owner written notice of their findings and an order that such person remove said tree or injurious part thereof within forty-five (45) days. Service of such notice shall be as described in Section 913.02(c). (Ord. 2001-01. Passed 3-22-01.)

913.04 VILLAGE RESPONSIBILITY.

(a) Whenever it is necessary for the Village to remove a tree from the Village right of way, the Village shall remove such trees and replace them or plant, on another right of way area, an equal number of trees to the satisfaction of the Tree Commission.

(b) No person or property owner shall remove a tree from the right of way for any reason without approval from the Tree Commission. Should approval be given for the removal, the person shall be required to replant or replace an equal number of trees at the landowner's cost. The Tree Commission must approve the replacement or replanting. Failure to plant replacements shall result in replacement by the Village and treble the actual cost to the Village shall be billed to the property owner.

(Ord. 2001-01. Passed 3-22-01.)

913.05 TREES PROHIBITED ON PUBLIC PROPERTY.

The following shall not be planted on public property without specific consent of the Tree Commission:

<i>Acer saccharinum</i>	(Silver Maple)
<i>Acer negundo</i>	(Box elder)
<i>Aesculus</i> Species	(Horsechestnut, Buckeye)
<i>Ailanthus altissima</i>	(Tree of Heaven)
<i>Betula</i> Species (except <i>Betula nigra</i>)	(Birch, except River Birch)
<i>Catalpa</i> Species	(Catalpa)
<i>Elaeagnus angustifolia</i>	(Russian Olive)
Evergreens	
Fruit tree cultivars bred for fruit production	
<i>Ginkgo biloba</i> (Female)	(Female Ginkgo)
<i>Liriodendron tulipifera</i>	(Tulip Poplar)
<i>Morus</i> Species	(Mulberry)
<i>Populus</i> Species	(Cottonwood, Poplar)
<i>Pyrus calleryana</i> "Bradford"	(Bradford Callery Pear)
<i>Robinia pseudoacacia</i>	(Black Locust)
<i>Salix</i> Species	(Willow)
<i>Sorbus aucuparia</i>	(European Mountain Ash)
Shrubs	
<i>Ulmus americana</i>	(American Elm)
<i>Ulmus pumila</i>	(Siberian Elm)
<i>Ulmus rubra</i>	(Red Elm)

Whenever any tree or shrub shall be planted or set out in conflict with the provisions of this chapter, the Village Administrator may cause removal of the same without obligating the Village to replace the illegally planted tree(s).

(Ord. 2001-01. Passed 3-22-01.)

913.06 ABUSE OR MUTILATION OF PUBLIC TREES.

(a) Unless specifically authorized by the Tree Commission, no person shall intentionally damage, cut, carve, top, transplant, or remove any tree; attach any rope, wire, nails, advertising posters, squirrel feeder, or other contrivance to any tree or shrub; allow any gaseous, liquid, or solid substance to come in contact with them; set fire or permit a fire to burn when the fire or heat thereof shall injure any portion of any tree or shrub.

(b) No person shall excavate any ditches, tunnels, trenches, or alley or drive within a radius of ten feet from any public tree or shrub without obtaining approval from the Village Administrator. (Ord. 2001-01. Passed 3-22-01.)

913.07 PLACING MATERIALS ON PUBLIC PROPERTY.

No person shall deposit, place, store, or maintain upon any public place of the Village, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, or fertilizer to the roots of any tree growing therein, except by written consent of the Tree Commission. (Ord. 2001-01. Passed 3-22-01.)

913.08 PLANTING AND MAINTENANCE OF TREELAWNS.

No person shall plant, prune, brace, cable, spray, or otherwise perform work on a tree in a treelawn or other public place without first obtaining the prior approval of the Tree Commission. The Village shall require the property owner to obtain a permit from the Village Administrator. The person obtaining the permit shall abide by the standards as set forth in this chapter. (Ord. 2001-01. Passed 3-22-01.)

913.09 TREES IN NEW SUBDIVISIONS.

The Tree Commission shall approve the tree plan for any newly developed Village treelawns. (Ord. 2001-01. Passed 3-22-01.)

913.10 TREE SPACING.

The spacing of public trees will be in accordance with the three (3) species size classes referred to in the Fayette Tree Commission's list of Street Trees and no trees may be planted closer together than the following:

Small Trees	Thirty (30)feet
Medium Trees	Forty (40) feet
Large Trees	Fifty (50) feet

except in special plantings designed or approved by the Village Tree Commission. (Ord. 2001-01. Passed 3-22-01.)

913.11 DISTANCE FROM CURB AND SIDEWALK.

The distance public trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes in the Fayette Tree Commission's list of Street Trees and no trees may be planted closer to the curb or sidewalk than the following:

Small trees:	Two (2) feet (minimum of a four foot wide treelawn)
Medium trees:	Three (3) feet (minimum of a six foot wide tree lawn)
Large trees:	Four (4) feet (minimum of an eight foot wide treelawn)

except in special plantings designed or approved by the Village Tree Commission.
(Ord. 2001-01. Passed 3-22-01.)

913.12 DISTANCE FROM THE STREET CORNERS AND FIRE PLUGS.

No public tree shall be planted closer than thirty-five (35) feet from any street corner, measured from the point nearest the intersecting curbs or curb lines. No public tree shall be planted closer than ten (10) feet to any fire hydrant.

(Ord. 2001-01. Passed 3-22-01.)

913.13 UTILITIES.

No public trees other than those species referred to as Small Trees in the Fayette Tree Commission's list of Street Trees may be planted under or within twenty five (25) lateral feet of any overhead utility wire. (Ord. 2001-01. Passed 3-22-01.)

913.14 ADOPTION OF RULES.

The Tree Commission, with the approval of Village Council, may adopt rules consistent with this chapter which shall provide detailed guidelines for the administration of this chapter.
(Ord. 2001-01. Passed 3-22-01.)

913.99 PENALTY.

Any person violating or failing to comply with any provision of this chapter shall be, upon conviction or a plea of guilty, subject to a fine not less than twenty five dollars (\$25.00) nor more than one thousand dollars (\$1,000) per violation in addition to any required restitution for damages incurred by the Village or any special assessments levied as provided for herein.
(Ord. 2001-01. Passed 3-22-01.)

TITLE THREE - Utilities

Chap. 925. Sewer Regulations.
 Chap. 933. Water Regulations.
 Chap. 941. Water and Sewer Charges.

CHAPTER 925 Sewer Regulations

925.01 General provisions.	925.04 Control of industrial wastes.
925.02 Building sewers and connections.	925.05 Rates and charges.
925.03 Public sewer use.	925.06 Administration and enforcement.

CROSS REFERENCES

Power to construct sewerage system - see Ohio R.C. 715.40, 717.01
 Compulsory sewer connections - see Ohio R.C. 729.06
 Management and control of sewerage system - see Ohio R.C. 729.50
 Regulations to control house sewers and connections - see Ohio R.C. 729.51
 Untreated sewage - see Ohio R.C. 3701.59
 Interference with sewage flow - see Ohio R.C. 4933.24
 Sewerage districts - see Ohio R.C. 727.44 et seq.
 Assessments - see Ohio R.C. Ch. 729
 Household sewage disposal systems - see OAC Ch. 3701-29

925.01 GENERAL PROVISIONS.

(a) Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) "Act" means the Clean Water Act (33 USC 1251 et seq.), as amended; as well as any guidelines, limitations, definitions and standards promulgated by the U.S. Environmental Protection Agency pursuant to the Act.
- (2) "Biochemical Oxygen Demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.
- (3) "Building drain" means the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
- (4) "Building sewer" means the extension from the building drain to the public sewer or other place of disposal; also called house connection.
- (5) "Chemical Oxygen Demand (COD)" means the quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedure, expressed in milligrams per liter.

