

BURTON VILLAGE  
BOARD OF PUBLIC  
AFFAIRS  
RULES  
AND  
REGULATIONS

*Amended January 12, 2016*

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# CHAPTER 1

## GENERAL

### 101 – DEFINITIONS

(a) “Biochemical Oxygen Demand” or “B.O.D.” shall mean the quantity of oxygen utilized in the biochemical oxidation of matter under standard laboratory procedure in five days at twenty degrees centigrade expressed in milligrams per liter.

(b) “Board of Public Affairs” or “Board” shall mean the organization of the Village government charged with the operation, expansion, maintenance and management of the municipally-owned System, and shall consist of a Utilities Operator and such subordinate officers and employees as may be required. Whenever any power is possessed by, or any act or thing is to be done by the Village, the exercise of such power or the doing of such act or things by the Board shall be in compliance with the terms of these Rules.

(c) “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the Building Sewer, beginning five feet outside the inner face of the building wall.

(d) “Building Sewer” shall mean the extension from the Building Drain to the Public Sewer or other place of disposal.

(e) “Clerk” shall mean the Clerk of the Board of Public Affairs or the Deputy Administrative Assistant.

(f) “Codified Ordinances” or “Ordinance” shall mean the Codified Ordinances of the Village, as adopted, and shall include all duly adopted ordinances of the Village as may be adopted in the future.

(g) “Constituents” shall mean the combination of particles or conditions that exist in Industrial Wastes.

(h) “Cooling Water” shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration or other, but which shall be free from odor and oil. It shall contain no toxic or polluting substances which will produce B.O.D. or Suspended Solids in excess of ten mg per liter by weight.

(i) “Council” shall mean the Council of the Village.

(j) “Curb Box” shall mean the connection device by which the Owner’s Service Line is connected to the Village Water System.

(k) “Director” shall mean the Utilities Operator of the Village, or any other officer duly authorized to act for the Village in the management and operation by the Board.

(l) “Domestic Sewage” or “Domestic Wastes” shall mean liquid and water carried wastes discharged from sanitary plumbing facilities and characterized by a composition typical of wastes emanating from normal residential connections. Residential connections shall be regarded as normal if analyses show a daily average of not more than 200 mg per liter of suspended solids, not more than two hundred (200) mg per liter of B.O.D. and not more than 20 mg per liter of either soluble matter, grease or oil.

(m) “Engineer” shall mean the Village Engineer.

(n) “Environmental Protection Agency” or “EPA” shall mean the Federal or State of Ohio Environmental Protection Agency or any person authorized to act for either of those agencies.

(o) “Flammable” shall be determined by existing fire regulations.

(p) “Garbage” shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(q) “Industrial Wastes” shall mean the wastewater from industries and industrial processes, as distinct from segregated Domestic Sewage or Wastes from sanitary conveniences.

(r) “Main” shall mean the vehicle by which water is distributed to hydrant runs and Premises.

(s) “National Pollution Discharge Elimination System Permit” or “NPDES” shall mean a permit granted by the Ohio Environmental Protection Agency for the Village Wastewater Treatment Plant that sets discharge limitations.

(t) “Owner” shall mean the legal owner of record of a Property served by the Village Water Works and/or the Wastewater Treatment Works.

(u) “Owner Service Line” or “Owner Lateral Line” shall mean the line or lines extending from the Curb Box to the Owner’s structure or dwelling by which water is distributed from the Village’s Water Works or Sanitary Sewage is discharged into the Village’s Wastewater Treatment Works.

(v) “Ph” shall mean the logarithm of the reciprocal of the hydrogen ion concentration per liter of solution.

(w) “Person” shall mean any individual, agent, firm, company, association, society, corporation or group.

(x) “Premises”, “Premise” or “Property” shall mean the property and all buildings served by the Village’s Wastewater Treatment Works and/or the Water System.

(y) “Private Sewer” means any extension of the Wastewater Treatment Works which is not a Public Sewer.

(z) “Public Sewer” shall mean a Sanitary Sewer in which all Owners of abutting properties have equal rights, and is controlled by the Village.

(aa) “Residential User” means any user of the Wastewater Treatment Works generating Domestic Sewage.

(bb) “Rules” shall mean the Rules and Regulations of the Board.

(cc) “Sanitary Sewage” shall mean the combination of Domestic Sewage and Industrial Sewage, principally derived from human occupancy of residences, apartment houses, hotels, business buildings, institutions and/or industrial establishments.

(dd) “Sanitary Sewer” shall mean a pipe or conduit that carries Sanitary Sewage from residences, commercial buildings, industries and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

(ee) “Sewage” shall mean a combination of Domestic Sewage and Industrial Sewage, including but not limited to liquid and solid waste from human occupancy of residences, apartment houses, hotels, business buildings, institutions and/or industrial establishments, together with such ground, surface and storm waters as may be present.

