

## **CODIFIED ORDINANCES OF NORTHFIELD**

### **PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE**

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- Chap. 1022. Excavations.
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CHAPTER 1020  
Streets Generally

- 1020.01 Maintenance of State highways.
- 1020.02 Traffic obstruction due to construction; traffic control required; permit.
- 1020.99 Penalty.

CROSS REFERENCES

- Injurious materials on - see TRAF. 412.01
  - Obstructions - see TRAF. 412.01, GEN. OFF. 654.01
  - Play streets - see TRAF. 412.03
  - Through streets - see TRAF. 414.02, 432.17
  - Closed streets - see TRAF. 432.26; B. & H. 1440.27
  - One-way streets - see TRAF. 432.30
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1020.01 MAINTENANCE OF STATE HIGHWAYS.

(a) It is hereby declared to be in the public interest that the consent of the Municipality be, and such consent hereby is, given to the Ohio Department of Transportation for said Department to maintain the travelled portions of, apply standard longitudinal pavement markings to, erect regulatory and warning signs on

and adjacent to, and plow snow and place abrasives for ice control on, State highways in the Municipality in accordance with the standard practices of the Ohio Department of Transportation.

(b) The Administrative Clerk is hereby directed to furnish the Ohio Director of Transportation and the Board of County Commissioners with a certified copy of this section immediately upon the taking effect thereof.  
(Ord. 1992-20. Passed 5-13-92.)

**1020.02 TRAFFIC OBSTRUCTION DUE TO CONSTRUCTION; TRAFFIC CONTROL REQUIRED; PERMIT.**

Any construction activity that impedes or otherwise affects the progress of traffic on roadways within the boundaries of the Municipality shall require traffic control to be performed only under permit issued by the Chief of Police. Such traffic control shall be performed only by uniformed officers of the Police Department. If there are not sufficient Village personnel to perform the work, uniformed personnel from other departments and/or private companies that have the requisite training and experience may perform the work upon approval from and at the direction of the Police Chief. No person in need of traffic control services shall begin such construction activity without first having a permit signed by the Police Chief authorizing the construction activity to proceed and dictating the manner in which traffic controls will be maintained. Any person that requires such traffic control services to be provided by the Municipality shall be required to pay the police officers assigned to provide traffic control at the current hourly rate in place for such traffic control services, as determined by the Chief of Police.  
(Ord. 2000-32. Passed 3-22-00; Ord. 2000-75. Passed 7-12-00.)

**1020.99 PENALTY.**

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than 60 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.  
(Ord. 2000-75. Passed 7-12-00.)

CHAPTER 1022  
Excavations

1022.01 Permit required; fee.	1022.05 Time limitations.
1022.02 Insurance.	1022.06 Backfilling.
1022.03 Bond.	1022.99 Penalty.
1022.04 Contents of permit.	

CROSS REFERENCES

Power to establish and care for streets - see Ohio R.C. 715.19, 717.01, 723.01  
 Openings by the Municipality - see Ohio R.C. 723.02  
 Surface treatment - see Ohio R.C. 723.23, 723.31  
 Liability for damage - see Ohio R.C. 723.49 et seq.  
 Digging, excavating and piling earth on streets - see Ohio R.C. 5589.10  
 Driving upon streets closed for repair - see TRAF. 432.26  
 Excavations for construction of dwellings - see B. & H. 1442.02

**1022.01 PERMIT REQUIRED; FEE.**

No person shall make any excavation in any public right-of-way without first obtaining a permit therefor from the Superintendent of the Service Department. The fee for such permit shall be one hundred dollars (\$100.00) and the same shall be paid to the Finance Director.

(Ord. 2008-61, passed 10-22-08)

**1022.02 INSURANCE.**

The Superintendent of the Service Department shall not issue the permit required by Section 1022.01 until the applicant therefor has submitted evidence that he or she has obtained and has in full force and effect comprehensive liability insurance for bodily injury, death and property damage in an amount of not less than five hundred thousand dollars (\$500,000) for each person, one million dollars (\$1,000,000) for each accident and three hundred thousand dollars (\$300,000) for property damage. The insurer shall certify that in the event of cancellation of the insurance, at least ten days written notice of such cancellation shall be given to the Municipality.

**1022.03 BOND.**

(a) The Superintendent of the Service Department shall not issue the permit required by Section 1022.01 until the applicant has deposited a cash bond of three hundred fifty dollars (\$350.00) with the Finance Director to insure that the ground surface where the excavation is made is restored to the same condition after construction as it was before construction and until a receipt evidencing the posting of such bond is obtained by the Superintendent from the Finance Director.

(b) The cash bond referred to in division (a) of this section shall be held for a minimum of one year after the completion of the project and shall be returned after that time by the Finance Director, without interest, upon approval of the work after an inspection by the Superintendent or his or her designee confirms that the project has been satisfactorily completed and is in full compliance with all ordinances of the Municipality. Should, however, repairs be needed to restore the ground and street surface of the project to their original condition during the one-year period, notification shall be given to the owner to repair the same by the Finance Director. If the repairs are not completed by the owner within ten days after such notification, the Municipality shall make the repairs, with all costs to be borne by the owner. In this event, the owner's cash bond shall then be used to offset all or part of these costs, with the balance due to be paid by, or refunded to, the owner.

(Ord. 1986-46. Passed 6-11-86; Ord. 2000-39. Passed 4-12-00; Ord. 2008-61, passed 10-22-08.)

**1022.04 CONTENTS OF PERMIT.**

The permit required by Section 1022.01 shall show the location and the depth of the excavation and the duration of the same.

(Ord. 1965-37. Passed 4-26-65.)

**1022.05 TIME LIMITATIONS.**

The excavations authorized by the permit required by Section 1022.01 shall be permissible during the hours of 9:00 a.m. and 4:00 p.m. only. The road and other applicable portions of the right-of-way shall be repaired within 90 days of the date the excavation work is commenced.

(Ord. 1965-37. Passed 4-26-65; Ord. 2002-16. Passed 4-10-02.)

**1022.06 BACKFILLING.**

(a) If the excavation cannot be backfilled within the hours set forth in Section 1022.05, then the person making such excavation must properly barricade and light the same and must also provide for safe passage of one-way traffic over such excavation by means of steel plates or some other acceptable practice of covering such openings.

(Ord. 1965-37. Passed 4-26-65.)

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(b) The Superintendent of the Service Department or his or her designee shall inspect the excavation before the backfilling is begun.  
(Adopting Ordinance)

(c) The following materials are required for backfilling:

(1) Unpaved roads shall be sand tamped every six to eight inches and filled within eighteen inches of the surface. The last eighteen inches shall be of No. 3 slag with a top dressing of MC35 emulsion with No. 6 chipped slag on the surface.

(2) Paved roads shall be backfilled with sand within twelve inches of the surface and tamped every six to eight inches. The last twelve inches shall be nine inches of concrete, with five-eighths inch steel tie rods tied horizontally into the solid base of the road, and the final three inches shall be MC35 blacktop as per the sketch submitted by the Municipal Engineer, which details that there shall be a twelve-inch shelf around the excavations.

(3) Ditches and tree lawns shall be replaced as they were before the excavation, in a workmanlike manner, as nearly as it is practical to do so.

(Ord. 1965-37. Passed 4-26-65.)

1022.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.





CHAPTER 1024  
Trees and Shrubbery

- 1024.01 Planting; permit required; application.  
 1024.02 Removal or cutting down; permit required.  
 1024.03 Prohibited trees.  
 1024.04 Nuisance conditions; abatement.  
 1024.99 Penalty.

CROSS REFERENCES

- Assessments for tree planting or maintenance - see Ohio R.C. 727.011  
 Dutch elm disease - see Ohio R.C. 927.39 to 927.42  
 Injuring vegetation - see GEN. OFF. 642.04  
 Weeds - see GEN. OFF. 660.17  
 Landscaping - see P. & Z. 1248.07; B. & H. Ch. 1472

1024.01 PLANTING; PERMIT REQUIRED; APPLICATION.

No person shall plant any tree, shrub or bush in any public street, parkway or other public place without having secured a permit therefor. Applications for such permits shall be made to the Administrative Clerk and referred by him or her to the Superintendent of the Service Department before issuance. All trees, shrubs and bushes so planted shall be placed subject to the direction and approval of the Superintendent.

1024.02 REMOVAL OR CUTTING DOWN; PERMIT REQUIRED.

No person shall remove or cut down any tree or shrub in any public place without having secured a permit therefor. Application for such a permit shall be made to the Administrative Clerk and shall be referred to and approved by the Superintendent of the Service Department before issuance, and such work shall be done under the direction and control of the Superintendent or his or her designee.

(Ord. 1961-95. Passed 12-4-61.)

1024.03 PROHIBITED TREES.

No person shall plant or set out in any street, road, parkway or other public place any of the species of trees known as soft maple, poplar, willow or catalpa, or any variety thereof.

(Ord. 1961-95. Passed 12-4-61.)

1024.04 NUISANCE CONDITIONS; ABATEMENT.

(a) Nuisances Described. The following acts, things and conditions done or existing within the Municipality are hereby declared to be nuisances:

(1) Any tree upon any street or public place or so near thereto as to permit the roots of the tree to penetrate through or under the surface thereof.

(2) Any tree, plant or shrub, wherever located within the Municipality, infected with any parasite, insect, fungus or pest, which may be communicated to any other tree, plant or shrub.

(3) Any tree which has fallen, or is in such condition that it is likely to fall, on any public or private property, including the property upon which it is situated.

(4) Any tree, plant or shrub whose branches or trunk obstruct or impede traffic on any street or public place. Branches overhanging any public sidewalk, pavement or roadway within nine feet of the surface thereof shall be deemed prima-facie to obstruct or impede traffic thereon.

(b) General Prohibition. No person shall maintain any of the nuisances set forth in subsection (a) hereof.

(c) Abatement and Charges. Whenever, in the opinion of the Building and Zoning Inspector, any of the nuisances set forth in subsection (a) hereof exist, he or she shall cause its abatement and cause the cost of the abatement to be charged and collected in the manner provided herein.

(d) Notice. When a nuisance is located on or originates from real estate not owned by the Municipality, the Building and Zoning Inspector, on finding that the nuisance exists, may cause written notice to be served on the owner of the real estate. The notice shall set forth the nature of the nuisance, the Building and Zoning Inspector's estimate of the cost of abating the same, if done by the Municipality, a reasonable time determined by the Building and Zoning Inspector, not to exceed thirty days, within which the owner may abate the nuisance, and a statement that the nuisance may be abated by the Municipality, and the cost of abatement assessed on the real estate, if the nuisance is not abated within the stated time by the owner.

(e) Service of Notice. Notice may be served by delivering it personally to the owner, or by leaving it at the owner's usual place of business or residence, or by posting it in a conspicuous place on the real estate, or by mailing it to the owner or by publishing it once in a newspaper of general circulation within the Municipality, if it cannot be served in any of the other ways mentioned.

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(f) Failure to Abate; Assessment of Costs. If the nuisance is not abated within the required time, the Building and Zoning Inspector shall cause its abatement and shall report the cost thereof to Council which may assess the same on the real estate on which the nuisance existed or on which the cause or source thereof was located.

(g) Waiver of Notice for Municipal Property Nuisance. When the cause or source of a nuisance exists on property owned by the Municipality, the Building and Zoning Inspector shall, and in any other case he or she may, abate the nuisance at the expense of the Municipality, and no notice shall be required preliminary to the abatement. (Ord. 1965-110. Passed 9-13-65.)

1024.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.



CHAPTER 1026  
Sidewalk Construction

- 1026.01 Permit required.
- 1026.02 Construction and material specifications.
- 1026.03 Removal for noncompliance.
- 1026.99 Penalty.

CROSS REFERENCES

- Sidewalk construction or repair at property 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.
- Driving upon sidewalks - see TRAF. 432.24
- Bicycles upon sidewalks - see TRAF. 444.06
- Maintenance of sidewalks - see GEN. OFF. 660.05
- Obstruction of sidewalks - see GEN. OFF. 660.10
- Sidewalks in subdivisions - see P. & Z. 1250.01

1026.01 PERMIT REQUIRED.

Any person desiring to construct or reconstruct a sidewalk on public property within the Municipality shall first apply to the Building and Zoning Inspector for a permit which shall be issued without cost.  
(Ord. 1967-55. Passed 6-12-67.)

1026.02 CONSTRUCTION AND MATERIAL SPECIFICATIONS.

The following are the specifications for construction and materials for sidewalks and are required of sidewalks to be constructed or reconstructed:

- (a) Excavation. Excavation shall be made to a uniform depth of four inches below the finished grade of the sidewalks, except at driveways, where the depth shall be six inches for ten feet of length. Sidewalk grade shall be determined and approved by the Municipality.
- (b) Embankment. Where the existing ground is below the new sidewalk grade, any sod within the proposed sidewalk construction shall be removed. The material required to bring the finished surface to grade shall be earth, sand and gravel excavated from other areas or bank run sand and gravel

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approved by the Municipality. Embankment shall be compacted by means of a small roller, air tamping or hand tamping to ninety-five percent of the material's maximum laboratory dry weight. Embankment material which does not contain sufficient moisture to compact to a maximum density shall be sprinkled with water, and material containing excessive moisture shall be permitted to dry to proper moisture content before compacting.

(c) Forms. The sidewalk shall be constructed between wood or metal forms and the height shall be equal to the thickness of the walks except at driveways. Forms shall be securely set with the upper side conforming to the line and grade as designated by the Municipality. Forms shall be cleaned and oiled after each use and flexible forms shall be used on curves. Forms shall be set so the walk will have a uniform cross slope of three-eighths of an inch per foot with the low side toward the street centerline. All covers pertaining to shut-off boxes, manhole frames and other similar fixtures shall be adjusted to the grade of the complete walk prior to placing the concrete. All forms shall be inspected by the Municipality before any concrete is placed.

(d) Joints. Contraction joints that are one-eighth of an inch in thickness shall be used to divide the walk for its full width by using a double-edge edging tool every five feet. An expansion joint one-half inch in width shall be provided for the entire width and thickness of the concrete for every fifty feet of length and where the walk abuts driveways, steps, curb, manholes, catch basins or building foundations.

(e) Material. Concrete for sidewalks and driveways shall be Portland cement conforming to the State of Ohio Department of Transportation Construction and Material Specifications, Item 499, Class "C" limestone or slag (no gravel aggregate permitted). Expansion joint material shall be one-half inch pre-molded bituminous strip of full concrete depth.

(f) Placing and Finishing. No concrete shall be placed as sidewalk when the temperature of the air or ground is below forty degrees Fahrenheit. The subgrade shall be adequately moistened prior to placing the concrete and the concrete shall be deposited and compacted in a single layer. It shall be struck off with a templet and smoothed with a float to obtain a sandy texture. All four top edges of each sidewalk block shall be rounded to a one-fourth inch radius with a suitable edging tool.

(g) Curing and Protection. As soon as the concrete has hardened sufficiently to prevent its being marked, it shall be covered with wet burlap or a polyethylene sheet. The burlap cover shall be kept continuously wet for a period of seventy-two hours for sidewalks and seven days for driveways. The polyethylene sheet shall be retained for the same period. A waterproof membrane for curing may be used immediately after the free water has disappeared from the surface. All exposed surfaces of the concrete shall be

sealed by spraying thereon a uniform application of curing membrane in such manner as to provide a continuous uniform film without marring the surface of the concrete. The curing material may be applied with a hand spray at a minimum rate of one gallon for each 200 square feet of surface treated. Curing material shall be thoroughly agitated immediately prior to application. (Ord. 1967-55. Passed 6-12-67.)

1026.03        REMOVAL FOR NONCOMPLIANCE.

The Building and Zoning Inspector may order any sidewalk removed which does not comply with the requirements of Section 1026.02. Such remedy shall be in addition to the penalty provided for in Section 1026.99.

1026.99        PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 1028  
Commercial Driveways

- 1028.01 Construction specifications.
- 1028.02 Removal for noncompliance.
- 1028.99 Penalty.