(6) "Compatible pollutant" means BOD, 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. Examples of such additional pollutants may include:

- A. COD;
- B. Total organic carbon;
- C. Phosphorus and phosphorus compounds;
- D. Nitrogen and nitrogen compounds;
- E. Fats, oils and greases of animal or vegetable origin, except as prohibited.

(7) "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 facility.

(8) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

(9) "Incompatible pollutant" means any pollutant which is not a compatible pollutant as defined in this section.

(10) "Industrial wastes" means the wastewater from industrial processes, trade or business, as distinct from sanitary sewage.

(11) "Interference" means an industrial discharge which, alone or in conjunction with discharges by other sources, both:

- A. Inhibits or disrupts the publicly owned treatment processes or operations, or its sludge processes, use or disposal and
- B. Therefore is a cause of a violation of any requirement of the POTW's National Pollutant Discharge Elimination system permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge disposal by the POTW in accordance with Section 405 of the Act, (33 USC 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 USC 6901 et seq.), the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.), Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.), or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) (42 USC 6941 et seq.)) applicable to the method of disposal or use employed by the POTW.

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

(13) "NPDES Permit" means the National Pollutant Discharge Elimination System permit.

(14) "Owner" or "person" means any individual, firm, company, association, society, corporation or group.

(15) "Pass-through" means a discharge that exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of POTW's NPDES permit (including an increase in the magnitude or duration of violation).

- (16) “pH” means the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10-7.
- (17) “Pollutant” means dredged spoil, solid waste, incinerator residue, wastewater, garbage, wastewater sludge, munitions, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- (18) “Pretreatment” means the treatment of wastewaters from sources before introduction into the POTW.
- (19) “Properly shredded garbage” means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (20) “Public sewer” means a common sewer controlled by a governmental agency or public utility.
- (21) “Publicly Owned Treatment Works” or “POTW” means any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
- (22) “Sanitary sewage” means wastewater contributed by reason of human occupancy.
- (23) “Sanitary sewer” means a sewer that carries liquid and water-carried wastes from residences, commercial building, industrial plants and institutions and to which ground, storm and surface waters are not admitted intentionally.
- (24) “Sewer” means a pipe or conduit for carrying waste water or storm water.
- (25) “Sewer contractor” means the agent of the owner responsible for the construction of the building sewer.
- (26) “Slug load” means any pollutant, including oxygen demanding pollutants (BOD, and the like), released in a discharge at a flow rate and/or pollutant concentration which will cause interference, as previously defined in this section; or pass through as previously defined in this section.
- (27) “Storm sewer” or “storm drain” means a sewer, which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- (28) “Superintendent” means the Licensed Waste Water Operator of the Village, or his authorized deputy agent or representative.
- (29) “Suspended solids” means 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 Water and Wastewater" and referred to as non-filterable residue.
- (30) “Toxic pollutant” means those substances referred to in Section 307(a) of the Act (33 USC 1317(a)) as well as any other known potential substances capable of producing toxic effects.
- (31) “Unpolluted water” means water of a quality that has not been altered chemically, physically, biologically or radiologically by man or that would not benefit by discharge to sanitary sewers and subsequent wastewater treatment.

- (32) "Village" means the Village of Fayette, Ohio.
- (33) "Wastewater" means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (34) "Wastewater Treatment Plant" means that portion of the POTW of the Village required to treat wastewater and dispose of the effluent.
- (35) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

(b) Unsanitary Discharges; Discharge of Polluted Waters.

- (1) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the Village, or in any area under the jurisdiction of the Village, any human or animal excrement, garbage, or other objectionable waste. This section shall not apply to manure used for farming purposes.
- (2) It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of the Village, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(c) Private Wastewater Disposal.

- (1) It shall be unlawful to construct or keep in repair any septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- (2) It shall be unlawful to construct or maintain any privy or privy vault within the Village.

(d) Tampering with or Damaging Sewage Works Structures or Equipment. No unauthorized person shall maliciously, willfully, or negligently damage, destroy, uncover, deface or tamper with any structure, appurtenances, or equipment, which is a part of the POTW. Any person violating this subsection shall be subject to immediate arrest under charge of criminal damaging or endangering under Ohio R.C. 2909.07, as appropriate.

(e) Assessment Rate for Sanitary Sewer Policy. The front foot assessment made for sanitary sewer policy established by Council is hereby adjusted and set at \$TBD per front foot. (Ord. 2004-05. Passed 6-10-04.)

925.02 BUILDING SEWERS AND CONNECTIONS.

(a) Permit Required; Costs and Expenses.

- (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village.

- (2) There shall be two classes of building sewer permits:

- A. For residential and commercial service, and
- B. For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent of Utilities. A permit and inspection fee shall be paid to the Village Administrator at the time the application is filed.

(3) All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(b) Separate Building Sewer for Each Building; Old Building Sewers.

(1) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(2) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Superintendent of Utilities, to meet all requirements of this chapter.

(c) Building Sewer Installation Requirements.

(1) The building sewer shall be of PVC pipe conforming to ASTM 3034 SDR-35 with elastomeric gasket joints of the integral bell type, or Schedule 40 with solvent welded joints. Joint solvent shall conform to ASTMD-2564. Joints shall be tight and water proof.

(2) The size and slope of the building sewer shall be subject to the approval of the Superintendent of Utilities, but in no event shall the diameter be less than six inches.
The slope of such six-inch pipe shall be not less than one-eighth inch per foot. The diameter of common services for more than one building, and services for commercial or industrial uses shall be determined at the discretion of the Superintendent of Utilities and Village Engineer.

(3) Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe and fittings. No less or 90 degree bends are allowed.

(4) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

(5) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent of Utilities. Pipe laying and backfill shall be performed in accordance with ASTM specifications C12, latest edition, except that no backfill shall be placed until the work has been inspected.

(6) All joints and connections shall be made gastight and watertight. All connections shall be made with manufactured or "Fernco" fittings.

- (7) The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, the owner shall at his expense install a "Y" branch in the public sewer at the location specified by the Superintendent of Utilities. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made and the connections made secure and watertight. Special fittings may be used for the connection only when approved by the Superintendent.
- (8) The applicant for the building sewer permit shall notify the Superintendent of Utilities when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent.
- (9) Six inch cleanouts shall be installed outside of the building foundation wall and shall extend to the ground surface. A removable waterproof cap shall be placed at the top of the cleanout. Materials for the cleanout shall conform to subsection (c)(1) hereof.

(d) Excavations to be Barricaded and Lighted. All excavations for building sewer installation shall be adequately guarded with barricades and light so as to protect the public from hazards. Street, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

(e) Environmental Regulations. In any case where the nature of a business or industry may create an environmental problem, the Village may require that the following data and items be filed at such time as the application for sewer permit.

- (1) A written statement indicating the nature of the business, the source and amount of water to be used, the amount of water to be discharged, along with its present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of quality.
- (2) A plan and/or map of the building, works or complex, with each natural outlet, sanitary sewer, storm sewer, watercourse or ground waters noted, and the waste stream identified.
- (3) An agreement to sample, test and file reports with the Village and appropriate regulatory agencies relative to characteristics of wastes on a schedule, at locations and according to methods approved by the Village.
- (4) An agreement to place industrial waste treatment facilities, process facilities, pretreatment facilities, waste stream control and potential industrial waste problems under the specific supervision and control of a person or persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities, when required by the state agency.
- (5) An agreement to provide reports on raw materials entering the process or support systems, intermediate materials, final products and waste by-products, as those factors may affect waste control.