(ff) “Sewer” shall mean a pipe or conduit for carrying Sanitary Sewage and Sewage.

(gg) “Shall” is mandatory; “may” is permissive.

(hh) “Slug” shall mean any discharge of water, Sewage or Industrial Waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than five minutes more than five times the average twenty four hour concentration as flows during normal operation.

(ii) “Storm Drain” or “Storm Sewers” shall mean a Sewer which carries storm and surface waters and drainage, but excludes Sanitary Sewage and Industrial Wastes, other than unpolluted Cooling Water.

(jj) “Suspended Solids” shall mean solids that either float on the surface or are in suspension in water, Sewage or other liquids which are removable by laboratory filtering.

(kk) “System” shall mean the combined Water Works and Wastewater Treatment Works for the Village of Burton.

(ll) “Utilities Operator” shall mean the duly licensed sewer and water plant operator for the Village.

(mm) “Village” shall mean the Village of Burton, Ohio.

(nn) “Village Service Line” shall mean the vehicle by which water is distributed from the Main to the Curb Box.

(oo) “Wastes” or “Wastewater” means the used and accumulated water of a community, including but not limited to a combination of the liquid and water-carried wastes from residences, commercial buildings, industries and institutions, together with any ground water, surface water, and storm water that may be present.

(pp) “Wastewater Treatment Plant” shall mean that portion of the Wastewater Treatment Works required to treat wastewater and dispose of the effluent.

(qq) “Wastewater Treatment Works” shall mean the structures, equipment, parcels of land, easements and processes required to collect, carry away and treat wastewater and dispose of the effluent of the users of the Village’s Public Sewer or Authorized Private Sewer. Wastewater Treatment Works shall include Sanitary Sewers and intercepting Sewers, but shall not include Storm Sewers.

(rr) “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(ss) “Water Works” or “Water System” shall mean the structures, equipment, parcels of land, easements and processes required to collect, treat, meter and pipe water to users of the Village’s water system.

## **SECTION 102 – DUTIES**

The Board shall manage, conduct, and control the System, which is comprised of the Village Water Works and Wastewater Treatment Works. To that end it shall provide adequate supply pumping, filtration, distribution, treatment, and disposal facilities, any necessary construction, reconstruction, extension and repair of the System and related services.

## **SECTION 103 – ASSESSMENT OF CHARGES FOR SYSTEMS**

In order to pay the expenses for conducting and managing the System, making necessary additions thereto, and/or extension and repairs thereon, the Board shall assess and collect a water and sewer charge in accordance with the rates and tap-in charges established by Council by ordinance. From time to time the Board shall recommend to Council such water and sewer rates as it may conclude are necessary and proper.

**NOTE: THE WATER RATES, SEWER RATES AND SYSTEM TAP-IN CHARGES APPEARING IN THESE RULES AND REGULATIONS ARE INTENDED TO CONFORM TO THE RELEVANT VILLAGE ORDINANCES. HOWEVER, THE READER IS ADVISED TO CONSULT SUCH ORDINANCES, AND IF A CONFLICT ARISES BETWEEN THESE RULES AND REGULATIONS AND SUCH RELEVANT ORDINANCES, THE LATTER CONTROL.**

## **SECTION 104 – OWNER REQUEST**

All requests regarding any aspect of water or sewer service, including the turning on or turning off of water, installation or removal of a water meter, and any complaints or inquiries about billing, consumption or other aspects of service must be made by the Owner of the Premises, or his authorized agent, provided evidence of such authorized agency has been provided to the Clerk. However, in any event, the Clerk shall send all bills for water and sewer services directly to the Owner of Premises, including those Premises being rented. Requests by Owners for direct billing to only tenants for water and sewer services for tenant occupied Premises shall not be honored or permitted. The Owner shall be liable to the Village for payment of all water and sewer charges incurred at any Premise, regardless of whether said Premise is owner or tenant occupied. A request to turn the water service on or off at a Premise shall only be made by the Owner or the Owner's authorized agent.

## **SECTION 105 – DISCONTINUANCE OF SERVICE**

Requests for discontinuance of water or sewer service in legally occupied Premises will not be honored or accepted for such purposes as eviction, enforcing collection of rents, or as a result of differences between Owner and occupant. The Board shall not be liable for damages as a result of the enforcement of these Rules in such cases.

Notwithstanding any other provision herein, the Board at its sole discretion may discontinue water service to a Premise that: 1) it has reason to believe has been vacant for a period of at least thirty (30) days, unless otherwise arranged by the Owner or occupant beforehand, and 2) in the opinion of the Board, damage may be caused to the Premises or any contents therein due to the vacancy. The Board will not be liable for damages as a result of the enforcement of these Rules in such cases.