CROSS REFERENCES

- Repair and maintenance of ditches - see Ohio R.C. 6141.11
- Right-of-way at private driveways - see TRAF. 432.21
- Stop signs on private driveways - see TRAF. 432.22
- Speed limits on private driveways - see TRAF. 434.04
- Driveways in R-1 Districts - see P. & Z. 1266.07

1028.01 CONSTRUCTION SPECIFICATIONS.

Commercial driveways shall be constructed eight inches thick with 6 x 6 4/4 welded wire mesh reinforcement in the center of the slab.  
(Ord. 1967-55. Passed 6-12-67.)

1028.02 REMOVAL FOR NONCOMPLIANCE.

The Building and Zoning Inspector may order any driveway removed which does not comply with the requirements of Section 1028.01. Such remedy shall be in addition to the penalty provided for in Section 1028.99.

1028.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.



## TITLE FOUR - Utilities

- Chap. 1040. Water.
- Chap. 1042. Sewers.
- Chap. 1044. Gas.
- Chap. 1046. Electricity.
- Chap. 1048. Use of Public Ways by Service Providers.

## CHAPTER 1040

## Water

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|---|--|
| 1040.01 Tap-ins; permit required; fees.   | 1040.06 Deposit of permit charges; use of moneys.                                      |
| 1040.02 Fee for nonresident taps.   | 1040.07 Tap-in permit issuance outside Municipal limits contingent on payment of fees. |
| 1040.03 Charges per front foot; assessments.  | 1040.08 Pressure-reducing valve required.  |
| 1040.04 Water service specifications and installation location; location of curb valve boxes. | 1040.99 Penalty.   |
| 1040.05 Inspection fee.   |  |

## 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, 743.24 et seq.; GEN. OFF. 660.04

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

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

Prosecutions for theft of utilities - see GEN. OFF. 672.06

Water charges - see S.U. & P.S. 1042.31

**1040.01 TAP-INS; PERMIT REQUIRED; FEES.**

No person shall connect into a water line or water main owned by the Municipality without first obtaining a permit therefor, and no permit for a water service connection shall be issued except upon advance payment to the Finance Director of a water service tap-in fee as set forth in the following schedules, which fee shall be exclusive of and in addition to any charges made by the Water Division of the City of Cleveland for installation of any water service connection.

Water Service Tap-In Permit Fees

<u>Pipe Size (in.)</u>	<u>Fee</u>
3/4	\$ 200.00
1	500.00
1-1/2	625.00
2	1,200.00
3	2,600.00
4	3,100.00
6	6,800.00
8	12,600.00
12	28,000.00
16	50,000.00

Multifamily dwellings shall pay the following water service tap-in fees only, regardless of the size of the pipe used:

Multifamily Water Service Tap-In Permit Fees

<u>Number of Suites</u>	<u>Fee per Suite</u>
Up to 12	\$ 250.00
13 to 24	240.00
25 to 36	230.00
37 to 48	220.00
49 to 60	210.00
61 to 72	200.00
73 to 84	190.00
85 to 96	180.00
Over 96	180.00

Where a service connection is used exclusively to provide water for fire-fighting purposes, the water service tap-in fees shall be as follows:

Fire Line Water Service Tap-In Permit Fees

<u>Size of Line (in.)</u>	<u>Fee</u>
4	\$ 2,500.00
6	4,000.00
8	5,000.00

(Ord. 1986-45. Passed 6-11-86; Ord. 2008-61, passed 10-22-08; Ord. 2013-40. Passed 5-8-13.)

**1040.02 FEE FOR NONRESIDENT TAPS.**

The water service connection fee for any property located outside the limits of the Municipality is hereby established at 150 percent of the rates set forth in Section 1040.01. (Ord. 1972-44. Passed 6-14-72.)

**1040.03 CHARGES PER FRONT FOOT; ASSESSMENTS.**

(a) Before a water service connection permit is issued to any property owner, or his or her agent, a charge of twelve dollars (\$12.00) per front-foot of width of the property shall be paid to the Director of Finance.

(b) The requirement of the front-foot charge is applicable only to property owners who have not been assessed by special assessments specifically for the installation of the water main in front of their property. The special assessments made for the water tower do not release the property owner from the requirements of subsection (a) hereof.

(c) The front-foot charge for a water service connection for any property located outside the limits of the Municipality is hereby established at eighteen dollars (\$18.00) per front foot. (Ord. 1972-44. Passed 6-14-72; Ord. 2008-61, passed 10-22-08; Ord. 2013-40. Passed 5-8-13.)

**1040.04 WATER SERVICE SPECIFICATIONS AND INSTALLATION  
LOCATION; LOCATION OF CURB VALVE BOXES.**

All water services shall be Type K copper ASTM B 88-66a, or ductile cast iron, Class 3, cement-lined ASTM A 339-55. The water service shall be installed four feet to five feet below grade and all curb valve boxes shall be located in the tree lawn in the street right-of-way.

(Ord. 1972-44. Passed 6-14-72.)

**1040.05 INSPECTION FEE.**

A fee of seventy-five dollars (\$75.00), plus additional charges of forty-two dollars (\$42.00) per hour for all time spent inspecting the installation of the water line greater than one-half hour, shall be paid for inspection of the construction of each water service connection installed. The re-inspection fee shall be forty dollars (\$40.00).

(Ord. 1972-44. Passed 6-14-72; Ord. 2008-61, passed 10-22-08; Ord. 2013-40. Passed 5-8-13.)

**1040.06 DEPOSIT OF PERMIT CHARGES; USE OF MONEYS.**

Permit charges collected shall be deposited by the Administrative Clerk into a separate and distinct fund, subject to the control of Council for any maintenance and operating expenses incurred by Council pursuant to the direct service contract with the City of Cleveland for supply of water into and through the water system of the Municipality, and/or for emergency repair or construction not to exceed five thousand dollars (\$5,000), and/or for any construction, enlargement or extension thereof which Council, in its discretion, orders to be undertaken. (Ord. 1986-45. Passed 6-11-86.)

**1040.07 TAP-IN PERMIT ISSUANCE OUTSIDE MUNICIPAL LIMITS  
CONTINGENT ON PAYMENT OF FEES.**

The Administrative Clerk shall not issue a water tap-in permit to anyone who is located outside the limits of the Municipality unless the fees set forth in Sections 1040.02, 1040.03 and 1040.05 are paid in full.  
(Ord. 1972-44. Passed 6-14-72.)

**1040.08 PRESSURE-REDUCING VALVE REQUIRED.**

A pressure-reducing valve shall be required to be installed in every water line connection to the water system of the Municipality. Such valve shall be installed at the owner's expense and must meet all requirements prescribed by the Department of Public Utilities of the City of Cleveland.  
(Ord. 1965-93. Passed 7-12-65.)

**1040.99 PENALTY.**

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**CHAPTER 1042**  
**Sewers**

1042.01	Definitions.	1042.17	Nonmetered commercial and industrial charges.
1042.02	Public sewer use required.	1042.18	School buildings. (Repealed)
1042.03	Discharges to storm sewers, sanitary sewers, and streams restricted.	1042.19	Rates for premises outside corporate limits.
1042.04	Tap-in and inspection charge required for building permit.	1042.20	Free service prohibited.
1042.05	Bond for construction of sanitary and storm sewer lateral.	1042.21	Special measurement method for industrial wastes rate.
1042.06	Flushing sanitary sewers; violations; remedies.	1042.22	Private metering devices for commercial and industrial premises.
1042.07	Prerequisites to issuance of permits; permit expiration; test tees.	1042.23	Additional charges for heavy industrial wastes.
1042.08	Specifications; construction; repair.	1042.24	Payment of maintenance fee charges; penalty for delinquency; billing.
1042.09	Backwater or check valve required for future May Avenue residences.	1042.25	Charges a lien.
1042.10	Color photographic record required before acceptance.	1042.26	Liability for charges.
1042.11	Purpose of system charges.	1042.27	Prorated charges.
1042.12	Deposits into Sewer Revenue Fund; use of moneys.	1042.28	Authority to increase rates.
1042.13	Charges levied.	1042.29	Nonacceptable industrial wastes prohibited.
1042.14	Charges.	1042.30	Rules and regulations of Council.
1042.15	Billing and collection.	1042.31	Water and sewer charges; combined billing. (Repealed)
1042.16	Incorporation of Sewer Use Code.	1042.32	Penalty for delinquent sewer maintenance charge payments.
		1042.99	Penalty.

**CROSS REFERENCES**

Superintendent of Sewer Department - see CHTR. §§7.01 et seq.

Compulsory sewer connections - see Ohio R.C. 729.06

Sewers - see Ohio R.C. 729.31 et seq.

Sewerage rates - see Ohio R.C. 729.49, 729.52

Management and control of sewerage system - see Ohio R.C. 729.50 et seq.

Untreated sewage - see Ohio R.C. 3701.59

Interference with sewage flow - see Ohio R.C. 4933.24

Prosecutions for theft of utilities - see GEN. OFF. 672.06

**1042.01 DEFINITIONS.**

As used in this chapter:

- (a) "Acceptable industrial waste" means liquid organic waste materials not containing toxic or explosive elements or other substances injurious to sewers or sewage treatment processes and which result from any commercial, manufacturing or industrial operation or process.
- (b) "Commercial user" means stores; shops; professional and business offices; barber and beauty shops; filling stations; automobile sales, service and repair establishments; restaurants, lunch counters and beer parlors; laundromats; churches; financial institutions; and other premises providing retail services or products.
- (c) "Nonacceptable industrial waste" means liquid waste in which are incorporated minerals, oil, acid or toxic metallic or chemical substances, resulting from any commercial, manufacturing or industrial operation or process.
- (d) "Sanitary sewage" means the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, cellar floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, garage/ accessory building floor drains, and any other water-borne waste not constituting an industrial waste.  
(Ord. 1972-43. Passed 7-12-72; Ord. 2000-39. Passed 4-12-00.)

**1042.02 PUBLIC SEWER USE REQUIRED.**

No owner, agent, lessee, tenant or occupant of any lot or land located within the Municipality shall establish, construct, maintain or permit to remain a privy, cesspool or other receptacle for sewage or excreta, or a connection to a private sewer, ditch or other outlet, if such lot or land is accessible to a public sewer constructed and used for the purpose of conveying sewage. When a public sewer is available or is hereafter made available, a connection to the public sewer shall be established and used by the owner, agent, lessee, tenant or occupant, who shall, for this purpose, obtain a connection permit from the Administrative Clerk, upon the recommendation of the Superintendent of Sewer Service.  
(Ord. 1986-47. Passed 6-11-86.)

**1042.03 DISCHARGES TO STORM AND SANITARY SEWERS, AND STREAMS RESTRICTED.**

(a) No owner, agent, lessee, tenant or occupant of any lot or land located within the Municipality, or other person, shall discharge into the storm sewers or drains of the Municipality any sanitary sewage, industrial wastes, or chemicals, including, but not limited to, motor oil, gasoline, diesel oil, fuel oil, automotive coolant, transmission fluid, solvents, grease, paint, paint thinner or brush cleaner, turpentine, or any other hazardous, flammable, or corrosive liquid or substance.

(b) No owner, agent, lessee, tenant, or occupant of any lot or land located within the Municipality, or other person, shall discharge into the sanitary sewers of the Municipality any roof water, surface or subsoil drainage, other clean waste water, industrial wastes, grease, or chemicals, including, but not limited to, motor oil, gasoline, diesel oil, fuel oil, automotive coolant, transmission fluid, solvents, grease, paint, paint thinner or brush cleaner, turpentine, or any other hazardous, flammable, or corrosive liquid or substance.

(c) No owner, agent, lessee, tenant, or occupant of any lot or land located within the Municipality, or other person, shall discharge into a stream or other watercourse in the Municipality any industrial wastes, grease, or chemicals, including, but not limited to, motor oil, gasoline, diesel oil, fuel oil, automotive coolant, transmission fluid, solvents, grease, paint, paint thinner or brush cleaner, turpentine, or any other hazardous, flammable, or corrosive liquid or substance.

(Ord. 1972-43. Passed 7-12-72; Ord. 2012-66. Passed 9-26-12.)

#### **1042.04 TAP-IN AND INSPECTION CHARGE REQUIRED FOR BUILDING PERMIT.**

(a) A sewer tap-in charge of one thousand dollars (\$1,000.00) is required of every residence on which a new construction permit is issued, and a tap-in fee of one hundred fifty dollars (\$150.00) is required for each reconstruction permit issued. A sewer tap-in charge of two thousand dollars (\$2,000.00) is required of every multi-family property on which a new construction permit is issued, and a tap-in fee of four hundred dollars (\$400.00) is required for each reconstruction permit issued. A sewer tap-in charge of three thousand dollars (\$3,000.00) is required of every commercial, industrial, or public or quasi-public property on which a new construction permit is issued, and a tap-in fee of five hundred dollars (\$500.00) is required for each reconstruction permit issued. An inspection charge of seventy-five dollars (\$75.00) is required of every residence or place of business on which a construction or reconstruction permit is issued. For commercial, industrial, or public or quasi-public properties, if a municipal inspector needs to be on a construction site to observe and/or inspect work for more than one-half hour, the permit holder will be billed at the rate of forty-two dollars (\$42.00) per hour. The project manager or project foreman shall sign an inspection time sheet identifying the time period the inspector was present for the inspection. A minimum extra time inspection fee of seventy-five dollars (\$75.00) shall be charged. The reinspection fee shall be forty dollars (\$40.00).

(b) The tap-in and inspection charge shall be paid upon the issuance of a building permit or authority to make a connection to the sewer system of the Municipality. Any additional inspection charges owed pursuant to subsection (a) above shall be paid after receipt of an invoice from the Village for such charges and prior to receipt of final approval to utilize a connection to the sewer system of the Municipality.

(c) For purposes of this section, “sewer system” refers to storm and sanitary sewers. (Ord. 1999-52. Passed 8-11-99; Ord. 2008-61. Passed 10-22-08; Ord. 2013-41. Passed 5-8-13.)

**1042.05 BOND FOR CONSTRUCTION OF SANITARY AND STORM SEWER LATERAL.**

(a) In each instance of new construction of a single-family residential sanitary or storm sewer lateral the owner shall provide a cash bond in the amount of four hundred dollars (\$400.00) to insure that the sewer lateral ground surface on the Municipal property is restored to the same condition after construction as it was in before construction. The bond pursuant to this section for multi-family properties shall be five hundred dollars (\$500.00), and the bond for commercial, industrial, public and quasi-public properties shall be one thousand dollars (\$1,000.00). An additional seventy-five dollars (\$75.00) shall be provided for a final inspection charge. For commercial, industrial, or public or quasi-public properties, if a municipal inspector needs to be on a construction site to observe and/or inspect work for more than one-half hour, the permit holder will be billed at the rate of forty-two dollars (\$42.00) per hour. The project manager or project foreman shall sign an inspection time sheet identifying the time period the inspector was present for the inspection. A minimum extra time inspection fee of seventy-five dollars (\$75.00) shall be charged. The reinspection fee shall be forty dollars (\$40.00).

(b) In each instance of repair or reconstruction of a sanitary sewer lateral, the owner shall provide a cash bond in the amount of three hundred fifty dollars (\$350.00) to insure that the ground surface on the Municipal property is restored to the same condition after construction as it was before construction. An additional seventy-five dollars (\$75.00) shall be provided for a final inspection charge. For commercial, industrial, or public or quasi-public properties, if a municipal inspector needs to be on a construction site to observe and/or inspect work for more than one-half hour, the permit holder will be billed at the rate of forty-two dollars (\$42.00) per hour. The project manager or project foreman shall sign an inspection time sheet identifying the time period the inspector was present for the inspection. A minimum extra time inspection fee of seventy-five dollars (\$75.00) shall be charged. The reinspection fee shall be forty dollars (\$40.00).