- (6) An agreement to maintain records and file reports on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents or other wastes.
- (7) An agreement that, if any industrial process is to be altered so as to add or delete a process waste or potential waste, written notification shall be given to the Village in advance and approval of the Village and any necessary regulatory agency obtained. (Ord. 2004-05. Passed 6-10-04.)

925.03 PUBLIC SEWER USE.

(a) Use of Public Sewers Required. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the Village and abutting on an any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after the date of official notice to do so provided that the sewer is within 200 feet of the property line.

(b) Subdivision Ordinance. The following requirements shall govern sanitary sewer improvements:

- (1) Where an adequate public sanitary sewer system is reasonably accessible, or required by the Village Sewer Use Ordinance, in the determination of the Village Planning Commission, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the Ohio E.P.A. and Village standards. Combinations of sanitary sewers and storm sewers shall be prohibited. The Village Engineer will review all sanitary sewer proposals.
- (2) Where a public sanitary sewer system is not reasonably accessible, the subdivider may provide:
 - A. A central treatment plant for the group, provided that such central treatment plant is installed in accordance with State and County Board of Health requirements; or
 - B. Lots may be served by individual disposal systems as determined by the Fulton County Health Department.
- (3) Where the installation of individual disposal systems is considered, the suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage, ground water level, and topography shall be the criteria for determining whether or not the installation of individual systems is permissible. Criteria shall be in accordance with the requirements of the County Board of Health and the requirements of the Ohio Department of Health.

(c) Discharge of Unpolluted Waters.

- (1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer. Any existing roof drain connections to sanitary sewers shall be connected into an available storm sewer or shall be disconnected above ground in the manner approved by the Superintendent. The owner of any building situated within the Village shall be required, at his expense, to disconnect all existing roof drains from sanitary sewers in accordance with the provisions of this division within 45 days after the date of official notice to do so.
- (2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Superintendent and other regulatory agencies. Unpolluted industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval by the Superintendent and other regulatory agencies.

(d) Prohibited Discharge. No person shall discharge or cause to be discharged any of the following described waters or wastes to the POTW:

- (1) Any gasoline, benzene, naphtha, fuel oil, cleaning solvents, paint vehicles, or other flammable or explosive liquid, solid or gas.
- (2) Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing drainage or hazard to structures, equipment, and personnel of the POTW.
- (3) Insoluble, solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interferences with the proper operation of the wastewater treatment work, such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole containers, and the like, either whole or ground by garbage grinders. This prohibition shall include substances, which solidify or become viscous at temperatures between 32° F and 150° F.
- (4) Noxious or malodorous gases, such as, but not limited to, hydrogen sulfide, sulfur dioxide and oxides of nitrogen, and other substances capable of producing a public nuisance.

(e) Discharge of Certain Wastes Restricted. The following described substances, materials, waters or wastes shall be limited discharges to the POTW to concentrations or quantities which will not harm the POTW process or equipment, will not have an adverse effect on the receiving stream or will not otherwise endanger lives, limb or public property or constitute a nuisance. The Superintendent may set limitations more stringent than the limitations established herein if, in his opinion, such more stringent limitations are necessary to meet the above mentioned objectives. Deliberate dilution with unpolluted water to meet the concentration established in this chapter shall not be acceptable. In forming his opinion as to the acceptability, the Superintendent will give consideration to such facts as the quantity of subject waste in relation to flow and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the POTW which shall not be violated without approval of the Superintendent are as follows:

- (1) Wastewater having a temperature higher than 150 degrees.
- (2) Waste water containing more than 100 milligrams per liter of petroleum oils, nonbiodegradable cutting oils, products of mineral oil origin or floatable oils, fat, wax or grease, whether emulsified or not.
- (3) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates, from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers
- (4) Except as may be permitted, no person shall discharge or cause to be discharged the following described waters or wastes to any public sewer:
 - A. BOD in excess of 200 milligrams per liter (mg/l).
 - B. TSS in excess of 240 milligrams per liter (mg/l).
 - C. Phosphorous in excess of 10 milligrams per liter (mg/l):
 - D. Ammonia (NH₃-N) in excess of 30 milligrams per liter (mg/l).
- (5) A. Any wastes containing solids, liquids or gases in sufficient quantity, which either singly or by interaction with other wastes, injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant, including, but not limited to cyanides, arsenic, hexavalent chromium, total chromium, cadmium, copper, lead, mercury, molybdenum, nickel, selenium, zinc and phenols in the wastes as discharged to the public sewer. The following concentrations shall not be exceeded in non-industrial and non-permitted industrial user's wastes discharged to the public sewers:

Waste	mg/l
1. Total cyanide	0.0
2. Arsenic	0.003
3. Cadmium	0.003
4. Chromium, Total	0.05
5. Copper	0.061
6. Lead	0.049
7. Mercury	0.0003
8. Nickel	0.021
9. Silver	0.005
10. Zinc	0.175
- B. These maximum concentrations may be changed as necessary by the Village or state regulatory agencies, based on new information concerning inhibitory substances or to protect treatment plant processes. Industrial dischargers covered by federal pretreatment requirements shall meet those limitations required by the U.S. EPA and Ohio EPA.
- (6) Any waters or wastes containing odor-producing substances exceeding limits, which may be established by the Superintendent or any local or state regulatory agencies.

- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable state and/or federal regulations.
- (8) Quantities of flow, concentrations or both which constitute a slug load as defined herein.
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (10) Any waters or wastes which, by interaction with other waters or wastes in the public sewer system, release obnoxious gases or form suspended solids which interfere with the collection system or create a condition deleterious to the POTW.
- (11) Any waters or wastes containing color, such as, but not limited to, from dyes, inks or vegetable tanning solutions, shall be controlled to prevent light absorbency which would interfere with wastewater treatment plant processes or prevent analytical determinations.
- (12) Inert suspended solids, such as, but not limited to, Fullers earth, lime slurries and lime residues, and dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate, in unusual concentrations shall not be allowed.

(f) Pretreatment Equalization of Waste Flows.

- (1) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers which contain substances or possess characteristics enumerated and which, in the judgment of the Village, may have a deleterious effect upon the POTW or receiving waters, including violations of applicable water quality standards, or which otherwise create a hazard to life or constitute a public nuisance, the Village shall require one or more of the following:
 - A. Reject the wastes;
 - B. Require pretreatment to an acceptable condition for discharge to the public sewers.
 - C. Require control over the quantities and rates of discharge;
 - D. Require additional payment to cover the added cost of handling and treating the wastes.
- (2) All industrial wastes discharged to the public sewers by major contributing industries shall, as a minimum, meet the national pretreatment standards for incompatible pollutants as published in Title 40 Code of Federal Regulations, unless the Village is committed, in its NPDES permit, to remove a specified percentage of the incompatible pollutant. In the latter instance, the applicable pretreatment standards may be correspondingly reduced to levels determined by the Village or state regulatory agencies.
- (3) If the Village required pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Village and state regulatory agencies and to the requirements of all applicable codes, ordinances and laws.

(g) Grease, Oil and Sand Interceptors.

- (1) Interceptors shall be provided for grease, oil and inorganic material such as sand, grit, and the like, when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified, or any flammable waste, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type and capacity approved by the Superintendent and in regard to 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 shall be subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the owner's personnel shall be performed by currently licensed waste disposal firms.
- (2) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

(h) Pretreatment Facilities to Be Maintained by Owner. Where pretreatment or flow-equalizing facilities are provided or required for and waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(i) Measurements, Tests and Samplings: Facilities Required.