### **SECTION 106 – RECORDS OF ACCOUNTING**

The Board shall maintain and organize records of water meters and water meter readings that facilitate the collection of charges for water and sewer services. In order to facilitate such record keeping, all water meters are to be read by Village employees at least annually.

### **SECTION 107 – PRESSURE AND SUPPLY – NO GUARANTEE**

The Board does not guarantee any fixed pressure or a continuous supply of water; such being subject to the varying conditions which may arise in the operation and maintenance of the Village water supply. Operations that require a continuous supply of water or definite pressures should provide against interruption by the installation of tanks or other auxiliary supplies or pressure regulation sufficient to carry them over a period of interruption.

### **SECTION 108 – ACCESS TO PREMISES**

The Board reserves the right, through its authorized agents, to enter any Premise at any reasonable hour for the purpose of reading, repairing, installing, removing and inspecting meters, or for any other purpose which it may deem necessary for the proper operation and maintenance of the System. Any authorized agent designated by the Board that exhibits the proper credentials shall have access to the Premises using any part of the System for the purposes set forth in this Section. If such access is unavailable, a card will be left, stating that a water meter reading is necessary or access is required for a specific reason. The card may provide instructions for the Owner to read the Premise's water meter and return the card to the Clerk by a specific date, and/or give contact information to make arrangements for the Board or its agents to access the Premises. If the Owner or occupant of the Premises fails to timely return a completed water meter card, refuses reasonable access to the Premises, avoids and/or is non-responsive to the request, then the Board may determine that the Owner's account is delinquent, and shall

have all of the remedies available to it pursuant to these Rules, including but not limited to Section 121 of these Rules.

**SECTION 109 UTILITY APPROVAL PROCEDURE**

*See Section 931.01 of the Codified Ordinances of the Village of Burton.*

**SECTION 110 – OPERATION OF OR THEFT OF PROPERTY AND SERVICE**

Attention is directed to the Codified Ordinances of the Village, which prescribe criminal penalties for the unauthorized operation, tampering or theft of any public utility service, including but not limited to the System.

**SECTION 111 – OFFICE HOURS AND BOARD MEETING**

The office of the Board shall be located at the Village Hall and will be open to receive payment of water and sewer bills, and for the transaction of the Board’s business, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. The office of the Board will be closed on Saturdays, Sundays, and legal holidays.

The Board holds meetings at least once per month at a time and place designated by the Chairman of the Board. Special meetings may be held after appropriate notice is provided. Anyone desiring to be on the agenda for a Board meeting should contact the Clerk at least forty-eight (48) hours before the scheduled meeting date.

**SECTION 112 – COMPLAINT PROCEDURES & APPEAL**

(a) If an Owner of a Premise desires to register a complaint concerning the System, including but not limited to a dispute regarding water and/or sewer charges, the Owner shall notify the Clerk in writing to formally register the complaint. All Complaints will be routinely forwarded by the Clerk to the Utilities Operator and/or Board, as appropriate, for action and disposition. At such time as a formal complaint is made, the complainant may request being placed on the Board’s agenda for the next available Board meeting. If the complaint involves a routine service call or an emergency repair service, the complainant may contact the Clerk at the Village Hall or the Utilities Operator by phone call or other means. Owner is hereby advised there may be certain service charges imposed for services rendered, and where

possible, the Clerk or the Utilities Operator will attempt to notify the complainant of these charges in advance.

(b) Upon a formal complaint being filed with the Board as provided in Section (a) above, the Board shall hear said complaint and make a determination. Any complainant dissatisfied with the decision of the Board may appeal the decision in writing within (thirty) 30 days of the decision to Council by filing a written complaint with the Clerk, who shall place the matter on the agenda of the next regularly scheduled meeting of Council. Council shall thereafter hear the matter and render a decision no later than the following regularly scheduled Council meeting.

### **SECTION 113 – AMENDMENT TO RULES – PROCEDURES**

These Rules may be amended at any time by the Board, provided that any amendments are regularly adopted and entered in the minute book of the Board. Unless otherwise specified, all amendments are effective on the date they are adopted and so entered in the minute book of the Board. Amendments to these Rules are effective regardless of whether such amendments are otherwise published or supplemented in these Rules.

### **SECTION 114 – WATER TOWER RULES AND REGULATIONS**

Any additions or installations to the Village water tower are subject to the Board’s prior review and written approval. No person may climb the Village water tower without the Board’s prior written approval. All such persons so approved must execute a written release with the Clerk releasing the Board and the Village from any liability arising from such activity on the Village water tower.