(c) The cash bonds provided for in subsections (a) and (b) hereof shall be held for a minimum of one year after the completion of the construction and shall be returned after that time by the Finance Director, without interest, upon approval of the work after an inspection by the Superintendent of the Service Department confirms that the project has been satisfactorily completed and is in full compliance with all ordinances of the Municipality. Should, however, repairs be needed to restore the ground and street surface of the sewer lateral to their original condition during the one-year period, notification shall be given to the owner to repair the same. If the repairs are not completed by the owner within ten days after such notification, the Municipality shall make the repairs, with all costs to be borne by the owner. In this event, the owner's cash bond shall then be used to help offset all or part of these costs, with the balance due to be paid by, or refunded to, the owner. The overtime cash bond provided for in subsections (a) and (b) hereof shall be forfeited to the Village if the inspection is not completed between 8:00 a.m. and 3:30 p.m.



weekdays, and shall be refunded upon the Service Director's verification to the Finance Director that the inspection was completed between 8:00 a.m. and 3:30 p.m. weekdays. (Ord. 1999-52. Passed 8-11-99; Ord. 2000-39. Passed 4-12-00; Ord. 2008-61. Passed 10-22-08; Ord. 2013-41. Passed 5-8-13.)

#### **1042.06 FLUSHING SANITARY SEWERS; VIOLATIONS; REMEDIES.**

No person shall flush, or cause to be flushed, a sanitary sewer line into the sanitary sewer system of the Municipality during the construction or reconstruction of any building within the confines of the Municipality without first obtaining the express written permission of the Superintendent of the Department of Public Service. Whoever violates this section shall be subject to a fine plus the cost of completely cleaning all of the sanitary sewer lines between the point of flushing and the point of connection with the Cuyahoga Valley Interceptor.

(Ord. 1986-47. Passed 6-11-86; Ord. 2000-39. Passed 4-12-00.)

#### **1042.07 PREREQUISITES TO ISSUANCE OF PERMITS; PERMIT EXPIRATION; TEST TEES.**

(a) Before anyone connects or reconnects into the sanitary and/or storm sewerage system, all permit fees and bonds required by this chapter shall be paid to the Finance Director. Once the sewer permit is issued, it shall expire within ninety days after the start of construction of the sanitary and/or storm sewerage connection.

(b) Any time an existing lateral is repaired or reconstructed, and if there is no test tee, a test tee shall be installed by the owner before the repair or reconstruction is accepted.

(c) The test tee shall be located not farther than five feet from the exit point of the foundation, whether it is a sanitary and/or storm sewer lateral. When transition is made, the test tee will be installed after transition.

(Ord. 1986-47. Passed 6-11-86; Ord. 2000-39. Passed 4-12-00.)

#### **1042.08 SPECIFICATIONS; CONSTRUCTION; REPAIR.**

(a) Vitrified clay pipe shall be manufactured in accordance with ASTM C-13 specifications for standard strength vitrified clay pipe. Where connections are made under walks, driveways, streets, roads or structures, and where connections are made with cast iron pipe, extra strength pipe ASTM C-200 shall be furnished. All joints shall conform to ASTM C-425 (Type 11) specification. "Premium joint" or equivalent shall be made in all cases, with plastic castings in bell and on spigot, factory applied. Elastomeric materials shall be neoprene or polyvinyl chloride, and the same shall be tested in accordance with ASTM D-543 for resistance to chemical reagents, or ASTM C-425 for materials with resilient properties.

(b) Installations of all pipe shall conform strictly with ASTM C-12, "Tentative Recommended Practice for Installing Clay Sewer Pipe".

(c) All ASTM specifications shall refer to the latest revisions.

(d) A ten-foot length of double extra-heavy cast iron or PVC pipe shall be placed where all sanitary and/or storm sewer lines cross the exterior footings on all buildings.

(e) A rubber donut shall be used for all joints between cast iron and vitrified pipe.

(f) Repairs to, or reconstruction of, the sanitary and/or storm sewer lateral from the main sanitary sewer line to the house, resulting from any blockage such as tree roots, broken lines, etc., shall be the sole responsibility of the property owner or owners. All such repairs or reconstruction shall be done in compliance with all other sections of this chapter. (Ord. 1986-47. Passed 6-11-86; Ord. 2000-39. Passed 4-12-00.)

#### **1042.09 BACKWATER OR CHECK VALVE REQUIRED FOR FUTURE MAY AVENUE RESIDENCES.**

All future residences on May Avenue west of Northfield Road are hereby required to install a backwater or check valve in the lateral sanitary sewer line before the same is connected into the sanitary sewerage system of the Municipality. The Superintendent of Sewer Service or his or her designee shall approve the installation of the valve before the connection shall be permitted to be made. The installation of the required valve shall be made at the expense of the owner of the property.

#### **1042.10 COLOR PHOTOGRAPHIC RECORD REQUIRED BEFORE ACCEPTANCE.**

(a) Before any sanitary or storm sewer line shall be accepted by this Municipality, a photographic record in color of the interior of the entire sewerage system of the area of the subdivision being presented to the Municipality for acceptance must be deposited with the Administrative Clerk. This color photographic record must be made one year after the construction of the sewer has been completed.

(b) Failure to provide such color photographic record of the sewer shall be cause for Council to refuse to accept such facility for operation and maintenance by the Municipality. (Ord. 1972-43. Passed 7-12-72.)

#### **1042.11 PURPOSE OF SYSTEM CHARGES.**

It is hereby determined and declared to be necessary for the due protection of the public health, safety and welfare of the Municipality to establish and collect charges for the use of the system upon all lots, lands and premises served by or having connection with the system. (Ord. 1972-43. Passed 7-12-72.)

#### **1042.12 DEPOSITS INTO SEWER REVENUE FUNDS; USE OF MONEYS.**

Except as hereinafter otherwise provided, funds received from the collection of rates and charges shall be deposited as received with the Finance Director, who shall keep the same

in a separate fund designated the Sewer Revenue Fund. Subject to the provisions of any ordinance or indenture of mortgage authorizing the issuance of and securing mortgage revenue bonds for the system, moneys in the Fund shall be used for the payment of the cost and expense of operation, maintenance, repair and management of the system and for the payment of debt charges on bonds issued for extensions and improvements 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.

(Ord. 1972-43. Passed 7-12-72.)

#### **1042.13 CHARGES LEVIED.**

For the purposes provided in Section 1042.12 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, either directly or indirectly, into the system, sewer charges payable as provided and in amounts set forth in Sections 1042.14 through 1042.19.

(Ord. 1972-43. Passed 7-12-72.)

#### **1042.14 CHARGES.**

For sewerage service and maintenance provided by the Northeast Ohio Regional Sewer District and the Municipality, to any residential, commercial and industrial user within the Municipality, the charges shall be as follows:

(a) The Municipality shall charge the following rates:

- (1) For residential use, each single home or each family unit or dwelling unit in a multifamily home or building, a sewerage service maintenance charge shall be levied at the rate of thirty-three dollars (\$33.00) per quarter, regardless of the number of connections made to the system serving the home or building.
- (2) For motels, hotels and business related dormitories, a sewer service maintenance charge shall be levied for each family or dwelling unit on the premises at the rate of thirty dollars and eighty-seven cents (\$30.87) per quarter, regardless of the number of connections made to the system serving the home or building. Starting with 2023, the above rate shall increase by three percent each calendar year.
- (3) For commercial use for each separate commercial user, unit, store, business establishment or professional office, a sewerage service charge shall be levied at the applicable rate shown in Table 1042.14-3, per quarter, regardless of the number of connections made to the system servicing the commercial user, store, business establishment, professional office or building.
- (4) For industrial use for each separate industrial user, unit, manufacturer or business establishment, a sewerage service charge shall be levied at the applicable rate shown in Table 1042.14-3, per quarter, regardless of the number of connections made to the system serving the industrial user, unit, manufacturer, business establishment or building.

<b>Table 1042.14-3 Commercial &amp; Industrial Users Quarterly Sewerage and Maintenance Charges</b>	
<b>12 Mo. Av. Mo. Water Usage</b>	<b>2023 Quarterly Sewer Service and Maintenance Charge</b>
From 0 to 0.75 mcf	\$86.77
From 0.76 to 2.00 mcf	\$231.39
From 2.01 to 25.00 mcf	\$1,084.63
From 25.01 to 50.00 mcf	\$2,169.25
50.01 mcf and higher	\$4,339.37
The above rates shall increase by 3% per year for each subsequent calendar year.	

- (5) For school use, a charge of two dollars and thirty-five cents (\$2.35) per pupil, teacher and employee per quarter shall be levied for sewerage service charges. The number of pupils, teachers and employees shall be determined for the calendar year by the number of full-time pupils, teachers and employees enrolled or employed in the school building on October 15, preceding the

calendar year of the levy, and a census shall be taken each year by applicable school authorities as of such date and a copy of the census report shall be certified to the Director of Finance within ten days after it is taken. Starting with 2023, the above rate shall increase by two percent each calendar year. (Ord. 1998-36. Passed 5-13-98; Ord. 2001-06. Passed 1-10-01; Ord. 2013-20. Passed 3-13-13; Ord. 2022-52. Passed 10-12-22.)

- (b) The Northeast Ohio Regional Sewer District has the power to estimate and charge its own rates for any sewerage service provided to any domestic, commercial and industrial users, including any body politic, person, corporation or their premises located within the Municipality or using Municipal sewers.
- (c) The charges designated in this section shall become effective when a sewer line is connected to the property.
- (d) If a commercial or industrial user's average water usage varies from its currently assigned average water usage category during the most recent twelve month consecutive period, the property owner may request an adjustment to their quarterly sewerage service and maintenance charge by making such request to the Village sewer billing agent and submitting the twelve most recent monthly water bills documenting their water usage for that period. If it is determined by the sewer billing agent that an adjustment is warranted based upon the submitted monthly water bills, such rate adjustment shall be effective as of the start of the first quarterly billing period encompassed by the submitted bills. If the commercial or industrial user is not satisfied with the decision of the Village sewer billing agent in response to its adjustment request, the user may appeal the sewer billing agent's decision to Village Council within thirty days of the date of the sewer billing agent's decision. In the event such an appeal is filed, Village Council shall hear the appeal within forty-five days of the date of the filing of the appeal.
- (e) New businesses may request the sewer billing agent to place them in a different water usage category based upon their expected average monthly water usage amount for that type and size of business. If the commercial or industrial user is not satisfied with the decision of the Village sewer billing agent in response to its adjustment request, the user may appeal the sewer billing agent's decision to Village Council within thirty days of the date of the sewer billing agent's decision. In the event such an appeal is filed, Village Council shall hear the appeal within forty-five days of the date of the filing of the appeal. After any new business has been in operation for twelve full months, a review of the commercial or industrial user's average monthly water usage over the past twelve months shall be made. Based upon that review, the average monthly water usage billing category for the business shall be adjusted, if necessary, and any warranted billing adjustments for the past twelve months shall be made on the next sewer bill.
- (f) Residential sewer maintenance fee invoices that are paid in full for the entire calendar year by January 31 of the year in question shall be entitled to a twelve dollar (\$12.00) discount on the amount owed for that entire calendar year. (Ord. 1993-52. Passed 9-22-93; Ord. 2022-52. Passed 10-12-22.)

**1042.15 BILLING AND COLLECTION.**

Charges for sewerage services shall be billed as follows:

- (a) Charges for sewerage services provided by the Municipality shall be billed out and collected by the Municipality or any agent appointed or retained by the Municipality to perform those tasks.
- (b) Charges for sewerage services provided by the Northeast Ohio Regional Sewer District shall be billed out and collected by the City of Cleveland, pursuant to the agreement between the City of Cleveland and the Northeast Ohio Regional Sewer District, except where otherwise provided.

(Ord. 1984-43. Passed 6-13-84; Ord. 2001-06. Passed 1-10-01.)

**1042.16 INCORPORATION OF SEWER USE CODE.**

The Municipality hereby incorporates herein the Northeast Ohio Regional Sewer District Sewer Use Code, dated June 2, 1981, and as amended from time to time, as if fully rewritten.

(Ord. 1984-43. Passed 6-13-84; Ord. 2001-06. Passed 1-10-01.)

**1042.17 NONMETERED COMMERCIAL AND INDUSTRIAL CHARGES.**

For commercial or industrial premises which do not have a meter measuring the amount of water consumed thereon, Council, based on a consideration of similar premises and uses, engineering factors and other relevant matters, may estimate the quarterly amount of water to provide adequate water service and pressure to the premises for the purpose and period for which nonmetered water is consumed, and based on such estimate, the charges set forth in Section 1042.14 shall be levied. If the owner of the premises or other interested party elects to do so, he or she may install at his or her expense water meters satisfactory to the City of Cleveland, Division of Water, to the extent necessary to measure all supplies of water, and the quantity of water consumed on the premises shall be deemed to be the aggregate amount disclosed by these meters.

(Ord. 1986-47. Passed 6-11-86.)

**1042.18 SCHOOL BUILDINGS. (REPEALED)**

(EDITOR'S NOTE: Section 1042.18 was repealed by Ordinance 2001-06, passed January 10, 2001.)

**1042.19 RATES FOR PREMISES OUTSIDE CORPORATE LIMITS.**

Premises located outside the corporate limits of the Municipality and served by the system shall be charged 125 percent of the rate which would be applicable to the premises if located within the corporate limits. (Ord. 1972-43. Passed 7-12-72.)

**1042.20 FREE SERVICE PROHIBITED.**

No free service shall be provided to any premises having a connection with the system. (Ord. 1972-43. Passed 7-12-72.)

1042.21 SPECIAL MEASUREMENT METHOD FOR INDUSTRIAL WASTES RATE.

In the event that any premises discharge industrial wastes, either directly or indirectly, into the system, and Council finds that it is impractical to measure these wastes by meter, such wastes shall be measured in a manner and by a method that Council finds practicable in order to determine the sewer service charge based upon the rate provided in Section 1042.14.

(Ord. 1986-47. Passed 6-11-86.)

1042.22 PRIVATE METERING DEVICES FOR COMMERCIAL AND INDUSTRIAL PREMISES.

In the event that Council is satisfied that a portion of the water from any source consumed upon any commercial or industrial premises does not and cannot enter the system, then in such case the owner or other interested party may, at his or her expense, install and maintain separate metering devices that demonstrate to the satisfaction of Council that portion of the water so consumed which is discharged into the system, and this portion shall be the basis for measuring the sewer charge under this chapter.

(Ord. 1986-47. Passed 6-11-86.)

1042.23 ADDITIONAL CHARGES FOR HEAVY INDUSTRIAL WASTES.

Over and above the rates and charges established by Section 1042.14, there may be established in special instances and upon special agreement between the Municipality and the owner of any premises served by the system, additional charges for industrial wastes of unusual strength or composition which are accepted by the Municipality for treatment, as may be determined to be fair and equitable. Each special agreement and the charges established thereby shall not become effective until ratified by ordinance duly passed by Council.

(Ord. 1972-43. Passed 7-12-72.)

1042.24 PAYMENT OF MAINTENANCE FEE CHARGES; PENALTY FOR DELINQUENCY; BILLING.

Sewer line maintenance fee charges shall be payable each quarter, shall be due and payable within 30 days after the billing date and shall be net for that period. A one and one-half percent per month penalty shall be imposed on any amounts not paid by the due date. Sewer line maintenance fee charges to those premises supplied or not supplied by metered public water supply shall be billed by the Municipality.

(Ord. 1995-76. Passed 9-27-95; Ord. 2001-06. Passed 1-10-01.)

1042.25 CHARGES A LIEN.

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 prior to the end of the quarter during which it is due and payable, it shall be certified to the County Auditor, who shall place the same on the tax duplicate, with interest and penalties allowed by law, to be collected as other Municipal taxes are collected.

(Ord. 1972-43. Passed 7-12-72; Ord. 2001-06. Passed 1-10-01.)

1042.26 LIABILITY FOR CHARGES.

In the case of rented or leased lots, parcels of land or premises, including improvements thereon having a connection with the system, the lessor and lessee shall be liable for the payment of the sewer charges herein provided and the Municipality may collect such charges from either the lessor or the lessee.

(Ord. 1972-43. Passed 7-12-72.)