- (1) All measurements, tests and analyses of the characteristics of wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Wastewater," published by the American Public Health Association, unless such standards conflict with regulations promulgated by the U.S. Environmental Protection Agency under 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants," in which case, the regulations promulgated by the Environmental Protection Agency shall govern. Sampling methods, location, time, duration and frequencies shall be determined on an individual basis subject to approval by the Superintendent.
- (2) All costs incident to sampling and analysis shall be borne by the user. Such cost incurred by the Village on behalf of the user shall be billed annually to the user, based on the actual cost to the Village, plus reasonable overhead.

(j) Special Agreement. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to possible payment therefor by the industrial concern. The industrial concern may appeal to the Village Council any determination made by the Superintendent in enforcement of this chapter.

(Ord. 2004-05. Passed 6-10-04.)

925.04 CONTROL OF INDUSTRIAL WASTES.

(a) Control Manholes. When required by the Superintendent, an industry shall install one or more suitable structures, together with necessary meters and other appurtenances, in the building sewer(s) to facilitate observation, sampling and measurement of the wastes. Such structure(s), when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure(s) shall be installed by the industry at its expense and shall be maintained by the industry so as to be safe and accessible at all times.

(b) Wastewater Volume Determination. The volume of industrial wastes discharged to the POTW from industries shall be determined upon the basis of the volume of wastewater discharged from the industry to the POTW. This volume shall be the same volume as that recorded on the meter, or meters, used to measure water from the water system of the Village, unless the industry is supplied with water from a source other than the water system of the Village and/or unless a substantial volume of water supplied to the industry is not discharged to the POTW, shall be determined by one or more meters installed to measure water flow and/or wastewater discharged, or by other means approved by the Village. Meters installed other than the meter or meters used to record consumption from the water system of the Village shall be approved by the Village and installed at the expense of the industry. Following approval, such meters shall not be removed without the consent of the Superintendent. Such meters shall be calibrated by a factory-trained technician, at the expense of the owner, once a year.

(c) Sampling and Monitoring.

- (1) Industrial wastes discharged to the POTW shall be subject to periodic inspection with a determination of character and concentration of such wastes. The determination shall be made as often as may be deemed necessary by the Village. The user shall be responsible for the cost of collection and testing of the aforementioned samples.
- (2) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling shall preferably be accomplished by the use of automatic sampling equipment capable of collecting composite samples. Every care shall be exercised in the collection of samples to insure their preservation in a state comparable.

(d) Analyses.

- (1) Laboratory procedures used in the examination of industrial wastes shall be as provided.
- (2) Determination of the character and concentration of the industrial wastes shall be made by the owner, or his qualified agent as approved by the Superintendent. The results of the analyses shall be reported to the Village on a monthly basis on forms provided by the Village. The Village shall make its own analyses on the samples collected by the Village and the owner shall be compared, using the same testing procedures as outlined, and the differences negotiated. In the event the differences cannot be resolved, the determination performed by the Village shall be binding.

(e) Slug Load Notification.

- (1) All industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loading, by the industrial user. The industrial user shall immediately notify the POTW upon discovery of any slug load as follows:
 - A. A description of the discharge and the cause of the slug loading;
 - B. The period of slug loading including exact dates and time and, if not corrected, the anticipated time the noncompliance is expected to continue;
 - C. The steps taken or planned to reduce, eliminate and prevent recurrence of the slug loading.
- (2) A written report containing the information required by this section shall be filed with the POTW and the appropriate district office of the Ohio EPA within five business day of the day when the slug loading occurred.
- (3) Each industrial user shall permanently post signs in conspicuous places on the premises, advising employees whom to call in the event of a slug load discharge. It shall instruct all employees who may cause or discover such a discharge with respect to the notification procedure required by this section.

(f) Additional Requirements. All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).

(g) Discharge of Unacceptable Industrial Wastes. The discharge of unacceptable industrial wastes, as hereinafter defined, into the system, whether directly or indirectly, is hereby prohibited. Where investigation reveals the presence in the system of unacceptable industrial wastes emanating from any lot, land, building or premises, located within or without the corporate limits of the Village, the owner, lessor, lessee or occupant of said lot, land, building or premises, shall be required to treat, neutralize, or in other ways prepare the noxious substance therein, to the satisfaction of the Village Administrator, in order to convert the same into acceptable industrial wastes. (Ord. 2004-05. Passed 6-10-04.)

925.05 RATES AND CHARGES.

(a) Declaration of Sewer System Charge. It is hereby determined and declared to be necessary for the due protection of the public health, safety and welfare of the Village to establish and collect revised charges for the use of the system upon all lots, lands and premises served by or having connection with the system.

(b) Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) "Acceptable industrial wastes" means liquid organic waste materials not containing toxic explosive elements or other substances injurious to sewers or sewage treatment processes, which result from any commercial, manufacturing or industrial operation or process.
- (2) "Sanitary sewage" means the waste from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, cellar floor drains, bars, soda fountains, cuspidors, refrigerator drips and drinking fountains, and any other waterborne waste not constituting an industrial waste.

(3) "Unacceptable industrial wastes" means liquid wastes in which are incorporated minerals, oil, acid, toxic, metallic, chemical or explosive substances, resulting from any commercial, manufacturing or industrial operation or process and all wastes determined by the Village Administrator to injure or interfere with any sewage treatment process or which require attention and expense at the sewage treatment plant beyond that contemplated by the schedule of charges levied herein.

(c) Sewer Revenue Fund. The funds received from the collection of the rates and charges hereinafter provided shall be deposited as received with the Village Fiscal Officer, who shall keep the same in a separate fund designated "Sewer Revenue Fund". Subject to provisions of any ordinance or indenture of mortgage authorizing the issuance of and securing of mortgage bonds for the system, moneys in the fund shall be used for the payment of the cost and expense of operations, maintenance, repair management of the system, and any surplus in the fund over and above the requirements hereinbefore mentioned may be used for enlargements of, and replacements to, the system and parts thereof.

(d) Charges. For the purposes provided in Section 925.01, there is hereby levied and charged upon each lot, parcel of land or premises having a connection with the system, or otherwise discharging sewage, industrial wastes, water or other liquids, whether directly or indirectly into the system, sewer charges payable as hereinafter provided and in amounts to be determined as follows:

(1) Except as hereinafter otherwise provided, sewer charges at the rates provided in this section with respect to any premises shall be based upon the water consumption on said premises for the billing period applicable to said premises. "Water consumption" shall mean the amount of water consumed upon such premises, whether from the municipal system or otherwise, including private sources, during the applicable sewer charge billing period, as measured by a water meter acceptable to the Village Administrator, or if the Administrator determines that measurement by water meter is not feasible then in such manner as shall be determined by said Administrator.

(2) The following monthly charges to each discharger to the Village wastewater system shall be computed on the following schedule:

- A. See Water and Sewer Charges, Chapter 941.
- B. Where one meter is permitted to serve more than one dwelling unit and/or business unit, each such unit shall be deemed a separate user for the purpose of exacting rate charges.

(3) In the event any user of the system shall discharge thereto wastes stronger than:

- A. 200 g/l of BOD (Biochemical Oxygen Demand),
- B. 240 g/l of TSS,
- C. 10 g/l Phosphorous,

there shall be a monthly surcharge to such user, in addition to the monthly charges, at the rate of \$2.00 per pound in excess of the above listed wastes. Said excess shall be determined by the Village's designated wastewater laboratory personnel via a standard tests from composite samples collected by each user at the time and in such manner requested by the Village Administrator. No less than two samples per month shall be collected. Billing of surcharges to a user for excesses, where possible, shall be computed on the basis of the average of excesses found in all samples collected and tested during the previous month.

- (4) The Sewer Department hereby sets the following additional fees and rates. (See Tap Fee Schedule, Chapter 941.)
- (5) The Village Council also directs the Administrator and utility staff to meet with the Village's largest water and wastewater user at a minimum of one time after the first of each calendar year. The annual review will also likewise review rates regarding BOD rates.

(e) Charge for Industrial Waste. Industrial waste, which would be trucked to the wastewater treatment plant, will be determined by the BOD factor based upon pounds of BOD plus gallonage as follows:

- (1) \$TBD per 1,000 gallons
- (2) \$0.30 per pound of BOD.

(f) Billing. The sewer charges levied, at the rates established herein, shall take effect for the January 2017 billing cycle and shall be billed monthly. All sewer charges shall be payable within fifteen days after billing. In every case of failure to pay any bill for sewer charges when due a penalty of 10 percent of such charges shall be added to and collected as a part of such bill.

(g) Liens on Premises. Each sewer charge levied pursuant to this chapter is hereby made a lien upon the premises charged therewith, and if the same is not paid within 30 days after it shall be due and payable, it may be certified to the County Auditor, who shall place the same on the tax duplicate, with interest and penalties allowed by law, and be collected as other municipal taxes are collected.

(h) Rates Outside Village. The sewer rates charged sewer users outside the Village limits shall be as provided in Section 941.01.
(Ord. 2016-13. Passed 11-11-16.)

925.06 ADMINISTRATION AND ENFORCEMENT.

(a) Village Administrator Shall Make and Enforce Laws. The Village Administrator shall make and enforce such rules and regulations as he may deem necessary for the enforcement of the provisions of this chapter, for the proper determination and collection of the rates and charges herein provided, and for safe, efficient and economical management of the system; and such rules and regulations, when not repugnant to existing ordinances of the Village and laws of the State, shall have the same force and effect as an ordinance of Council.

(b) Right of Entry for Village Officials. The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of the chapter.

(c) Superintendent to Obtain Information. The Superintendent and other duly authorized employees are authorized to obtain information concerning industrial processes, which have a direct bearing on the kind and source of discharge to the POTW. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(d) **Violations.** Any person found to be violating any provision of this chapter shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(e) **Penalty.**

- (1) Any person who shall continue any violation beyond the time limit provided for, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished.
- (2) Any person violating any of the provision of this chapter shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation, notwithstanding whether the person may have been prosecuted for a violation of the terms of this chapter.
- (3) Any person violating state and/or federal regulations as a consequence of violating any provisions of this chapter shall be subject to any penalties imposed by state and/or federal regulations, irrespective of the provisions of this section. (Ord. 2004-05. Passed 6-10-04.)

CHAPTER 933

Water Regulations

933.01	Water and geothermal wells regulated.	933.09	Billings.
933.02	Water use emergency plan.	933.10	Right to increase or decrease rates.
933.03	Backflow device; notice; installation.	933.11	Liability of owner.
933.04	Cross-connections prohibited.	933.12	Resolution of dispute for water service billing.
933.05	Surveys and investigations.	933.13	Disconnection for late payment.
933.06	Right of entry.	933.14	Liens on premises.
933.07	Discontinuance of water service; restoration.	933.99	Penalty.
933.08	Rules and regulations established.		

CROSS REFERENCES

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

Water pollution - see Ohio R.C. 715.08, 743.25

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

Management and control of water works - see Ohio R.C. 743.02 et seq.

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

Fluoridation - see Ohio R.C. 6111.13

Water pollution control - see Ohio R.C. Ch. 6111

Water supply - see OAC 4101:2-51-37

Backflow - see OAC 4101:2-51-38

933.01 WATER AND GEOTHERMAL WELLS REGULATED.

(a) Water Wells.

- (1) It shall be unlawful to drill a water well within the Village without securing the prior approval of the Village Administrator and Village Council, which approval shall be granted only on such terms and conditions as will be consistent with the health, safety and welfare of the inhabitants of the Village, the welfare of all users of the municipal water system and the security of the municipal water system.
- (2) It shall be unlawful to use or consume water from any well drilled in violation of subsection (a) hereof.
- (3) It shall be unlawful to use or consume within the Village, or supply for use or consumption within the Village, water which is derived from wells located outside the corporate limits of the Village without securing the prior approval of the Village Administrator and Village Council which approval shall be granted only on such terms and conditions as will be consistent with the health, safety and welfare of the inhabitants of the Village, the welfare of all users of the municipal water system and the security of the municipal water system.

(b) Geothermal Wells. It shall be unlawful to drill a geothermal well for heating and cooling purposes unless the following conditions are fulfilled:

- (1) An application for the drilling of a geothermal well for heating and cooling of residences and commercial and industrial buildings shall be submitted in writing to the Village Administrator, setting forth the location of the receiving and return wells, the location of the building to be heated or cooled, the person making the application and the person and/or business receiving the benefit of the system.
- (2) Drilling of a geothermal well cannot commence without the approval of the Village Administrator.
- (3) All water which is removed from the ground for the geothermal system shall be returned to the ground with a return well. No water from this system shall be discharged into the Village sanitary or storm sewer system.
- (4) The property which receives the benefit of the geothermal system must use the Village water system for its domestic or industrial water consumption.
(Ord. 2016-14. Passed 11-11-16.)

933.02 WATER USE EMERGENCY PLAN.

(a) The Mayor of the Village is hereby authorized to implement a restriction of water usage as follows:

- (1) Phase I. When the Pumping Rate GPD exceeds (million gallons per day) restrictions of water usage shall be voluntary.
- (2) Phase II. When the Pumping Rate GPD exceeds (million gallons per day) a mandatory water curtailment shall be imposed with the following restrictions.
 - A. Prohibit lawn watering although allowed to water bushes and gardens between the hours of 7:00 to 9:00 a.m. and 7:00 to 9:00 p.m. All watering has to be done with hose in hand. No sprinklers allowed.
 - B. No home car washing; car washing by commercial car washes only.
 - C. No use of fire hydrants except for fire.
- (3) Phase III. When the Pumping Rate GPD exceeds (million gallons per day) all commercial and industrial accounts will be curtailed by a percent cutback from normal usage. This percent will be determined by the Mayor. All industries shall be notified by mail to the percent of cutback required.

(b) In addition to mail notification as provided in this section, the Village shall notify the community of the restrictions by utilizing the local newspaper and local radio station.

(c) Whoever violates the mandatory water curtailment as provided herein shall be given a written warning for a first offense. For the second offense, water service will be shut off and require a payment of one hundred dollars (\$100.00) to have service turned back on.
(Ord. 2016-14. Passed 11-11-16.)

933.03 BACKFLOW DEVICE; NOTICE; INSTALLATION.

An approved backflow prevention device is necessary for the safety of the public water system and is required at all industrial facilities, car washes, and others as specified by the Village Administrator. The Village Administrator will give notice to the aforementioned water consumer to install such a device. The water consumer shall, at his own expense, install and maintain such an approved device at a location and in a manner as determined by a qualified contractor approved by the Village Administrator. The water consumer shall, at his own expense, have inspections, tests, and record keeping made of such approved devices as specified by a qualified contractor and approved by the Village Administrator.

(Ord. 2016-14. Passed 11-11-16.)

933.04 CROSS-CONNECTIONS PROHIBITED.

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 distributing system of said Municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Village Administrator and by the Ohio Environmental Protection Agency.

(Ord. 2016-14. Passed 11-11-16.)

933.05 SURVEYS AND INVESTIGATIONS.

It shall be the duty of the Village Administrator to cause surveys and investigations to be made at any properties of concern to the Village Administrator and not specified in Section 933.03, and served by the public water supply to determine if 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 Administrator shall deem necessary and shall be at the expense of the property owner. (Ord. 2016-14. Passed 11-11-16.)