1042.27 PRORATED CHARGES.

Any premises making a connection with the system and using the same after the first day of any quarter shall be charged a per diem pro-rata amount based on the applicable quarterly flat rate or minimum charge, as the case may be, if the quarterly flat rate or quarterly minimum basic rate is applicable, or a charge based on the cubic feet of water used if the amount of water used is in excess of the amount for which the quarterly minimum basic rate is charged, but not less than one dollar (\$1.00) from the time such connection is made or such discharge into the system is begun, until the commencement of the next following billing period applicable to such premises.

(Ord. 1972-43. Passed 7-12-72.)

1042.28 AUTHORITY TO INCREASE RATES.

The rates set forth in Sections 1042.14 through 1042.19 shall be increased at any time as may be necessary to provide money for the costs of operating and maintaining the sewerage system and plant, to make the necessary payments required by any sewerage system revenue bonds or sewer system related loans to repay any such bonds or loans of the Municipality, and shall not be reduced unless money produced by the aforesaid rates shall exceed such costs of operation and maintenance and the requirements under the trust indenture.

(Ord. 1972-43. Passed 7-12-72; Ord. 2001-06. Passed 1-10-01.)

1042.29 NONACCEPTABLE INDUSTRIAL WASTES PROHIBITED.

Except as provided in Section 1042.23, the discharge of nonacceptable industrial wastes, as hereinafter defined, into the system, whether directly or indirectly, is prohibited. Where investigation reveals the presence in the system of nonacceptable industrial wastes emanating from any lot, land, building or premises, located within



or outside the corporate limits of the Municipality, the owner, lessor, renter or occupant of the lot, land, building or premises shall be required to treat, neutralize or in other ways meet the requirements of Council, in order to convert the wastes into acceptable industrial wastes.

(Ord. 1986-47. Passed 6-11-86.)

#### **1042.30 RULES AND REGULATIONS OF COUNCIL.**

Council shall make and enforce rules and regulations as it deems necessary for the enforcement of the provisions hereof for the safe, efficient and economical management of the system, and such rules and regulations, when not repugnant to existing ordinances of the Municipality or laws of the State, shall have the same force and effect as ordinances of Council.

(Ord. 1986-47. Passed 6-11-86.)

#### **1042.31 WATER AND SEWER CHARGES; COMBINED BILLING. (REPEALED)**

(EDITOR'S NOTE: Section 1042.31 was repealed by Ordinance 2001-06, passed January 10, 2001.)

#### **1042.32 PENALTY FOR DELINQUENT SEWER MAINTENANCE CHARGE PAYMENTS.**

A penalty of one hundred fifty dollars (\$150.00) shall be assessed and paid for all delinquent sewer maintenance charges that are certified to the County Fiscal Officer for placement on the next tax duplicate for collection. (Ord. 1983-93. Passed 8-10-83; Ord. 2001-06. Passed 1-10-01; Ord. 2013-20. Passed 3-13-13.)

#### **1042.99 PENALTY.**

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.



## CHAPTER 1044

## Gas

EDITOR'S NOTE: The Municipality contracts with the East Ohio Gas Company for natural gas service. Copies of the latest relevant legislation may be obtained, at cost, from the Administrative Clerk.

There are no sections in Chapter 1044. This chapter has been established to provide a place for cross references and any future legislation.

## CROSS REFERENCES

Gas or electric companies may manufacture and supply both electricity and gas - see Ohio R.C. 4933.02

Gas company may extend mains beyond Municipality - see Ohio R.C. 4933.05

Gas meters - see Ohio R.C. 4933.08 et seq.

Prosecutions for theft of utilities - see GEN. OFF. 672.06

Gas wells - see B.R. & T. Ch. 862

CHAPTER 1046  
Electricity

- 1046.01 Pole construction; permit required.
- 1046.02 Issuance of permits for poles and electric power lines.
- 1046.03 Municipal pole use privileges.

1046.04 Permit required for underground and subway work.  
1046.99 Penalty.

## CROSS REFERENCES

Gas or electric companies may manufacture and supply both electricity and gas - see Ohio R.C. 4933.02

Contracts with municipal corporation for light - see Ohio R.C. 4933.04

Powers of electric light and power companies - see Ohio R.C. 4933.13

Appropriation of property by electric companies - see Ohio R.C. 4933.15

Prosecutions for theft of utilities - see GEN. OFF. 672.06

Wiring in dwellings - see B. & H. 1442.49

### 1046.01 POLE CONSTRUCTION; PERMIT REQUIRED.

No person shall erect or construct, or cause to be erected or constructed, any pole for any guy line, wires or electrical conductors of any description whatever upon or across any streets, avenues, alleys or public property within the Municipality without first obtaining a permit therefor.

(Ord. 1963-81. Passed 5-14-63.)

1046.02       ISSUANCE OF PERMITS FOR POLES AND ELECTRIC POWER LINES.

(a) Pole Permits. In the case of a telephone company, the permit required by Section 1046.01 shall be issued by the Administrative Clerk. In the case of an electric company, the Administrative Clerk is hereby authorized to issue such permit where the voltage to be carried is solely for use by a residential, institutional or governmental consumer within the Municipality, or solely for the normal requirements of an industrial or retail business or service consumer within the Municipality, provided that such voltage at no time exceeds 37.5KV. In the case of an electric company where the proposed voltage to be carried does exceed 37.5KV, the permit shall be authorized by Council. The form of the permit shall be approved by the Law Director and no fee shall be charged for the permit. The permit shall specifically be subject to the terms and conditions of all ordinances of the Municipality pertaining to any franchise rights of the public utility. No permit shall be issued until the public utility first files appropriate plans in the office of the Administrative Clerk, which shall be permanently filed in with his or her records.

(b) Electric Power Line Permits. No person shall construct or maintain an electric power line carrying greater voltage than 37.5KV without first obtaining a permit therefor from Council. No charge shall be made for such permit. The applicant shall first file plans and specifications, which shall show the course and route of the proposed line in or through the Municipality. The line shall be installed underground, at a minimum depth of six feet below grade. The line shall be backfilled by and laid in at least six inches of sand; it shall be standard underground pipe-type cable, lead-covered, to be no less than the standard minimum A.E.I.C. specification as to voltage herein adopted. Such line shall be encased in an enclosed sealed and welded steel pipe with protective sheath, having a somatic coating. The pipe may either be oil or gas-filled and shall be capable of withstanding any maintained pressure. In addition to the method of installation described in the aforementioned portion of this section, the applicant for a permit to be issued by Council may use any method of underground construction approved by the Public Utilities Commission of Ohio or the National Electrical Code, with or without lead-covered cable, and to an underground depth approved by such authority. (Ord. 1963-81. Passed 5-14-63.)

1046.03       MUNICIPAL POLE USE PRIVILEGES.

All applications for permits to erect poles in the streets and alleys of the Municipality shall provide that the Municipality may use the poles to be so erected and attach thereto the necessary crossarms, wires or other electrical appliances as may be deemed necessary for the police and fire signal service of the Municipality, and no permit shall be issued by the Administrative Clerk for the erection of such poles if the application and permit do not provide for the privileges herein granted to the Municipality. (Ord. 1963-81. Passed 5-14-63.)

1046.04 PERMIT REQUIRED FOR UNDERGROUND AND SUBWAY  
WORK.

No person shall lay or construct, or cause to be laid or constructed, any subways, conduits, ducts or pipes in the streets, avenues or alleys within the Municipality without first obtaining a permit therefor from the Administrative Clerk. No person shall lay or construct, or cause to be laid or constructed, any subways, conduits, ducts or pipes in any public grounds or in any real property of the Municipality without first obtaining a permit therefor from the Administrative Clerk. Any company or individual so placing wires underground in any street, alley or public ground of the Municipality shall, upon written notice from the proper authorities of the Municipality that a sewer or water main is to be repaired or constructed in such manner as will necessitate the moving or altering of any conduit of such company or individual, move or alter the same at his or her or its expense so as to permit the construction or repair of the sewer or water main where ordered, and should any such person or company fail to comply with such notice the conduit may be altered or moved by the Municipality and the cost and expense thereof recovered from the person or company.

(Ord. 1963-81. Passed 5-14-63.)

1046.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 1963-81. Passed 5-14-63.)



**CHAPTER 1048**  
**Use of Public Ways by Service Providers**

1048.01	Scope of chapter; definitions.	1048.05	Notice of work, routine maintenance, and emergency work.
1048.02	Consent to occupy or use the public right-of-way.	1048.06	Miscellaneous provisions.
1048.03	General public right-of-way use regulations.	1048.99	Penalties and other remedies.
1048.04	Location, relocation, and removal of small cell facility and wireless support structure.		

**1048.01 SCOPE OF CHAPTER; DEFINITIONS.**

- (a) The purpose and intent of this chapter is to:
- (1) Manage occupancy or use of the public right-of-way.
  - (2) Encourage the provision of advanced, competitive, telecommunications services on the widest possible basis to the businesses, institutions, and residents of the Village;
  - (3) Permit and manage reasonable access to the public right-of-way of the Village for telecommunications service purposes on a competitively neutral basis.
  - (4) Conserve the limited physical capacity of the public right-of-way held in trust by the Village for the benefit of the public.
  - (5) Assure that the Village receives cost recovery for the occupancy and use of the public right-of-way in accordance with law.
  - (6) Assure that all service providers with facilities in the public right-of-way comply with the ordinances, rules, and regulations of the Village.
  - (7) Assure that the Village fairly and responsibly protects the public health, safety, and welfare.
  - (8) Enable the Village to discharge its public trust consistent with rapidly evolving Federal and State regulatory policies, industry competition, and technological development.
  - (9) Provide standards for the construction, installation, modification, operation, and removal of small cell facilities and wireless support structures in the Village's right-of-way.
  - (10) Preserve the character of the Village and protect property values.
  - (11) Give guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe, and aesthetically-pleasing installation of small cell facilities and wireless support structures.

(b) For the purposes of this chapter, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

- (1) “Accessory equipment” means any equipment used in conjunction with a wireless facility or wireless support structure. “Accessory equipment” includes utility or transmission equipment, power storage, generation, or control equipment, cables, wiring, and equipment cabinets.
- (2) “Affiliate” means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person.
- (3) “Antenna(e)” means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency signals. Such waves shall include, but not be limited to, radio, television, cellular, paging, personal telecommunications service, internet, and microwave telecommunications.
- (4) “Capital improvement” means an addition made to enhance the value or extend the useful life of an existing system or facilities, including construction, reconstruction, installation, rehabilitation, renovation, improvement, enlargement, and extension of facilities, but not including ordinary or routine maintenance.
- (5) “Collocation or collocate” means to install, mount, maintain, modify, operate, or replace a wireless facility on a wireless support structure.
- (6) “Construct, constructing, construction, etc.” means installing, repairing, replacing, or removing any facility, regardless of the methods employed.
- (7) “Decorative pole” means a pole, arch, or structure other than a street light pole placed in the public right-of-way specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments have been placed except for any of the following:
  - A. Electric lighting;
  - B. Specially designed informational or directional signage; or
  - C. Temporary holiday or special event attachments.
- (8) “Distributed antenna system” means a network or facility to which all of the following apply:
  - A. It distributes radio frequency signals to provide wireless service.
  - B. It meets the height and size characteristics of a small cell facility.
  - C. It consists of all of the following:
    1. Remote antenna nodes deployed throughout a desired coverage area;
    2. A high-capacity signal transport medium connected to a central hub site; and
    3. Equipment located at the hub site to process or control the radio frequency signals through the antennas.
  - D. It conforms to the size limitations specified in division (b)(26) of this section.

- (9) “Eligible facilities or eligible support structure request” means any request for modification of an existing support structure or base station that does not substantially change the physical dimension of such support structure involving collocation of new wireless facilities or wireless support structures, removal of wireless facilities or wireless support structures, or replacement of wireless facilities or wireless support structures. A substantial change means:
- A. A modification that changes the physical dimension of a wireless support structure by increasing the height of the wireless support structure by more than ten percent or more than ten feet, whichever is greater, and/or by adding an appurtenance to the body of the wireless support structure that would protrude from the edge of the wireless support structure by more than six feet;
  - B. The installation of more than the standard number of equipment cabinets for the technology involved or the installation of more than four cabinets, whichever is less;
  - C. The installation of any new ground-mounted equipment cabinets if there are no existing ground-mounted equipment cabinets;
  - D. Any excavation or deployment outside of the current site of the facility;
  - E. Removal of any concealment elements of the facility or the wireless support structure; or
  - F. Any change that does not comply with this chapter or with State or Federal law or regulations.
- (10) “Engineer” means the Village Engineer or engineer's designee.
- (11) “Excavate, excavating, or excavation” means cutting, sawing, breaking, drilling into, boring under, or otherwise altering any public street or sidewalk pavement, and/or digging, drilling into, or boring under any unpaved portion of the public right-of-way, including any other work or activity which disturbs the existing surface or subsurface structure, composition, or soil compaction, for the purpose of carrying on any construction activity.
- (12) “Facilities or facility” means the plant, equipment, and property, including, but not limited to, accessory equipment, antennae, cables, fibers, wires, pipes, conduits, ducts, pedestals, electronics, poles, mains, plant, equipment, and other appurtenances located under, on, or above the surface of the ground in the public right-of-way of the Village for a wireless facility.
- (13) “Lane obstruction” means the blocking or diverting of vehicular and/or pedestrian traffic from a street or sidewalk for the purpose of constructing, excavating, installing, repairing, maintaining, operating, replacing, or removing any facility, including: the lifting or removing of manhole or handhold covers; and the opening or accessing of at-grade or pole-mounted cabinets, pedestals, transformers, power supplies, amplifiers, splice enclosures, traps, or other facilities.
- (14) “Micro wireless facility” means a small cell facility that is not more than twenty-four inches in length, fifteen inches in width, and twelve inches in

- height and that does not have an exterior antenna more than eleven inches in length suspended on cable strung between wireless support structures.
- (15) “Monopole” means a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- (16) “Occupancy, occupy, or use” means, with respect to the public right-of-way, to place a tangible thing in the public right-of-way for any purpose, including, but not limited to, constructing, repairing, positioning, maintaining, or operating lines, poles, pipes, conduits, ducts, equipment, or other structures, appurtenances, or facilities.
- (17) “Overhead facilities” means utility poles and wires, cables, and other such equipment running between and on such poles, including the underground supports and foundations for such facilities.
- (18) “Person” means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies, trusts, public utilities, any other entity, and individuals and includes their lessors, trustees, and receivers, but specifically excludes the Village itself.
- (19) “Private service provider” means any person who, pursuant to the consent to occupy or use the public right-of-way pursuant to Section 1048.02, directly or indirectly owns, controls, operates, or manages a wireless facility within the Village's public right-of-way used or to be used for the purpose of transmitting, receiving, distributing, or providing telecommunications or wireless services.
- (20) “Public right-of-way” means the surface of, and the space within, through, on, across, above, or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, and any other land dedicated or otherwise designated for a comparable public use, which is owned or controlled by the Village or other public entity or political subdivision.
- (21) “Public street” means the paved and unpaved portion of any street, road, boulevard, drive, highway, freeway, parkway, lane, court, alley or other public right-of-way in which the Village has an interest in law or equity and which has been acquired, established, dedicated, or devoted to street purposes.
- (22) “PUCO or Public Utilities Commission of Ohio” means the State administrative agency, or successor, authorized to regulate and oversee certain public or private service providers and services in the State of Ohio.
- (23) “Reconstruct, reconstruction, etc.” means substantial physical change to all or a portion of an existing facility or system involving construction in public streets, utility easements, or public right-of-ways.
- (24) “Routine maintenance” means repair, upkeep, replacement, or restoration of existing facilities located in the public right-of-way that requires no more than one working day to complete, is not an emergency, and does not include excavation of the public right-of-way.
- (25) “Service provider” means any private service provider.