933.06 RIGHT OF ENTRY.

The Village Administrator or Village duly authorized representative shall have the right to enter at any reasonable time, any property served by a service connection to the public water supply or distribution system of the Water Department for the purpose of inspecting the piping system or systems thereof. (Ord. 2016-14. Passed 11-11-16.)

933.07 DISCONTINUANCE OF WATER SERVICE; RESTORATION.

The Village Administrator or Village duly authorized representative 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 Section 933.03 to 933.08 is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply 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. 2016-14. Passed 11-11-16.)

933.08 RULES AND REGULATIONS ESTABLISHED.

The Village Administrator shall establish rules and regulations to govern the application and oversight of the backflow prevention program.

(Ord. 2016-14. Passed 11-11-16.)

933.09 BILLINGS.

In the event any water rent charged against any tenant or premises is not paid on or before the fifteenth day of the calendar month of billing, a penalty of ten percent (10%) of the original charge shall be added and collected as part of such bill.

(Ord. 2016-14. Passed 11-11-16.)

933.10 RIGHT TO INCREASE OR DECREASE RATES.

The Village reserves the right to increase or decrease the rates at any time.

(Ord. 2016-14. Passed 11-11-16.)

933.11 LIABILITY OF OWNER.

The owner of private property which is served by the waterwork system by pipes connected with the system to convey water thereto shall, as well as the lessee of the premises, be liable to the Village for all water from the system used upon the premises.

(Ord. 2016-14. Passed 11-11-16.)

933.12 RESOLUTION OF DISPUTE FOR WATER SERVICE BILLING.

In the event a customer disputes a bill with the Village for water services provided, the customer shall, within fifteen days of receipt of the bill, notify the Village Administrator in writing that the bill is in dispute. The Village Administrator shall provide an opportunity for the customer to meet with the Village Administrator within seven days of receipt of the notice. At the meeting the Village Administrator shall provide the customer a fair and reasonable opportunity for resolution of the billing dispute.

(Ord. 2016-14. Passed 11-11-16.)

933.13 DISCONNECTION FOR LATE PAYMENT; VOLUNTARY DISCONNECTION.

(a) It is the policy of the Village to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The Village's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

- (1) That all bills are due and payable on or before the date set forth on the bill; and
- (2) That if any bill is not paid by or before thirty (30) days of the original due date, service will be discontinued for nonpayment; and
- (3) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the Village Official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(b) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified but in no event until the charges have been due and unpaid for at least thirty days.

(c) When it becomes necessary for the Village to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in the sum of \$50.00.
(Ord. 2016-14. Passed 11-11-16.)

933.14 LIENS ON PREMISES.

Each water charge levied pursuant to this chapter is hereby made a lien upon the premises charged therewith, and if the same is not paid within thirty days after it shall be due and payable, it may be certified to the Auditor of Fulton County, who shall place the same on the tax duplicate, with interest and penalties allowed by law, and be collected as other municipal taxes are collected.
(Ord. 2016-14. Passed 11-11-16.)

933.99 PENALTY.

Any person who violates any of the provisions of this chapter for which no other penalty is provided shall be subject to the penalty as set forth in Section 101.99.
(Ord. 2016-14. Passed 11-11-16.)

CHAPTER 941
Water and Sewer Charges

941.01 Water and sewer rates. 941.02 Rotary Water Line Fund; additional tap fee for water line extensions. 941.03 Private property owner liable.	941.04 Village to increase or decrease rates. 941.05 Water and sewer tap and meter fees. 941.06 Charges shall be lien on premises.
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CROSS REFERENCES

Sewerage rates - see Ohio R.C. 729.49
 Weekly deposit of sewer rentals - see Ohio R.C. 729.52

941.01 WATER AND SEWER RATES.

(a) The prices to be charged for water and sewer furnished by the Village of Fayette to all customers in said Village beginning with the January 2022 billing cycle, are hereby fixed as per the following rate charts:

Water Base Rates		
Meter Size	Base Per Meter	Base Per Unit
3/4"	\$11.73	\$12.14
1"	\$16.60	\$12.14
1 1/2 "	\$21.04	\$12.14
2"	\$33.56	\$12.14
3"	\$127.02	\$12.14
4"	\$161.78	\$12.14

Sewer Base Rates		
Meter Size	Base Per Meter	Base Per Unit
3/4"	\$3.30	\$7.90
1"	\$3.30	\$7.90
1 1/2"	\$3.30	\$7.90
2"	\$3.30	\$7.90
3"	\$3.30	\$7.90
4"	\$3.30	\$7.90

Water Usage Rate		
	Up to 25,000 Gallons Used	Over 25,001 Gallons Used
Per 1,000 Gallons	\$9.89	\$7.57

Sewer Usage Rate		
	Up to 25,000 Gallons Used	Over 25,001 Gallons Used
Per 1,000 Gallons	\$8.70	\$6.55

Unmetered Sewer Only Customers	
Flat Rate	\$35.50

(b) Rates Outside Village. The prices to be charged for water and sewer furnished by the Village of Fayette to all customers situated outside the Village limits of said Village on all billings payable on or after April 1, 2005, are hereby fixed at 150% of the rate charged to consumers situated in the Village of Fayette, Ohio.

(c) Minimum Tap Charge. (See Section 941.05 for minimum tap charges for water and sewer taps.)

(d) Water Service for Rental Property and Non-Owner Occupied Properties; Deposit. A deposit of one hundred dollars (\$100.00) shall be required for all occupants of rental properties and other non-owner occupied properties (such properties under Land Contracts), which deposit may be applied to any water and sewer bill which is overdue. If all bills are paid when due, said deposit shall be returned to the user at the discretion of the Village, but in any instance no later than thirty days following termination of water service.

(e) Bulk Water Sales. Bulk water customers will be charged a rate of two cents (\$.02) per gallon. Customer may only remove water from village approved hydrants and must use a hydrant meter with backflow preventer. A deposit of three thousand six hundred dollars (\$3,600) shall be submitted to the village prior to picking up the hydrant meter. The deposit shall be returned within thirty days of the hydrant meters return in a satisfactory condition. (Ord. 2023-12. Passed 11-22-23.)

941.02 ROTARY WATER LINE FUND; ADDITIONAL TAP FEE FOR WATER LINE EXTENSIONS.

(a) There is established a Rotary Water Line Fund to be used to receive and disburse monies for water line extensions and to collect additional tap fees when subsequent to this section a water line has been constructed at no cost to the user across the property to be served.

(b) In addition to all tap and all water user fees that may be established from time to time by Council, there shall be imposed an additional tap fee when it is determined that the water line serving the property was extended subsequent to this section at no cost to the property owner. The tap fee shall be computed as being the per foot cost of the construction of the water line times (x) the number of front feet of the frontage of the property to be served. For corner lots, the frontage shall be determined to be the distance the water line being tapped runs along either the width or depth of the property. The additional tap fee shall be collected for the first twenty years from the date of activation of the water line. Thereafter, the aforesaid additional tap fee shall be waived.

(c) The monies collected from the aforesaid additional tap fee shall be disbursed as follows:

- (1) Ten percent (10%) shall be paid to the Water Fund as a fee for the administrative cost of maintaining records and collecting, disbursing and accounting for said funds.
- (2) If a non-governmental party paid the cost of extending the line, the balance shall be repaid to said party or such person or parties as may be designated in writing to receive same.
- (3) If the Village or another governmental unit paid the cost of extending the line, the balance of the money shall remain in the Rotary Water Line Fund to be used for future water line extension.

(Ord. 2016-12. Passed 11-11-16.)

941.03 PRIVATE PROPERTY OWNER LIABLE.

The owner of private property which is served by said waterworks and sewage system shall be, as well as any lessee of the premises, liable to the Village of all said services rendered to the premises.

(Ord. 2016-12. Passed 11-11-16.)