- (26) “Small cell facility” means a wireless facility that meets both of the following requirements:
- A. Each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six cubic feet in volume.
  - B. All other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- (27) “State” means the State of Ohio.
- (28) “Village” means the Village of Northfield, Ohio.
- (29) “Village property” means and includes all real property owned by the Village, other than public streets and public easements, and all property held in a proprietary capacity of the Village, which are not subject to public right-of-way consent and requirements of this chapter.
- (30) “Utility pole” means a structure that is designed for, or used for the purpose of, carrying lines, cables, or wires for electric or telecommunications services.
- (31) “Wireless facility” means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including all of the following:
- A. Equipment associated with wireless communications;
  - B. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
- (32) “Wireless service” means any services using licensed or unlicensed wireless spectrum, whether at a fixed location or mobile, provided using wireless facilities.
- (33) “Wireless service provider” means a person who provides wireless service as defined in division (b)(19) of this section.
- (34) “Wireless support structure” means a pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen-foot or taller sign pole, or utility pole capable of supporting a small cell facility. As used in this chapter, wireless support structure excludes all of the following:
- A. A utility pole or other facility owned or operated by a municipal electric utility; or
  - B. A utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.
- (Ord. 2018-51. Passed 8-22-18.)

**1048.02 CONSENT TO OCCUPY OR USE THE PUBLIC RIGHT-OF-WAY.**

(a) Consent Required to Occupy Public Right-of-Way. No person shall collocate a small cell facility or construct, maintain, modify, operate, or replace a wireless support structure in the public right-of-way without obtaining prior consent from the Village to do so.

(b) Initial Consent Presumed.

- (1) A person with a small cell facility on a wireless support structure in the public right-of-way on the effective date of this chapter, who lawfully occupies the public right-of-way on the effective date of this chapter, shall be presumed to have initial consent of the Village for its existing small cell facility and wireless support structure to occupy or use the public right-of-way.
- (2) Initial presumed consent for occupancy or use of the public right-of-way is limited to the existing small cell facility and wireless support structure.
- (3) A person with initial presumed consent is not relieved from compliance with this chapter with respect to the ongoing occupancy or use of the public right-of-way including, but not limited to, the insurance and indemnity requirements set forth in divisions (e) and (f) of this section.

(c) Application for Consent to Occupy or Use Public Right-of-way.

- (1) The following persons shall apply to the Village for consent to occupy or use the public right-of-way in accordance with the requirements of this chapter, R.C. Chapter 4939, and all applicable State and Federal law and regulations on a form provided by the Village. Any person who:
  - A. Does not currently have an existing small cell facility on a wireless support structure in the Village's public right-of-way and desires to construct a new small cell facility on a wireless support structure in the public right-of-way; or
  - B. Has initial presumed consent or Village consent to occupy or use the public right-of-way for an existing small cell facility on a wireless support structure but is planning:
    1. A capital improvement or reconstruction of an existing small cell facility on a wireless support structure; or
    2. To construct an additional small cell facility on a wireless support structure anywhere in the Village.
- (2) Applicants are strongly encouraged to contact the Building and Zoning Inspector to request a pre-application conference. That conference will provide an opportunity for early coordination regarding proposed facilities, locations, design, application submittal, and the approval process in order to avoid any potential delays in the processing and approval of applications. The application for consent to occupy or use the public right-of-way shall include the following information with respect to the applicant's or Service Provider's planned or existing small cell facility on a wireless support structure in the

public right-of-way, as well as plans for any planned capital improvements or reconstruction:

- A. The identity, legal status, and Federal tax identification number of the applicant, including all affiliates of the applicant or service provider in the State of Ohio that will use or occupy the public right-of-way or are in any way responsible for the small cell facility and wireless support structure in the public right-of-way.
- B. The name, address, and telephone number of the local officer, agent, or employee responsible for the accuracy of the application or initial registration and available at all reasonable times to be notified in case of emergency.
- C. A description of the existing or proposed small cell facility and wireless support structure in the Village's public right-of-way, including but not limited to, engineering plans, specifications, or a map, all in sufficient detail to identify:
  1. The location of the applicant's small cell facility and wireless support structure or proposed small cell facility and wireless support structure.
  2. The location of all existing overhead and/or underground facilities, facility, small cell facilities, or wireless support structures in the public right-of-way in the area of the applicant's or service provider's small cell facility and wireless support structure or proposed small cell facility and wireless support structure that is sufficient to show the impact of the applicant's small cell facility and wireless support structure on other existing facilities, facility, or small cell facility and wireless support structure.
  3. The location of all overhead and underground utility easements.
  4. Soil issues (a soil boring with associated testing shall be obtained in the area of any new proposed tower or pole to determine the soil bearing capacity of the soil in order to design the depth of the tower or pole foundation).
- D. A preliminary construction schedule and completion date for all planned capital improvements.
- E. Evidence that the applicant or service provider has complied, or will comply, with indemnification and insurance requirements of this chapter.
- F. Information sufficient to determine that the applicant or service provider has received any certificate of authority required by the PUCO.
- G. A description of the construction methods to be employed for the protection of existing structures, fixtures, and facilities in or adjacent to the public right-of-way.
- H. A description of the structures, improvements, and obstructions, if any, the applicant proposes to temporarily or permanently remove or relocate.

- I. A description of the impact of construction, reconstruction, installation, maintenance, or repair of a small cell facility and wireless support structure on trees in or adjacent to the public right-of-way, together with a landscape plan for protecting, trimming, removing, replacing, and restoring any trees or areas disturbed during construction.
  - J. All applications shall be accompanied by the certification of a State of Ohio registered professional engineer that the drawings, plans, and specifications submitted with the application comply with the applicable technical codes, rules, and regulations.
  - K. All applications which involve a lane obstruction or work on, in, under, across, or along any right-of-way shall be accompanied by a traffic control plan demonstrating the protective measures and devices that will be employed, consistent with the Ohio Department of Transportation's Uniform Manual of Traffic Control Devices and other applicable ODOT regulations, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic. The Village may require the service provider to use and employ the Village Police Department for traffic control.
  - L. Such other and further information as may reasonably be requested by the Village.
- (3) The Village, by and through its Planning Commission, shall grant or deny, in writing, a person's application for consent to occupy or use the public right-of-way within ninety days of the date on which the person filed the application and all necessary information with the Village.
- A. The Village may withhold, deny, or delay its consent to a person's application to occupy or use the public right-of-way based on the health, safety, and welfare of the Village and in accordance with Village ordinances and Ohio law. These reasons may include, but not be limited to, those criteria set forth in division (d) of this section.
  - B. If the Village denies a person's application to occupy or use the public right-of-way, the Village shall provide its reasons in writing for denying the application, and shall provide any information that the person may reasonably request necessary for the person to obtain the Village's consent to occupy or use the public right-of-way.
- (4) The Village's grant of consent for a person to occupy or use the public right-of-way shall be in the form of a right-of-way occupancy certificate which shall set forth the specific terms of the Village's consent for such person to occupy or use the public right-of-way.
- (5) Application fee; attachment fee. Each person submitting an application for consent to occupy or use the public right-of-way shall pay a fee in the amount of two hundred fifty dollars (\$250.00) per site and assessed by the Building and Zoning Inspector to reimburse the Village for its administrative costs. The fee shall be adjusted upward by ten percent every five years, rounded to the



- nearest five dollars (\$5.00), beginning in 2023. An application shall not be deemed complete until the fee is paid. In addition to the application fee, an annual fee shall be paid the Village for each small cell facility attached to a municipally-owned wireless support structure in the amount of two hundred dollars (\$200.00). The attachment fee is adjusted upward by ten percent every five years, rounded to the nearest five dollars (\$5.00), beginning in 2023. The first year attachment fee shall be paid when the collocation is complete, and no later than January 1 of each year thereafter. The first year attachment fee shall not be prorated, regardless of the date that the collocation is completed.
- (6) Pursuant to R.C. § 4939.0312, a person seeking to construct, modify, collocate, or replace more than one small cell facility or one wireless support structure may file a consolidated application for consent to occupy or use the public right-of-way for up to fifteen small cell facilities in a single application or up to fifteen wireless support structure requests in a single application. Said single application may only address multiple small cell facilities or multiple wireless support structures if they each involve substantially the same type of small cell facilities or substantially the same type of wireless support structures. Small cell facilities shall be considered substantially the same type of facility when the small cell equipment is identical in type, size, appearance, and function. Wireless support structures shall be considered substantially similar when the wireless support structures are identical in type, size, appearance, and function and are to be located in a similar location. Applications for small cell facilities and wireless support structures cannot be commingled. The Village may, at its discretion, separately address applications for small cell facilities or wireless support structures that are not substantially similar or for which incomplete information has been received or which are denied. In the case of a single application, each small cell facility or wireless support structure proposed to be constructed, modified, or collocated on, or replaced shall constitute a separate request for consent to occupy or use the public right-of-way for purposes of tolling the response deadline set forth in this chapter.
- (7) The time periods set forth herein may be tolled:
- A. By mutual agreement between the person requesting consent and the Village;
  - B. Where the Village determines that the application is incomplete; or
  - C. By the Village in the event it receives applications for at least fifteen small cell facilities or wireless support structures contained in pending requests, in which case the Village may toll the ninety day period for up to twenty-one days.
- (8) To toll the time period for incompleteness, the Village shall provide written notice to the person requesting consent not later than thirty days after receiving the request, clearly and specifically delineating all missing documents or information.

- (9) The time period resumes running again when the person makes a supplemental submission in response to the Village's notice of incompleteness.
- (10) If a supplemental submission is inadequate, the Village shall notify the person not later than ten days after receiving the supplemental submission that the supplemental submission did not provide the information identified in the original notice delineating missing documents or information. The time period may be tolled in the case of second or subsequent notices under the procedures identified in divisions (c)(7)A. to C. of this section.

(d) Small Cell Facility in Public Right-of-way. No person shall occupy or use the public right-of-way as a small cell facility and wireless support structure without first obtaining the approval of the proposed improvements by the Planning Commission. The person proposing the improvements shall deliver to the Planning Commission eight sets of the plans and specifications including all necessary details, profiles, and cross-sections for each proposed improvement. The Planning Commission shall approve or disapprove of such proposed improvements based on the following standards:

- (1) Compliance with all Village codes and laws and other governmental laws where required;
- (2) The recommendation of all administrative departments in regard to the improvements.
- (3) The effect of the proposed improvements on the right-of-way and in relation to all other improvements already installed or approved;
- (4) The proposed location of the improvements in regard to such items as sight lines, drainage, safety, and visual interference;
- (5) The size, bulk, and location of the improvements in relation to obtaining proper light, air, privacy, usable open space, and compatibility with surrounding uses;
- (6) The proper screening or placement of the improvements to minimize the negative effects of the improvements of the right-of-way or adjoining uses; and
- (7) Compliance with the United States Department of Transportation Manual of Uniform Traffic Control Devices (MUTCD) and Ohio Department of Transportation Ohio Manual of Uniform Traffic Control Devices (OMUTCD).

(e) Service Provider Insurance. As a condition of the consent to occupy or use the public right-of-way, a service provider must secure and maintain, at a minimum, the following liability insurance policies insuring both the service provider and the Village as additional insured:

- (1) Comprehensive general liability insurance with limits not less than:
  - A. Five million dollars (\$5,000,000) for bodily injury or death to each person;
  - B. Five million dollars (\$5,000,000) for property damage resulting from any one accident; and
  - C. Five million dollars (\$5,000,000) for all other types of liability.

- (2) The liability insurance policies required by this section shall be maintained by the service provider throughout the period of time during which the service provider is occupying or using the public right-of-way, or is engaged in the removal of its facilities. Each such insurance policy shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until ninety (90) days after receipt by the Village of a written notice addressed to the Building and Zoning Inspector of such intent to cancel or not to renew."

- (3) Within sixty days after receipt by the Village of said notice, and in no event later than thirty days prior to said cancellation, the service provider shall obtain and furnish to the Village replacement insurance policies meeting the requirements of this section.
- (4) All insurance policies required herein shall be written with an insurance company authorized to do business in the State of Ohio in relation to the specific type of insurance required.
- (5) Upon written application to, and written approval by, the Village's Director of Finance, a service provider may be self-insured to provide all of the same coverages as listed in this section. As part of the review process, the Director of Finance may require, and the self-insurance applicant shall provide, any and all financial documents necessary to make a valid determination of the applicant's ability to meet the needs of this chapter.

(f) General Indemnification. Each service provider shall protect, defend, indemnify, and hold the Village and its elected and appointed officials, officers, employees, agents, representatives, and volunteers harmless from and against any and all claims, lawsuits, judgments, costs, damages, liens, losses, and expenses, including reasonable attorney fees and costs of suit or defense, arising out of, resulting from, or alleged to arise out of or result from the negligent, careless, or wrongful acts, omissions, failures to act, or misconduct of the service provider or its affiliates, officers, employees, agents, contractors, or subcontractors in the design, construction, reconstruction, installation, operation, maintenance, repair, or removal of its small cell facility and wireless support structure, and in providing and offering services over the small cell facility and wireless support structure, whether such acts or omissions are authorized, allowed, or prohibited by this chapter.

(g) Financial Surety.

- (1) Each service provider owning or operating a facility must procure and provide to the Village a bond, escrow, deposit, letter of credit, or other financial surety to ensure compliance with this chapter and R.C. Chapter 4939. The financial surety must also be in an amount sufficient to cover the cost of removal, as

established by the Engineer, of all facilities owned or operated by that service provider.

- (2) The Village may, at its discretion, draw on the financial surety to remove abandoned facilities, remove or repair damaged facilities, or repair damage to any Village property caused by the owner or operator of the facility, its agent, or the facility itself. In such event, the owner or operator shall cause the financial surety to be replenished to its prior amount within ten business days after the Village notifies the owner or operator that it has drawn on the financial surety.

(Ord. 2018-51. Passed 8-22-18.)

### **1048.03 GENERAL PUBLIC RIGHT-OF-WAY USE REGULATIONS.**

(a) Public Right-of-way Route. Consent granted to a service provider to occupy or use the public right-of-way under Section 1048.02 shall be limited to a grant to occupy or use the specific public right-of-way and defined portions thereof, including the specific small cell facility and wireless support structure and location along the public right-of-way, as approved by the Village.

(b) Nonexclusive Consent to Occupy the Public Right-of-way. No consent granted under Section 1048.02 shall confer any exclusive right, privilege, license, or franchise to occupy or use the public right-of-way of the Village, other than as specifically provided in said consent.

(c) Rights Permitted. No consent granted under Section 1048.02 shall convey any right, title, or interest in the public right-of-way, but shall be deemed a consent only to occupy or use the public right-of-way for the limited purposes granted by the consent. Further, no consent shall be construed as any warranty of title.

(d) Height. For a new wireless support structure, the overall height of the wireless support structure and any collocated antenna shall not be more than forty feet in height above ground level.

(e) Maximum Size. The small cell facility must conform to the size limitations as defined for a small cell facility in Section 1048.01(b)(26).

(f) Color. The small cell facility shall be a color or colors that are consistent with or most blends into the wireless support structure on which they are installed, unless a different color is needed for public safety or service reliability reasons.

(g) Wiring and Cabling. Wires and cables connecting the small cell facility shall be installed in accordance with the version of the National Electrical Code adopted by the Village and in force at the time of installation. In no event shall wiring and cabling serving the small cell facility interfere with any wiring or cabling installed by a cable television or video service operator, electric utility, telephone utility, or other utility.

(h) Guy Wires Restricted. Guy wires and similar support structures may not be used as part of the installation of any small cell facility and wireless support structure, unless the small cell facility is proposed to be attached to an existing utility pole that incorporated guy wires prior to the date of the request for consent.

(i) Grounding. The small cell facility, including any ground-mounted equipment, shall be grounded in accordance with the requirements of the most current edition of the National Electrical Code adopted by the Village regarding grounding of wireless facilities.

(j) Signage. Other than warning or notification signs required by Federal law, or identification and location markings required by the Village, a small cell facility and wireless support structure shall not have signs installed thereon.

(k) Maintenance of Small Cell Facility and Wireless Support Structure. Each service provider shall maintain its small cell facility and wireless support structure in good and safe condition and in a manner that complies with all applicable Federal, State, and local requirements.