941.04 VILLAGE TO INCREASE OR DECREASE RATES.

The Village reserves the right to increase or decrease the foregoing rates at any time.
(Ord. 2016-12. Passed 11-11-16.)

941.05 WATER AND SEWER TAP AND METER FEES.

(a) The tap fee for water taps shall be one thousand dollars (\$1,000.00) plus the actual cost of materials. Estimated cost of materials is two thousand dollars (\$2,000.00), but could be more or less depending on the location or size of the proposed tap. Property owner will also be liable for the entire cost of directional boring, if the tap location requires it. There will be an additional five hundred dollar (\$500.00) fee for Village crews to plant and reseed the dig site area. Property owners may choose to plant and reseed the dig site area themselves to save on this cost. Property Owners will be billed all fees detailed herein separate from their regular utility bill.

(b) All water tap fees shall be deposited in a Fund Account numbered E-5. This account shall be used exclusively to retire debts incurred to offset the costs associated with the future extension of waterlines.

(c) The tap fee for sanitary sewer taps shall be one thousand dollars (\$1,000.00) plus the actual cost of materials. Estimated cost of materials is two thousand dollars (\$2,000.00), but could be more or less depending on the location or size of the proposed tap. Property owner will also be liable for the entire cost of directional boring, if the tap location requires it. There will be an additional five hundred dollar (\$500.00) fee for Village crews to plant and reseed the dig site area. Property owners may choose to plant and reseed the dig site area themselves to save on this cost. Property Owners will be billed all fees detailed herein separate from their regular utility bill.

(d) The cost of a residential water meter, for new taps or replacements, is three hundred fifty dollars (\$350.00), billed directly to the property owner.

(e) The cost of a non-residential water meter, for new taps or replacements, is the actual cost of the meter plus the cost of installation and will be determined on a case by case basis by the Village Administrator or the Village Administrator's Designee.

(Ord. 2020-11. Passed 12-9-20; Ord. 2023-13. Passed 11-22-23.)

941.06 CHARGES SHALL BE LIEN ON PREMISES.

Each tap and or meter charge levied pursuant to this Chapter is a charge necessary for paying the expenses of conducting and managing the Village waterworks and as such each charge is a lien upon the premises charged therewith. If the charge is not paid within thirty days after it is due and payable, it may be certified to the Auditor of Fulton County, who shall place the same on the tax duplicate, with interest and penalties allowed by law, and be collected as other municipal taxes are collected.

(Ord. 2020-11. Passed 12-9-20.)

EDITOR'S NOTE: The next printed page is page 45.

TITLE FIVE - Other Public Services

Chap. 953. Brush Pick-Up Services.
Chap. 959. Parks and Recreation.

CHAPTER 953
Brush Pick-Up Services

953.01	General provisions.	953.04	Brush rejected for pick-up; removal; nuisance declared.
953.02	Criteria for pick-up from right of way or on Village property.	953.05	Failure to comply with notice; procedure.
953.03	Determining conformity to pick-up criteria.	953.06	Appeal.
		953.99	Penalties; remedy by Village.

953.01 GENERAL PROVISIONS.

Brush which originates in the Village will be picked up by the Village or its designated agent during the period from April to October beginning on Monday of each week and continuing until completion. (Ord. 2018-05. Passed 7-11-18.)

953.02 CRITERIA FOR PICK-UP FROM RIGHT OF WAY OR ON VILLAGE PROPERTY.

(a) The Village shall permit brush to be placed on the Village property for pick-up not more than five days prior to the scheduled pick-up date for the area in which the brush is to be placed and only if that brush placed within the Village right of way or on Village property conforms to the following criteria:

- (1) Not larger than three inches in diameter and not longer than six feet in length.
- (2) Piled with all cut ends pointed toward the street.
- (3) All thorny materials and branches must be bundled separately into bundles no larger than one foot in diameter and tied securely with cotton or equivalent string. Brush placed in bags or other containers will not be picked up.
- (4) All dirt and debris must be removed from the upper plant structure and roots.

- (5) The brush to be picked up originates within the boundaries of the Village.
- (6) The brush to be picked up was not generated by a hired/professional tree trimming or cutting service.
- (7) The brush to be picked up shall not in and of itself or by nature of its packaging constitute a clear and present threat to the safety and welfare of any persons handling the brush and shall not constitute a threat to damage the equipment involved in removal and transportation of the brush.
- (8) The brush to be picked up is located within the boundaries of the Village.

(b) Any and all brush to be picked up, in addition to meeting the previously specified criteria in subsection (a) hereof, shall not be placed on the property of the Village and/or within the rights of way of the Village in a manner that impedes the flow of traffic, presents hazard to pedestrians, blocks drains, alters the flow of storm water, blocks sidewalks, blocks ditches or is placed in any other way or manner which endangers the general public. Violation of this placement criteria also constitutes a violation of this chapter.

(Ord. 2018-05. Passed 7-11-18.)

953.03 DETERMINING CONFORMITY TO PICK-UP CRITERIA.

The Village Foreman shall make the determination if the brush, in any and all parts, to be picked up conforms to the criteria specified in Section 953.02. If a determination by the Village Foreman is protested, that protest shall be lodged in writing with the Village Administrator, who will make an expeditious decision as to whether the determination being protested is to be upheld or overturned. (Ord. 2018-05. Passed 7-11-18.)

953.04 BRUSH REJECTED FOR PICK-UP; NUISANCE DECLARED; NOTICE.

(a) If brush is rejected for pick-up, that rejected brush must be removed from the Village property or right of way within three days of the date that the brush has been rejected. Brush that has been rejected for pick-up and not removed from the Village right of way within the specified period is declared to be a public nuisance.

(b) Upon information that brush rejected for pick-up remains on the Village property or right of way beyond three days of the date that the brush has been rejected, the Chief of Police or the Chief's Designee shall cause written notice to be served on the owner or person having charge of such lands, which notice shall advise that such brush rejected for pick-up is a nuisance and must be removed from the Village property or right of way within five (5) days after service of such notice. The notice may be served by the Chief of Police or the Chief's Designee by personally serving such owner or person having charge of the lands, or by leaving a copy with a responsible person at the residence, or by posting a copy in a conspicuous place at the residence. If the owner or person having charge of such land is a non-resident of the Village, and his address is known, such notice may be sent to his address by certified mail, or if certified mail is not accepted, then by ordinary mail. Such notice may also be made by personal service or residential service. If such person's address is unknown, it shall be sufficient to publish such notice once in a newspaper of general circulation in the county or post such notice in a conspicuous place on the land.

(c) The Chief of Police or the Chief's Designee is only required to serve one notice per calendar year under Section 935.04(b). If, after a notice has been served in accordance with Section 935.04(b), the Village Administrator determines that a subsequent violation has occurred within the same calendar year, the Village may proceed with the remedies under Section 953.05 and 953.99 without further notice. (Ord. 2018-05. Passed 7-11-18.)

953.05 FAILURE TO COMPLY WITH NOTICE; PROCEDURE.

(a) Noncompliance; Work by Village. If the owner and occupant or person having charge of such land fails to correct the violations cited in the notice under 935.04(b) within five (5) days from receipt, or perfection of such notice, then the Village shall cause the brush rejected for pick-up to be removed or chipped at a charge of eighty-five dollars (\$85.00) per hour, plus eighty-five dollars (\$85.00) for any part of an hour, with a minimum charge of eighty-five dollars (\$85.00). All such expenses and labor costs incurred shall, when approved by Council, be paid out of Municipal funds.

(b) Return to County; Cause a Lien. Council shall make a written return to the County Auditor of the Village's services chargeable under this section, including charges and costs of removal and chipping, the fees of the officers serving required notices, the cost of sending or publishing notification, and a proper description of the premises. Such amounts, when allowed and certified as provided by law, shall be entered upon the County tax duplicate and shall thereby be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the Village for deposit within the General Fund.