(l) Safety Procedures. A service provider or other person acting on its behalf shall use suitable barricades, flags, flagmen, lights, flares, and other measures as necessary and in accordance with applicable State and local requirements for the safety of all members of the general public and to prevent injury or damage to any person, vehicle, or property by reason of such work in or affecting such public right-of-way or property.

(m) Interference with the Public Right-of-ways. No service provider may locate or maintain its small cell facility and wireless support structure so as to unreasonably interfere with the use of the public right-of-way by the Village, by the general public, or by other persons authorized to use or be present in or upon the public right-of-way. All such small cell facilities and wireless support structures shall be moved by the service provider, temporarily or permanently, as determined by the Building and Zoning Inspector when necessary to protect the public, comply with the provisions of this chapter, or otherwise comply with local, State, or Federal laws. The expense or cost to move said small cell facility and wireless support structure shall be the responsibility of the service provider.

(n) Damage to Public and Private Property. No service provider nor any person acting on the service provider's behalf shall take any action or permit any action to be done which may impair or damage any Village property, public right-of-way, or other public or private property located in, on, or adjacent thereto.

(o) Restoration of Public Right-of-way, Other Ways, and Village Property.

(1) When a service provider, or any person acting on its behalf, does any work in or affecting any public right-of-way or Village property, it shall, after the work is completed and at its own expense, promptly remove any obstructions

therefrom and restore such ways or property, within ten to thirty days, at the Building and Zoning Inspector's discretion, to as good a condition as existed before the work was undertaken, unless otherwise directed by the Village.

- (2) If weather or other conditions do not permit the complete restoration required by this section, the service provider shall temporarily restore the affected ways or property as directed by the Building and Zoning Inspector. Such temporary restoration shall be at the service provider's sole expense and the service provider shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration.

(p) Damage to Service Provider's Small Cell Facility and Wireless Support Structure.

Unless directly and proximately caused by the willful, intentional, or malicious acts of the Village, the Village shall not be liable for any damage to or loss of any small cell facility and wireless support structure in the public right-of-way of the Village as a result of or in connection with, but not limited to, any public works, public improvements, construction, excavation, grading, filling, salting, snow removal, or work of any kind in the public right-of-way by or on behalf of the Village.

(q) Duty to Provide Information. Within ten days of a written request from the Village, each service provider shall furnish the Village with documentation sufficient to show that the service provider has complied with all requirements of this chapter.

(r) Assignments or Transfers of Consent. Consent to occupy or use the public right-of-way may be, directly or indirectly, transferred, assigned, or disposed of by sale, lease, merger, consolidation, or other act of the service provider, by operation of law or otherwise, without consent of the Village, so long as:

- (1) The Village is notified of the proposed transfer on or before the date of transfer; and
- (2) The transferee shall fully comply with this chapter within sixty days of the transfer, including, but not limited to:
  - A. All information required by the application for consent to occupy or use the public right-of-way pursuant to Section 1048.02; and
  - B. Any other information reasonably required by the Village.

(s) Revocation of Consent. Consent granted by the Village to occupy or use the public right-of-way of the Village may be revoked for any one of the following reasons:

- (1) Construction, reconstruction, installation, location, operation, or excavation at an unauthorized location.
- (2) Construction, reconstruction, installation, location, operation, or excavation in violation of Village or State safety and/or construction requirements.
- (3) Material misrepresentation or lack of candor by or on behalf of a service provider in any permit application or registration required by the Village.

- (4) Abandonment of a small cell facility and/or wireless support structure in the public right-of-way.
- (5) Failure to relocate or remove a small cell facility and/or wireless support structure or failure to restore the public right-of-way, as required by this chapter.
- (6) Insolvency or bankruptcy of the service provider.
- (7) The small cell facility and/or wireless support structure is in a state of disrepair which creates a public nuisance.
- (8) Violation of material provisions of this chapter.
- (9) Construction under the consent is not commenced within two years of the consent approval date.

(t) Notice and Duty to Cure. In the event the Building and Zoning Inspector believes grounds exist for revocation of consent to occupy or use the public right-of-way or construction permit, the Building and Zoning Inspector shall give the service provider written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the service provider a reasonable period of time not exceeding thirty days to furnish evidence:

- (1) That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;
- (2) That rebuts the alleged violation or noncompliance; and/or
- (3) That it would be in the public interest to impose some penalty or sanction less than revocation.

(u) Reservation by Village for Future Uses. The Village may reserve space for future public safety or transportation uses in the public right-of-way, or on a wireless support structure or pole owned by the Village. Said reservation of space shall be set forth in a documented plan, subject to the approval of the Planning Commission. A reservation of space by the Village shall not preclude placement of a pole or collocation of a small cell facility by a private service provider; provided, however, that said pole or wireless support structure shall accommodate any future use reserved by the Village. In the event it is necessary to replace any Village pole or wireless support structure to accommodate the collocation of a service provider's small cell facility, the service provider shall pay for the replacement of the Village pole or wireless support structure.

(v) Alternate Location. The Village may propose an alternate location to the proposed location of a new wireless support structure that is either within 100 feet of the location set forth in a person's application for consent to occupy or use a public right-of-way, or is within a distance that is equivalent to the width of the public right-of-way that the new wireless support structure is proposed to be located on; whichever is greater. Any applicant or service provider shall be required to use the alternate location proposed by the Village, if the applicant or service provider has the right to use the alternate location on reasonable terms

and conditions, and the alternate location does not impose technical limits or additional costs.

(w) Time for Completion. Any collocation or construction of a new wireless support structure shall be completed within 180 days after the issuance of a consent to occupy or use the public right-of-way. The Village and service provider may extend this completion date by mutual agreement.

(x) Underground Placement. No small cell facility or wireless support structure shall be constructed in a public right-of-way that is located in an area in which it was required, or will be required under the Village Codified Ordinances, to install any electric facilities, telephone facilities, or any other facilities underground. This prohibition shall not apply to the replacement of a wireless support structure or the collocation of a small cell facility on a wireless support structure that exists in said designated area. A service provider may apply to the Planning Commission for a waiver of the underground placement requirement for the construction of a new wireless support structure if the service provider is unable to achieve its service objective under the following circumstances:

- (1) From a location in the public right-of-way where the prohibition does not apply;
- (2) In a utility easement the service provider has the right to access; or
- (3) In or on other suitable locations or structures made available by the Village at reasonable rates, fees, and terms.

(y) Municipal Structures. A service provider may collocate a small cell facility on a wireless support structure owned by the Village and which is located in the public right-of-way, provided that the person complies with the applicable design guidelines and conditions for such collocation adopted by the Village that are consistent with said design guidelines under this chapter. The Village may condition approval of said collocation on the replacement or modification of the Village's wireless support structure, at the service provider's cost, if the Village determines that replacement or modification of the Village's wireless support structure is necessary. The Village shall retain ownership of any Village wireless support structure that is replaced. The Village shall annually charge the amount of two hundred dollars (\$200.00) per each small cell facility collocated on a wireless support structure owner by the Village and located in the public right-of-way.

(Ord. 2018-51. Passed 8-22-18.)

#### **1048.04 LOCATION, RELOCATION, AND REMOVAL OF SMALL CELL FACILITY AND WIRELESS SUPPORT STRUCTURE.**

(a) Excess Capacity. To reduce excavation and congestion in the public right-of-way, it is the Village's goal to encourage service providers to share occupancy of utility poles, as well as to construct, whenever possible, excess available space on utility poles for occupancy of future small cell facilities in the public right-of-way. The service provider may charge a



reasonable market lease rate to other providers for occupancy of the additional utility pole space as reimbursement.

(b) Relocation or Removal of Facilities. Within thirty days following written notice from the Village, a service provider shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any small cell facility and wireless support structure in the public right-of-way whenever the Village shall have determined that such removal, relocation, change, or alteration is reasonably necessary for:

- (1) The construction, reconstruction, repair, maintenance, or installation of any Village or other public improvement in or upon the public right-of-way.
- (2) The operations of the Village or other governmental entity in or upon the public right-of-way.

(c) Removal of Unauthorized Small Cell Facility and Wireless Support Structure. Within thirty days following written notice from the Village, any service provider or other person that owns, controls, or maintains any unauthorized small cell facility, wireless support structure, or related appurtenances in the public right-of-way shall, at its own expense, remove the small cell facility, wireless support structure, or appurtenances from the public right-of-way of the Village. After the thirty days have expired, the Village may remove the small cell facility, wireless support structure, or appurtenances from the public right-of-way at the other party's expense. A small cell facility and wireless support structure is unauthorized and subject to removal in the following circumstances:

- (1) Upon revocation of the service provider's consent to occupy or use the public right-of-way;
- (2) Upon the abandonment of a small cell facility and wireless support structure in the public right-of-way of the Village;
- (3) If the small cell facility and wireless support structure was constructed, reconstructed, installed, operated, located, or maintained without the consent to do so, except as otherwise provided by this chapter;
- (4) If the small cell facility and wireless support structure was constructed, reconstructed, installed, operated, located, or maintained, or any excavation of a public right-of-way was performed, without prior issuance of a required construction permit, except as otherwise provided by this chapter;
- (5) If the small cell facility and wireless support structure was constructed, reconstructed, installed, operated, located, or maintained, or any excavation of a public right-of-way was performed, at a location not permitted pursuant to the Village's consent to occupy or use the public right-of-way or construction permit.

(d) Emergency Removal or Relocation of Small Cell Facility and Wireless Support Structure. The Village retains the right and privilege to cut or move any facilities, or stop work on any construction, reconstruction, installation, operation, or excavation, located in

the public right-of-way of the Village, as the Village may determine to be necessary, appropriate, or useful in response to any need to protect the public health, safety, or welfare.

(e) Abandoned and Damaged Facilities.

(1) A service provider shall provide written notice to the Village of its intent to discontinue use of any facilities. The notice shall include the date the use will be discontinued. If facilities are not removed within 365 days from the date the use was discontinued, the facilities shall be considered a nuisance and the Village may remove the facilities at the expense of the service provider.

(2) In the event the facilities are damaged, the service provider shall promptly repair the damaged facilities. Damaged facilities shall be repaired no later than thirty days after obtaining written notice that the facilities are damaged. If the damaged facilities are not repaired within thirty days, then the damaged facilities shall be considered a nuisance and the Village may remove the facilities at the expense of the service provider.

(Ord. 2018-51. Passed 8-22-18.)

**1048.05 NOTICE OF WORK, ROUTINE MAINTENANCE, AND EMERGENCY WORK.**

(a) Notice of Work. Except in case of emergency, as provided in division (c) of this section, or for routine maintenance as provided in division (b) of this section, no service provider, or any person acting on the service provider's behalf, shall commence any work in the public right-of-way of the Village without ten calendar days advance notice to the Village and obtaining consent to occupy or use the right-of-way pursuant to Section 1048.02, if required.

(b) Routine Maintenance and New Service Orders.

(1) A service provider need not obtain a construction permit or notify the Village prior to or after commencing any routine maintenance or new service orders that do not include the construction in, or excavation or lane obstruction of, a public right-of-way or closing of a public street.

(2) For routine maintenance and new service orders that require the service provider to cause a lane obstruction in a public street for more than two hours, the service provider shall provide the Village with forty-eight hours advance written notice prior to commencing the routine maintenance or new service order, and shall submit a drawing showing the planned traffic maintenance and indicating how the service provider shall meet all requirements of ODOT's Manual of Traffic Control Devices or other applicable governmental regulations.

(c) Emergency Work. In the event of the need for any unexpected repair or emergency work, a service provider may commence such emergency response work as required under the circumstances, provided that for emergency work that requires excavation of a public

right-of-way or lane obstruction or closing of a public street, the service provider shall notify the Village as promptly as possible before commencing such emergency work, or as soon as possible thereafter if advance notice is not practicable. When notice is required, the service provider shall notify the Building and Zoning Inspector.  
(Ord. 2018-51. Passed 8-22-18.)

#### **1048.06 MISCELLANEOUS PROVISIONS.**

(a) Other Village Ordinances. In the event that any provision of this chapter conflicts with any other provision of the Village's Codified Ordinances or other ordinances or resolutions of the Village, the more restrictive provision shall govern.

(b) Preemption by State and Federal Laws. Except as may be preempted by applicable State or Federal law, rates, regulations, and orders, this chapter shall apply and be controlling over each service provider engaged in the business of transmitting, supplying, or furnishing of services originating, passing through, or terminating in the Village.

(c) Exemption for Village-Owned or Operated Facilities. Nothing in this chapter shall be construed to apply the provisions of this chapter to facilities, micro wireless facilities, or private facilities owned or operated by the Village or any of its operations.

(d) Severability. If any section, subsection, sentence, clause, phrase, or other portion of this chapter, or its application to any person, is, for any reason, declared invalid, in whole or in part, by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.  
(Ord. 2018-51. Passed 8-22-18.)

#### **1048.99 PENALTIES AND OTHER REMEDIES.**

(a) Penalties. Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor of the fourth degree. A separate and distinct offense shall be deemed committed each day on which a violation occurs or continues.

(b) Civil Violations and Forfeiture.

- (1) In lieu of the criminal penalties set forth above, the Building and Zoning Inspector may make an initial finding of a civil violation by the service provider for violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this chapter.
- (2) The civil forfeiture shall be in an amount payable to the Village of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs or continues.
- (3) An action for civil forfeiture shall be commenced by providing the service provider with written notice describing in reasonable detail the service

provider's alleged violation of one or more provisions of this chapter and the amount of the penalty that will be assessed against it.

- (4) The service provider shall have fifteen days subsequent to receipt of the notice of violation in which to correct the violation before the Village may assess penalties against the service provider. The time in which to cure the violation may be extended by the Village if, in the Village's sole discretion, it determines that additional time is required to correct the violation; provided that the service provider commences corrective action within seven days of the notice of violation and proceeds with reasonable diligence.
- (5) The service provider may dispute the alleged violation by providing the Village with written notice within five days of receipt of the notice of violation, setting forth in reasonable detail the reasons for its dispute. The Village shall set a date for hearing of the alleged violation before the Planning Commission no sooner than thirty days and not later than sixty days from receipt of the notice of dispute.
- (6) The Village shall issue a written decision on the service provider's alleged violation within thirty days after the hearing, which decision shall be final and subject to the administrative appeal procedures under Ohio law. If the Village finds after hearing that the alleged violation(s) did occur, the penalty shall be assessed starting fifteen days from the notice of violation and shall continue until the violation has been corrected.

(c) Other Remedies. Nothing in this chapter shall be construed as limiting any administrative or judicial remedies the Village may have, at law or in equity, for enforcement of this chapter.

(Ord. 2018-51. Passed 8-22-18.)

**TITLE SIX - Other Public Services**

- Chap. 1060. Garbage and Rubbish Collection and Disposal.  
 Chap. 1062. Cemeteries.  
 Chap. 1064. Playgrounds and Parks.  
 Chap. 1066. Village Hall.  
 Chap. 1068. Emergency Alarms.  
 Chap. 1070. Snow Removal for Senior Citizens and/or Physically Disabled Residents.

**CHAPTER 1060**

**Garbage and Rubbish Collection and Disposal**

1060.01	Definitions.	1060.07	License required for collection.
1060.02	Residential garbage and rubbish storage and containers.	1060.08	General license regulations; fee; vehicles; insurance; days of service. (Repealed)
1060.025	The removal of garbage by unauthorized persons; regulations.	1060.09	Deposit of garbage or rubbish in receptacles only.
1060.03	Collector's contract; collection regulations.	1060.10	Garbage disposals or incinerators.
1060.04	Disposal by contractor.	1060.11	Garbage and rubbish storage on commercial and industrial properties.
1060.05	Uncollected garbage declared a nuisance.	1060.99	Penalty.
1060.06	General licensing authority.		

**CROSS REFERENCES**

- Collection and disposal of garbage - see Ohio R.C. 715.43, 717.01  
 Employment of scavengers - see Ohio R.C. 3707.39  
 Littering - see GEN. OFF. 660.03  
 Filthy accumulations - see GEN. OFF. 660.04  
 Containment of trash and debris at construction sites - see B. & H. 1490.07

**1060.01 DEFINITIONS.**

As used in this chapter:

- (a) "Garbage" means all putrescible wastes, except human excreta, sewage and other water-carried wastes. "Garbage" includes vegetable and animal offal and carcasses of dead animals and also includes all such substances from all private residences.
- (b) "Person" includes any person, company, corporation, partnership, organization or entity.
- (c) "Premises" means land and/or buildings, or parts of either or both.

- (d) "Private residence" means a dwelling used for residence purposes and includes owners, tenants and occupants of all such premises where garbage and rubbish are created. Three families shall be the maximum allowed to be considered a private residence. Nothing in this definition shall be construed to apply to commercial establishments of any nature whatsoever.
- (e) "Rubbish" means ashes, glass, crockery, tin cans, paper boxes, rags, old clothing and all other similar nonputrescible wastes. The word does not include any material such as earth, sand, brick, stone, plaster or other similar substances that may accumulate as a result of construction operations.  
(Ord. 2010-65. Passed 11-22-10.)

### **1060.02 RESIDENTIAL GARBAGE AND RUBBISH STORAGE AND CONTAINERS.**

(a) No person owning, renting or residing in a private residence shall permit to accumulate upon the premises any garbage or rubbish except in covered containers. (Ord. 1968-52. Passed 5-8-68.)

(b) All garbage and rubbish put outside on the curb for collection shall be kept in containers provided by the Village's garbage collection contractor. Additional garbage and rubbish items that cannot fit into the contractor provided container shall be placed in either tightly sealed plastic bags or in rust-resistant, watertight, nonabsorbent and easily washable containers which are covered with closely fitting lids. The weight of each such additional container or bag, along with its contents, shall not exceed fifty pounds. Where practicable, all garbage shall be drained of liquids and wrapped in paper. All containers shall be washed and treated with a disinfectant as often as necessary to prevent nuisance. Containers and plastic bags shall be placed outside on the curb for pickup no earlier than 7:00 a.m. on the day preceding the collection day. Containers shall be removed from the tree lawn no later than 7:00 p.m. the day after the collection day. All containers and plastic bags used for collection shall be placed on the tree lawn near the curb. Larger bulk items that do not fit into containers and bags and are eligible for pick-up pursuant to the Village's garbage collection contract may be placed near the curb for pickup. Limbs, sticks, and plant trimmings shall be tied in bundles that do not exceed thirty-six inches in length or fifty pounds in weight. (Ord. 1975-50. Passed 5-14-75; Ord. 2021-07. Passed 2-24-21.)

(c) Between collection days, all garbage and rubbish shall be stored either indoors (for the purposes herein the definition of which includes inside a garage) or outdoors only if located in an area of the side or back yard that is behind the front house line in reasonably tight and substantial containers covered with closely fitted lids. Such containers shall be of adequate capacity and in sufficient number to hold all rubbish that accumulates between collections. (Ord. 1968-52. Passed 5-8-68.)  
(Ord. 2018-54. Passed 9-26-18.)

**1060.025 THE REMOVAL OF GARBAGE BY UNAUTHORIZED PERSONS; REGULATIONS.**

(a) No person shall remove, appropriate or otherwise take any garbage, rubbish or other refuse deposited on or around tree lawns or in or around any trash receptacle for collection by a trash collection contractor, except for authorized agents of the Municipality, trash collection contractors or government law enforcement organizations.

(b) Whoever violates this section is guilty of a minor misdemeanor. Subsequent offenses by persons convicted of this offense within the past two years shall be guilty of a misdemeanor of the fourth degree.

(Ord. 2009-30. Passed 6-10-09.)

**1060.03 COLLECTOR'S CONTRACT; COLLECTION REGULATIONS.**

The following regulations shall apply to the collection of garbage and rubbish:

(a) No person shall collect or transport garbage or rubbish within the Municipality who does not have a written contract with the Municipality for this purpose, except for commercial properties.

(b) All garbage and rubbish shall be hauled in a vehicle with an all-steel, leakproof body. Spillage or drippage from vehicles transporting garbage and rubbish shall not be permitted. The vehicle shall be washed and treated with a disinfectant as often as necessary to prevent nuisance.

(c) No person shall collect garbage or rubbish in the Village in any vehicle between the hours of 9:00 p.m. and 7:00 a.m. of the following day.

(Ord. 1995-49. Passed 5-24-95.)

**1060.04 DISPOSAL BY CONTRACTOR.**

The contractor shall provide for disposal. All materials collected shall be the property of the contractor and no person shall separate, collect, carry off or dispose of the same except by direction of the contractor.

(Ord. 1968-52. Passed 5-8-68.)

**1060.05 UNCOLLECTED GARBAGE DECLARED A NUISANCE.**

Fermenting, putrefying or odoriferous garbage or rubbish in containers or dumped in the open is hereby declared to be a nuisance and the person or persons responsible for the same

shall be liable to prosecution under the provisions of Ohio R.C. 3767.13 and/or Section 660.04 of the General Offenses Code.  
(Ord. 1968-52. Passed 5-8-68.)

**1060.06 GENERAL LICENSING AUTHORITY.**

Council may license one or more competent collectors of garbage and/or ashes or rubbish material to collect or remove any garbage and/or ashes and rubbish material accumulating within the Municipality and to use the streets, avenues and alleys of the Municipality for the purpose of collecting or transporting garbage and/or ashes and rubbish material. Such licenses shall be granted under rules and regulations prescribed by Council for the preservation of the health of the inhabitants of the Municipality. No person, other than the duly authorized collector or collectors herein provided for, their agents or servants, shall collect or remove any garbage accumulating within the Municipality or use the streets, avenues and alleys of the Municipality for the purpose of collecting or transporting garbage or ashes and rubbish material.  
(Ord. 1981-60. Passed 7-8-81.)

**1060.07 LICENSE REQUIRED FOR COLLECTION.**

No person shall engage in the business of hauling or picking up trash, refuse and garbage within the corporate limits of the Municipality without first being licensed to do so by Council.  
(Ord. 1981-60. Passed 7-8-81.)

**1060.08 GENERAL LICENSE REGULATIONS; FEE; VEHICLES;  
INSURANCE; DAYS OF SERVICE. (REPEALED)**

*(Editor's note: Section 1060.08 was repealed by Ord. 2017-24, passed April 12, 2017.)*



**1060.09 DEPOSIT OF GARBAGE OR RUBBISH IN RECEPTACLES ONLY.**

No person shall deposit garbage or refuse material which may become offensive, noxious or dangerous to the public health in any place other than the receptacle or receptacles provided for in this chapter.

(Ord. 1981-60. Passed 7-8-81.)

**1060.10 GARBAGE DISPOSALS OR INCINERATORS.**

Nothing in this chapter shall prohibit the removal of garbage within a building or dwelling by means of an incinerator or a garbage disposal unit.

(Ord. 1981-60. Passed 7-8-81.)

**1060.11 GARBAGE AND RUBBISH STORAGE ON COMMERCIAL AND INDUSTRIAL PROPERTIES.**

(a) All commercial and industrial properties in the Municipality must screen any dumpsters and outdoor rubbish, garbage, junk, or discarded materials contained thereon from view. Such fencing shall be board-on-board, stained to match the existing building, or be made from the same material as the building and be painted, brick, or stuccoed, as the case may be, to match the existing building. Such enclosure shall be six to eight feet in height, eight to twelve feet in depth, and no more than twelve feet in width. For buildings in which more than one dumpster is needed, a larger width may be permitted.

(b) No parking shall be permitted in front of the dumpster entrances. Signs indicating that no parking shall be permitted in front of the dumpster entrance shall be posted.

(c) All fenced-in dumpster areas shall be gated, and the gate or gates shall be kept securely closed during times in which refuse is not being placed into or being removed from the dumpster.

(d) Both the owner and tenant of the commercial or industrial property are responsible for complying with the provisions of this section, and such provisions may be enforced against both the owner of the property and/or the tenant.

(e) Whoever violates this section is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than 60 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 2000-40. Passed 4-12-00; Ord. 2010-65. Passed 11-22-10.)

**1060.99 PENALTY.**

Whoever violates any of the provisions of this chapter for which no penalty is specifically provided is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 1981-60. Passed 7-8-81; Ord. 2000-40. Passed 4-12-00; Ord. 2010-65. Passed 11-22-10.)



**CHAPTER 1062**  
**Cemeteries**

EDITOR'S NOTE: There are no sections in Chapter 1062. This chapter has been established to provide a place for cross references and any future legislation.

**CROSS REFERENCES**

Burials may be prohibited - see Ohio R.C. 759.05

Management and control - see Ohio R.C. 759.09

Union cemeteries - see Ohio R.C. 759.27 et seq.

Burial permits - see Ohio R.C. 3705.24 et seq.

Burial of indigent persons - see Ohio R.C. 5113.15



**CHAPTER 1064**  
**Playgrounds and Parks**

1064.01 Rules of conduct.	1064.03 Use of pavilions.
1064.02 Destruction of property.	1064.04 Use of athletic fields.
	1064.99 Penalty.

**CROSS REFERENCES**

Recreation Board - see CHTR. Art. XII; ADM. Ch. 282

Parks and recreation - see Ohio R.C. Ch. 755

Authorization of playgrounds - see Ohio R.C. 755.08, 755.12

Supervision of playgrounds - see Ohio R.C. 755.13

Play streets - see TRAF. 412.03

**1064.01 RULES OF CONDUCT.**

Playground and park rules by which persons within the Municipality shall be governed are as follows:

- (a) Smoking is not permitted.
- (b) Profanity or inappropriate behavior is not permitted.
- (c) Only children ages 12 and under are permitted on the playground equipment.
- (d) Children 11 and under must be accompanied by an adult when using the basketball court.
- (e) The basketball court is to be used to play basketball only.
- (f) Basketball players shall limit their play to one hour if others are waiting for the court. Hanging on the rims or nets is prohibited.
- (g) Skateboarding, rollerblading, or any similar activity is not permitted.
- (h) Bicycles are only permitted in the parking lot area.
- (i) Motorized vehicles are only permitted in the parking lot area.
- (j) The use of dirt bikes, ATVs, scooters, etc. is not permitted.
- (k) Only youth baseball players and their coaches are permitted to strike hard baseballs.
- (l) Any person not belonging to an organized league recognized by the Municipality shall surrender the area known as the baseball diamond or soccer field to said league for scheduled practice sessions or games.
- (m) No amplified sound-making devices are permitted without a permit from the Building Department.
- (n) No model or remote control planes are permitted.
- (o) Golf and archery are not permitted.
- (p) No pets, other than service or therapy animals accompanied by their owners, are permitted to be off leashes.

- (q) Residents may reserve the pavilion on a first come first served basis by contacting the Building Department during business hours.
- (r) No fires are permitted with exception of those made in grills for the purpose of cooking.
- (s) No person may trap, hunt, remove, or release any animals.
- (t) No person shall remove or destroy any plants or trees.
- (u) No one shall climb or stand upon fences or backstops.
- (v) Snow sledding is permitted in designated areas only. The building of jumps is prohibited.  
(Ord. 2010-33. Passed 6-23-10; Ord. 2020-11. Passed 3-11-20.)

#### **1064.02 DESTRUCTION OF PROPERTY.**

No person shall willfully destroy playground or park property.

(Ord. 2010-33. Passed 6-23-10.)

#### **1064.03 USE OF PAVILIONS.**

A park pavilion may be reserved for periods of up to eight hours on a first come first served basis by completing the Village's pavilion reservation application and submitting the completed application to the Building Department, along with any fees due, within normal business hours. Resident applicants shall not be charged a fee for use of a pavilion. Nonresident applicants shall pay a non-refundable fee of one hundred fifty dollars (\$150.00), which is payable at the time the application is submitted. Both residents and nonresidents are required to pay a fifty dollar (\$50.00) cleanup deposit at the time the application is submitted. If the application is being submitted by a nonresident and payment is being made by check, separate checks shall be submitted for the use fee and the cleanup deposit. After the conclusion of the event, the area reserved shall be inspected by the Village. After inspection, if it is determined by the Village that the pavilion and surrounding area were left in a similar or better condition than prior to the event, the entire cleanup deposit shall be returned to the applicant. If Village personnel need to clean up after the event to restore the pavilion or surrounding area to their condition prior to the event, the entire cleanup deposit shall be retained by the Village.

(Ord. 2013-21. Passed 2-13-13)

#### **1064.04 USE OF ATHLETIC FIELDS.**

(a) Any organization or person desiring to use a Village athletic field on a reserved basis must apply for an athletic field reservation permit from the Building Department that sets forth the field(s), season, days of the week, and times to which the permit applies. The fee for such permit shall be two hundred fifty dollars (\$250.00) per organization or person receiving the permit, per season.

(b) Permit holders are responsible for supplying a port-o-potty during the season the permit is issued, unless another entity has already arranged for the supply of such port-o-potty during that season. In that event, the organization or person receiving the permit that is not required to supply a port-o-potty shall pay an additional seventy-five dollar (\$75.00) fee per season to the Village prior to receiving the permit.

(c) At the conclusion of each event, the permit holder for such event is responsible for ensuring that the fields and surrounding areas used by athletes, coaches, and spectators in connection with the event are free of garbage, equipment, and debris. If the Village is required to clean up or remove garbage, equipment, or debris resulting from an event, the Village may bill the permit holder one hundred dollars (\$100.00) for cleanup costs. If any cleanup charge is not paid to the Village within 14 days of the issuance of such charge, the organization or person billed for such charge's permit may be suspended by the Building Department until such outstanding charges are paid.  
(Ord. 2013-21. Passed 2-13-13.)

**1064.99 PENALTY.**

(a) Whoever violates any of the provisions of Section 1064.01 of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00) for each offense.

(b) Whoever violates any of the provisions of Section 1064.02 of this chapter is guilty of a misdemeanor of the first degree, punishable by a fine of up to one thousand dollars (\$1,000.00), a jail term of not more than 180 days, and an order for restitution.  
(Ord. 2010-33. Passed 6-23-10.)





CHAPTER 1066  
Village Hall

1066.01 Rules and regulations for Village Hall use.	1066.03 No smoking or tobacco products within Village Hall.
1066.02 Memorial plaques.	1066.99 Penalty.

CROSS REFERENCES

Sale or lease of municipal property - see Ohio R.C. 721.01 et seq.  
Through traffic prohibited in Village Hall parking lot - see TRAF. 452.14

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1066.01 RULES AND REGULATIONS FOR VILLAGE HALL USE.

Rules and regulations governing the use of the Village Hall facilities are hereby established as follows:

- (a) No person, or group of persons, shall use the Village Hall facilities, for other than official business, without first obtaining the consent of a majority of the members elected to Council.
- (b) All requests for such consent shall be made in writing at least seven days prior to the date desired for such use.
- (c) If time does not permit the making of the request provided for in subsection (b) hereof, and for good cause shown, written request for permission to use the Village Hall facilities may be made to the Mayor, who may grant the same in lieu of Council.
- (d) In case of duplicate requests for any specific use date, Council shall have the sole discretion to resolve such conflict.
- (e) Village Hall facilities shall be available for use by Municipal residents only.
- (f) Village Hall facilities shall not be used for wedding receptions or showers.
- (g) Any civic organization within the Municipality conducting its business meeting only, in the Village Hall, shall be allowed one meeting per month without a permit fee charged therefor, but for each additional business meeting per month a permit fee of fifteen dollars (\$15.00) per meeting shall be charged.

- (h) The Municipality shall not be responsible for any personal injury or for any loss or damage to property that may occur in connection with the use by anyone of the Village Hall facilities.
- (i) Dogs, tricycles, bicycles or scooters are prohibited within the Village Hall.
- (j) Intoxicants or gambling of any form are prohibited within the Village Hall.  
(Ord. 1982-135. Passed 10-27-82.)