(c) In addition to the collection of the cost of the service of removal, chippings or destruction of the brush rejected for pick-up, the property owner or person in charge or both, shall be cited for violation of this chapter and any person occupying the property, in charge of said property, or a property owner or both, shall be found guilty of violating this chapter and shall be fined not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000).

(d) Each day such violation is permitted to continue shall constitute a separate offense.
(Ord. 2018-05. Passed 7-11-18.)

953.06 APPEAL.

(a) Any owner or occupant who receives a notice from the Chief of Police or the Chief's Designee under 935.04(b) may appeal such notice to the Board of Building Appeals by filing a written notice of appeal in the Office of the Village Clerk. Such notice of appeal should make specific reference to the Notice received and must be filed within five days of receipt of the notice or by the date by which the nuisance was to have been abated, whichever occurs first.

(b) The Board of Building Appeals shall consist of the President of Council, the Clerk of Council, and the Chairperson of the Safety Committee. The Board of Building Appeals shall set a time and place for hearing of the appeal and notice of such hearing shall be given to the Chief of Police or the Chief's Designee, the Administrator and the appellant. In reviewing the findings of the Chief of Police or the Chief's Designee with respect to the existence of the public nuisance, the required abatement, and the time to complete the abatement, the Board of Building Appeals shall consider the nature of the violation alleged and its effect upon the public health, safety and welfare including, but not limited to, the depreciating effect of a violation upon the value of surrounding properties and the reasonableness of the time given to abate the nuisance.

(c) The Board may affirm, modify, or cancel the order of the Chief of Police or the Chief's Designee.
(Ord. 2018-05. Passed 7-11-18.)

953.99 PENALTIES; REMEDY BY VILLAGE.

(a) In the event the public nuisance is not abated by the date set forth in the notice, or, if an extension date has been given by the Village Administrator or by the Village Council, then by such date, the owner and occupant shall be guilty of an unclassified misdemeanor, punishable by a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollar (\$1,000.00). Each day of nonabatement shall constitute another offense. It shall be an affirmative defense under this subsection that the particular defendant did not have the authority to correct the nuisance or did not know of the nuisance.

(b) The Village Administrator may proceed to have the nuisance abated and the total cost shall be collected by either a civil suit or certification of such total cost to the County Auditor for placement upon the tax duplicates

(c) The Village Administrator may enforce this chapter by injunction brought in the Court of Common Pleas of Fulton County.

(Ord. 2018-05. Passed 7-11-18.)

CHAPTER 959

Parks and Recreation

959.01	Definitions.	959.04	Minors at South Shelter Houses Pavilion to be accompanied by a parent, legal guardian or an authorized adult.
959.02	Prohibited conduct and activities; exceptions.		
959.03	Parks closed during night-time hours; certain persons permitted access.	959.99	Penalty.

CROSS REFERENCES

Open containers of alcohol - see GEN. OFF. 529.07
 Vandalism - see GEN. OFF. 541.05

959.01 DEFINITIONS.

Those areas of the Village which have been designated by the Recreation Board and/or the Village Council as being for recreational or park purposes shall be defined as "parks". Further, any reference to park, parks, and swimming pools herein or in any of the Village of Fayette Codified Ordinances, regulations or rules shall mean such foregoing areas.
 (Ord. 77-2. Passed 4-28-77.)

959.02 PROHIBITED CONDUCT AND ACTIVITIES; EXCEPTIONS.

- (a) The following are prohibited by any person in the parks as heretofore defined:
 - (1) Placing, throwing, scattering, or distributing refuse, garbage, junk, debris, paper or other rubbish.
 - (2) Distributing any and all circulars, cards, and handbills whether written or printed, except political and religious matter.
 - (3) Mutilating, defacing, destroying, removing, breaking or tearing any structure, wall, fence, railing, vehicle, plant, shrub, tree, sign, or other property.
 - (4) Injuring, destroying, harassing, chasing or harming wild or domestic animals, fowl, or fish.
 - (5) Interfering with other users of the parks and recreational facilities by words or actions which are beyond the scope of self-use.

- (6) Hanging or allowing to swing any hammock or swing upon trees, posts, fences, or other park property not specifically constructed for swing purposes.
- (7) Indulging in any indecent or disorderly conduct, or in any lewd or lascivious behavior in any park, nor shall any person commit any indecent, immodest, or filthy act, in any park, in the presence of any person, or in such a situation that persons passing might ordinarily see the same.
- (8) Starting and/or using ground fires except at fireplaces so provided.
- (9) Smoking in prohibited areas as designated by the Recreation Board.

(b) The following are prohibited by a custodian of and/or owner of in the parks:

- (1) Driving of vehicles over grass and/or areas not designated as vehicle areas or roadways.
- (2) Use of park driveways by vehicles which are of a commercial nature and/or for business uses.
- (3) Permitting goods, merchandise and personal property to remain in or upon any park or parkway in the nature of an obstruction to the free use and enjoyment of the park.
- (4) Permitting or allowing a dog to be loose and/or without a leash.
- (5) Participating in any game of chance which is in violation of the laws of the State of Ohio.
- (6) Using any alcoholic beverage except within the boundaries of privately-rented shelter houses or camping areas.

(c) The following are prohibited by any person in the parks except by written permit authorized by the Park Manager or Village Administrator:

- (1) Placing and/or posting signs, bills, and bulletins.
- (2) Permitting entry into by animal over which a person has custody other than a dog or cat.
- (3) Displaying, firing, exploding, or shooting pyrotechnical displays, firearms, fireworks.
- (4) Shooting an arrow into a park or using a bow and arrow in a park except in areas designated by the Park Manager for the use of bows and arrows or other firearms, weapons and tools.
- (5) Carrying on or about one's person, firearms of any description, bows and arrows, air or gas guns, missiles, sling shots or other missile throwing devices without authorization from the Park Manager.
- (6) Group meetings, activities or functions of more than 20 adults where the participants and/or members are not family related.
- (7) Placing of tents, campers, trailers, recreational vehicles.
- (8) Using glass containers.
- (9) Camping of any sort.

(Ord. 77-2. Passed 4-28-77.)

959.03 PARKS CLOSED DURING NIGHT-TIME HOURS; CERTAIN PERSONS PERMITTED ACCESS.

All parks shall be closed from 10:30 p.m. to 8:00 a.m. except for individuals holding a permit in designated areas from the Park Manager or Village Administrator. Persons claiming to hold permits for use shall produce same upon the request of the police, park employees, Councilmen, City officials or Recreation Board members, and permits are limited to the use specified therein. (Ord. 77-2. Passed 4-28-77.)

959.04 MINORS AT SOUTH SHELTER HOUSES PAVILION TO BE ACCOMPANIED BY A PARENT, LEGAL GUARDIAN OR AN AUTHORIZED ADULT.

(a) All minors shall be accompanied by a parent, legal guardian or an adult specified by his/her parent or legal guardian while on the premises of any Shelter House within the Village of Fayette.

(b) Minors who are found to be on the premises of a Shelter House without the company of a parent, legal guardian or an adult specified by his/her parent or legal guardian shall receive a verbal warning for a first offense. Subsequent violations may be subject to the charge of trespassing which shall carry with it all of the legal penalties that shall be deemed appropriate by the Fulton County Juvenile Court system.

(c) The Fayette Police Department shall be authorized to enforce this section. (Ord. 2014-08. Passed 7-23-14.)

959.99 PENALTY.

Any person who violates any of the rules and regulations set forth in this chapter shall be guilty of a misdemeanor of the fourth degree.