#### 1066.02 MEMORIAL PLAQUES.

(a) A standard is hereby established as to the area of space that may be used for memorials to be placed upon the walls of the Town Hall. These memorials are to be in memory of some elected official who has served the Municipality. It is hereby established that this area not be greater in size than eighteen and three-quarters inches in width and twenty-four and three-quarters inches in length, or any combination thereof, as long as the total area does not exceed 465 square inches.

(b) Before any memorial may be placed upon a wall of the Town Hall, Council shall determine where the memorial shall be placed and also whether the memorial is entitled to be placed in the Town Hall according to the standard established in subsection (a) hereof.

(c) Council's permission shall be obtained in writing, signed by the Administrative Clerk, upon motion made by a Council member.  
(Ord. 1966-52. Passed 6-27-66.)

#### 1066.03 NO SMOKING OR TOBACCO PRODUCTS WITHIN VILLAGE HALL.

(a) Smoking or the use of tobacco products of any kind are prohibited within the confines of the Village Hall building, including all common areas, areas occupied by the Police and Fire Departments and individuals offices.

(b) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. Any Village employees who violate this section will also be subject to disciplinary action.  
(Ord. 2002-12. Passed 2-27-02.)

#### 1066.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense.

CHAPTER 1068  
Emergency Alarms

- |  |   |
|--|---|
| 1068.01 Authority to install alarm.  | 1068.07 Nonliability of Municipality.                           |
| 1068.02 Automatic dialing devices.   | 1068.08 Rules and regulations.                                  |
| 1068.03 Alarms connected directly to<br>police station.  | 1068.09 Permits and fees; address<br>markings; separate alarms. |
| 1068.04 Local alarms.  | 1068.99 Penalty.  |
| 1068.05 False alarms.  |   |
| 1068.06 Maintenance of devices;<br>responsibilities of suppliers;<br>authority of Police Chief; false<br>alarms. |   |

CROSS REFERENCES

- Theft alarms - see TRAF. 438.20  
 Trespass - see GEN. OFF. 642.10, 642.11  
 False alarms - see GEN. OFF. 648.07, 648.08  
 Armed security guards - see B.R. & T. Ch. 806  
 Carbon monoxide detectors - see B. & H. Ch. 1463  
 Smoke detectors - see B. & H. Ch. 1478

1068.01 AUTHORITY TO INSTALL ALARM.

(a) Any premises located within the Municipality may be equipped with an emergency alarm, upon compliance with this chapter, for the purpose of detecting and signaling the presence of a holdup or unauthorized intrusion. Existing installations, whether residential or otherwise, shall be subject to the requirements of this chapter, including those requirements pertaining to permits.

(b) No person shall install any alarm referred to in this chapter without first obtaining a permit therefor from the Municipality, and no owner and/or tenant of a place shall suffer or allow such installation unless a permit has been obtained as provided herein. Prior to issuance of such a permit, the Chief of Police shall investigate the reliability of the applicant and the applicant's equipment, and shall require, on forms to be provided by the Chief, relevant information as may be deemed necessary by the Chief to protect the integrity and confidentiality of alarm systems. The Chief shall

issue a permit to a qualified applicant, provided that he or she shall refuse to issue a permit to any applicant whose equipment is incompatible with Municipal equipment, whose officers and/or agents are unable to reasonably demonstrate that they will protect the confidentiality and integrity of the system, or who has failed to pay permit fees as required by this chapter.

#### 1068.02 AUTOMATIC DIALING DEVICES.

(a) The Municipality may subscribe to one or more telephone lines for burglar alarms or for holdup alarm purposes or for similar purposes, and when any line is designated as provided for the above, persons may, upon proper application and compliance with applicable laws, be granted a permit to install a device or devices which automatically select the designated telephone line for the purpose of playing a recorded message or to otherwise report an intrusion or other emergency.

(b) No person shall use or cause to be used any telephone device or telephone attachment that automatically selects a telephone line allocated by the telephone company to the Municipality or any of its departments or divisions, except a telephone line which may be specifically designated by the Police Department for such purpose. Such designated telephone line or lines shall terminate at the police station communications center.

(c) For alarms of the type described, the message shall comply with the following:

- (1) Length of message - fifteen seconds maximum;
- (2) Message shall not be repeated more than three times for each dialing;
- (3) Contents - message shall first state: "This is a recording." The balance of the message shall be appropriate to the purpose for which the alarm is installed and shall be subject to the approval of the Chief of Police. The entire message shall be intelligible.

(d) For alarms of the type described, each such device shall be programmed to first dial the police station, using an unlisted number assigned for that purpose.

(e) The cost of providing the service described above, including any fee or payment charged by the telephone company, shall be paid by the applicant.

(f) The fee to be charged by the Municipality shall be determined on an annual basis by dividing the cost of phone service to the Municipality by the number of holders of permits for alarms, as described, adding fifteen percent for administration and rounding off to the next highest dollar, except that the minimum charge shall be five dollars (\$5.00) per month per subscriber. All fees shall be payable on a calendar month basis in advance. Delinquency in excess of ten days shall result in cancellation of the permit or permits.

1068.03 ALARMS CONNECTED DIRECTLY TO POLICE STATION.

(a) Upon proper application by any persons, firms or corporations engaged in retail, commercial or industrial enterprises and public facilities to connect installed equipment to the Police Station to receive emergency alarms, the Chief of Police or his or her authorized representatives may issue a permit or permits for such connection.

(b) Connection to the police alarm panel, as provided for in subsection (a) hereof, shall be contingent upon the applicant having obtained permission from the company which maintains the alarm panel in the police station to make such connection. Permission shall not be denied, provided that equipment is compatible, that charges are paid to such company, and that such installation is inspected and approved by the Chief of Police or his or her authorized representative.

(c) The Municipality shall, within its capabilities, endeavor to accommodate every reasonable application for connection to the police alarm panels, as provided for in subsections (a) and (b) hereof.

(d) A fee of ten dollars (\$10.00) per month shall be paid to the Municipality for all holdup and intrusion alarms connected directly to the police station. All fees shall be payable on a calendar month basis in advance. Delinquency in excess of ten days shall result in cancellation of any permit or permits.

1068.04 LOCAL ALARMS.

A permit for the installation of a local alarm which, when activated, sounds a horn, bell, buzzer or other type of audible alarm, shall be required if the sound created by the alarm is audible beyond the premises being served. The Chief of Police or his or her authorized representatives shall issue a permit for such an alarm, provided the intensity of sound does not exceed sixty-five decibels at any location outside the premises being served and provided the alarm is equipped with an automatic reset device which resets the alarm within fifteen minutes or the permit holder provides the names, addresses and phone numbers of three persons who will respond when called and reset the alarm within thirty minutes. Lists of names of persons who will respond to reset the alarm shall be kept current and correct by the permittee.

1068.05 FALSE ALARMS.

(a) As used in this section, "false alarm" means an emergency alarm, activated by inadvertence, negligence or unintentional acts, including, but not limited to, malfunction of the alarm system, to which the Police Department responds. The definition excludes false alarms caused by: malfunctions of the indicator at the police station; malfunction, testing or repairing of telephone equipment or lines; malfunction, testing or repairing of the normal power supply source for alarms installed on residential subdivisions; acts of God, such as earthquake, flood, windstorm, thunder or lightning; an attempted illegal entry of which there is visible evidence; or the user acting under a sincere belief that a need exists to call the Police Department. If a doubt exists as to the cause of a false alarm, the Chief of Police shall resolve it in favor of the alarm user. Multiple alarms received before the system can be deactivated within a reasonable period of time shall be considered a single alarm.

(b) A charge in accordance with the following schedule shall be imposed for false alarms:

Business, Commercial, Industrial

First three false alarms in a twelve-month period - no charge.

Fourth through sixth false alarms in a twelve-month period - \$25.00

Seventh through ninth false alarms - \$50.00

Tenth through twelfth false alarms - \$100.00

More than twelve false alarms in a twelve-month period - See Section 1068.06(i) through (o).

Residential

First three false alarms in a twelve-month period - no charge.

Fourth through sixth false alarms in a twelve-month period - \$25.00

Seventh through ninth false alarms - \$50.00

Tenth through twelfth false alarms - \$100.00

More than twelve false alarms in a twelve-month period - See Section 1068.06(i) through (o).

(c) Notwithstanding the fee to be assessed, as set forth above, no charge shall be made for the first three false alarms in a twelve-month period, nor shall there be any charge for a false alarm to which there is no response by the Police Department, nor when the cause has been proven to be an act of God.

(d) A grace period of thirty days from the date of installation shall be granted to new permittees. During this period, no false alarms shall be counted towards the three allowable false alarms before charges are assessed.

(e) Any charge for a false alarm, as provided for in subsection (b) hereof, which remains unpaid thirty days after date of invoice, may result in the cancellation of the permit.

1068.06        MAINTENANCE OF DEVICES; RESPONSIBILITIES OF  
                         SUPPLIERS; AUTHORITY OF POLICE CHIEF; FALSE  
                         ALARMS.

(a) All components comprising such a device shall be maintained by the owner in good repair to assure reliability of operation.

(b) Each alarm equipment supplier that sells or leases to a person an automatic protection device, which is installed on such person's premises in the Municipality, shall furnish that person with instructions as to the way the device operates, along with maintenance instructions.

(c) Each alarm equipment supplier that sells or leases to a person an automatic protection device, which is installed on such person's premises in the Municipality, for which a permit is required, shall provide for receiving calls for service, directly or through an agent, on a twenty-four hour basis, seven days a week, and shall respond to such calls within eight hours of the time they are received.

(d) Each alarm equipment supplier described in subsections (b) and (c) hereof shall be required to register with the Police Department and to provide such information concerning his or her business and operation as is deemed necessary by the Police Department.

(e) At the time of installation, each alarm equipment supplier shall furnish to the person for whom an automatic protection device has been installed, written information as to how services can be obtained at any time, including the telephone number to call for service, and such person shall be responsible for having the device repaired as quickly as possible after he or she learns, either from his or her own sources or from notification by the Municipality, that the device is not working properly.

(f) The Chief of Police or any officer designated by him or her shall have the authority, at reasonable times and upon oral notice, to enter upon any premises within the Municipality to inspect the installation and operation of an automatic protection device or signaling device, the purpose of which is to report an emergency to the Police Department.

(g) All equipment, the use or installation of which is subject to this chapter, shall be maintained in good operating condition. The Chief of Police or his or her representative may require that repairs be made whenever he or she has determined that such are necessary to assure proper operation.

(h) All alarms installed on business premises in the Municipality must be provided with an auxiliary power source to preclude false alarms due to power failures in the normal power supply source for the premises.

(i) When the number of false alarms for any installation exceeds six in any twelve-month period, the Chief of Police shall serve written notice by certified mail upon the permit holder that the permit shall be automatically revoked two weeks from the date of the notice.

(j) The permit holder shall also be notified that the permit may be extended to allow six more false alarms in the next twelve months under certain conditions herein specified.

(1) The permit holder must request extension of the permit, in writing, to the Chief of Police, prior to the effective revocation date.

(2) The request must explain what steps have been taken by the permit holder to eliminate future false alarms.

(k) Upon receipt of a complete written request for a permit extension from the permit holder, the Chief of Police shall automatically extend said permit.

(l) If during the next twelve months there are less than six false alarms, the status of the permit shall be reinstated.

(m) In the event that six more false alarms are charged against the extended permit during the next twelve month period, the permit shall be automatically and permanently revoked.

(n) Upon permit revocation, the Chief of Police shall notify the permit holder, in writing, by certified mail, of the effective date of such revocation and that the Police Department will no longer respond to any alarms transmitted from that installation.

(o) Revoked permits may be reinstated by the Chief of Police as a new installation permit only under the following conditions:

(1) If the cause for the false alarms was determined to be an equipment problem, the existing alarm system must be completely removed and an entire new system must be installed. Removal of the old system must be verified by the Police Department before a new system is installed.

(2) If the cause for the false alarms was determined to be human error, the permit holder must provide documentation that all persons who could cause the transmission of a false alarm have received formal training in the proper operation of the alarm system. This training must be conducted and documented by the alarm company.



(p) Permits may be cancelled by the Chief of Police, with the approval of the Mayor, for violation of any provision of this chapter or for failure to properly maintain an installation.

1068.07 NONLIABILITY OF MUNICIPALITY.

The issuance of any permit or permits in conjunction with this chapter shall not constitute acceptance by the Municipality of any liability to maintain any equipment, to answer alarms, or for anything in connection therewith.

1068.08 RULES AND REGULATIONS.

The Mayor or his or her authorized representative shall make and enforce such rules and regulations as he or she may deem necessary for the enforcement of the provisions hereof and for the proper determination and collection of the fees and charges herein provided for.

1068.09 PERMITS AND FEES; ADDRESS MARKINGS; SEPARATE ALARMS.

(a) A fee of ten dollars (\$10.00) shall be paid to the Municipality for each permit issued as provided herein to cover administrative and inspection costs. A separate permit and permit fee shall be required for a holdup and an intrusion alarm emanating from the same premises. No permit issued pursuant to any provision of this chapter shall be transferable to any person, firm or corporation.

(b) All premises where an alarm permit has been issued shall have a conspicuous address marking, a minimum of six inches high, located on the side of the building facing the street, in clear view from the street.

(c) Where there is more than one alarm system in a building, or separate alarms for a particular part or section, this constitutes another alarm. All separate alarms shall be so coded on the outside of the building so as to designate areas for that particular alarm only.

1068.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree for a first offense and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both. For any subsequent offense, such person is guilty of a misdemeanor of the second degree and shall be fined not more than seven hundred fifty dollars (\$750.00) or imprisoned not more than ninety days, or both.

**CHAPTER 1070**  
**Snow Removal for Senior Citizens and/or Physically Disabled Residents**

- |  |                                      |
|--|--------------------------------------|
| 1070.01 Establishment of snow removal service. | 1070.03 Annual registration.         |
| 1070.02 Qualifications.                        | 1070.04 Application form. (Repealed) |

**CROSS REFERENCES**

- Snowmobiles - see TRAF. 432.41, Ch. 446  
Snow emergency parking ban - see TRAF. 452.17  
Snow removal contractors - see B.R. & T. Ch. 878  
Snow removal in subdivisions - see P. & Z. 1250.06

**1070.01 ESTABLISHMENT OF SNOW REMOVAL SERVICE.**

There is hereby established in and for the Village a snow removal service for senior citizens and/or physically disabled residents of the Village residing in any single-family dwelling and meeting the qualifications as outlined in Section 1070.02.  
(Res. 1999-61. Passed 11-10-99.)

**1070.02 QUALIFICATIONS.**

Each registrant for snow removal service shall be either:

- (a) A senior citizen who satisfies all of the following requirements:
- (1) Is at least sixty-five years of age;
  - (2) Does not reside with an able-bodied individual capable of removing snow; and
  - (3) Shall release the Village, its servants, agents and employees from any liability arising out of snow removal on the registrant's property; and
  - (4) Pays the registration fee of five dollars (\$5.00) per year.
- (b) Physically disabled, regardless of age, provided that:
- (1) Such individual submits a doctor's certification that activity such as snow shoveling would be adverse to his or her health;
  - (2) Does not reside with an able-bodied individual capable of removing snow;
  - (3) Shall release the Village, its servants, agents and employees from any liability arising out of snow removal on the registrant's property; and
  - (4) Pays the registration fee of five dollars (\$5.00) per year.
- (Res. 1999-61. Passed 11-10-99; Ord. 2001-05. Passed 1-10-01; Ord. 2001-78. Passed 10-10-01; Ord. 2014-59. Passed 11-12-14.)

**1070.03 ANNUAL REGISTRATION.**

Each registrant for snow removal service shall register annually with the Village by accurately completing a form available from the Village's 199 Ledge Road Department of Public Service Building.

(Res. 1999-61. Passed 11-10-99; Ord. 2005-58. Passed 10-26-05; Ord. 2014-59. Passed 11-12-14.)

**1070.04 APPLICATION FORM. (REPEALED)**

(EDITOR'S NOTE: Section 1070.04 was repealed by Ordinance No. 2014-59, passed November 12, 2014.)