### **SECTION 115 – FIRE HYDRANT DRILLS**

All fire hydrant drills on Village-owned fire hydrants, whether inside or outside of the boundaries of the Village, must be scheduled and approved in advance with the Board.

### **SECTION 116 – REQUIREMENTS AS TO MANHOLES WHEN PAVING**

Whenever a Village street or parking lot is paved, all affected manholes and water boxes shall be raised above the surface of such paving. No “rings” shall be permitted on or about such manholes. All manholes and water boxes shall be

inspected and approved by the Village Engineer prior to the completion of any paving project on a Village street, driveway or parking lot.

**SECTION 117 – RESPONSIBILITY FOR WATER AND SEWER SERVICE CHARGES**

(a) The Owner of Premises served by the Village Water Works and/or Wastewater Treatment Works shall be liable to the Village for all services supplied to such Premises. It shall be an affirmative duty of every Owner of Premises to ensure that all water and sewer charges for the Premises are kept current.

(b) Any Village utility account established and maintained in the name of a tenant, lessee or other person or party for water or sewer services provided to the Premises shall not relieve the property or Owner of liability for water and sewer charges. No Owner shall charge his/her/its tenant more for water or sewer services than the rates charged by the Village to the Owner for such services.

(c) All charges for water usage are assessed against the Premises to which the service is rendered and shall be a lien against said Premises collectable as other liens and taxes. Transfer of ownership of Premises connected to the System shall not relieve the property or the Owner of responsibility for charges assessed against the Premises.

(d) No person, agent, firm or corporation shall sell, convey, exchange or otherwise transfer by deed, lease, land contract, or otherwise, any interest in any Premise without first furnishing the purchaser or duly assigned escrow agent proof of payment of the final water/sewer invoice for such Village water and sewer services. If such final invoice has not been paid or proof of payment is not readily available, five hundred dollars (\$500.00) shall be held in escrow until such proof of payment has been furnished to the escrow agent facilitating the transfer of the Premises.

(e) An Owner shall notify the Board in writing at least thirty (30) days prior to selling or vacating a Premise where Village water and/or sewer services are rendered.

(f) When a Premise to which Village water and/or sewer service is provided is about to be sold, vacated or such service is suspended, the Owner or his authorized agent may request the Board to read the water meter at the Premise and to render within ten (10) days following the date on which the request is made, a

final invoice for all outstanding rents and charges for water and sewer service. Should the request for a final invoice occur outside the normal time for a water meter reading, the invoice will be prorated and the minimum for a final invoice shall be a percent of the quarterly minimum charge equal to the number of days that have elapsed when the final reading takes place compared to the total number of days in the billing cycle provided the usage is less than five thousand (5,000) gallons. If the final reading is more than the minimum charge of zero to five thousand ( 0 – 5,000) gallons, the regular quarterly billing rates will apply as stated in Section 202(a) and 303(a)(i). Such a request shall be made at least fourteen (14) days prior to the transfer of the title of such Premise.

(g) No person, agent, firm or corporation acting in the capacity of an escrow agent in any real estate transaction involving the sale of a Premise shall disburse any funds until the provisions of this Section hereof have been complied therewith.

(h) The provisions of this Section shall not bar or prejudice any rights the purchaser of Premises may have against a prior Owner for reimbursement of any charges as provided herein incurred prior to the transfer of title for the Premises or any other rights that the purchaser may have against the prior Owner, subject to the provisions of this Section.

(i) Any person, agent, firm or corporation, including but not limited to escrow agents, violating the provisions of this Section shall be fined not less than five hundred dollars (\$500.00), nor more than one thousand dollars (\$1,000.00) per violation.

### **SECTION 118 – WORK PERFORMED BY VILLAGE AS REQUESTED**

Work performed by Village employees at the request of the Owner or for inspection due to new construction or repairs of damage caused by the Owner or any occupant of the Premises shall be billed at one hundred and thirty percent (130%) of the Utilities Operator’s hourly rate based on the maximum salary of the position, with a minimum of a one half hour charge.

### **SECTION 119 – METER READING AND GENERAL BILLING PROCEDURE AND PRACTICE**

(a) Water meters will be read either manually or electronically on at least a quarterly basis. For those Premises utilizing manual water meters, Owners may be

provided a card requesting a water meter reading, which they shall complete and timely returned to the Clerk in order to establish the quarterly water meter reading. The Board may assess a surcharge to cover its expenses for any Premise utilizing a manual water meter when an electronic water meter is an available option. Invoices based on the actual quarterly water meter readings will be rendered on or before March tenth (10<sup>th</sup>), June tenth (10<sup>th</sup>), September tenth (10<sup>th</sup>), and December tenth (10<sup>th</sup>) of each year. Invoices shall be paid on or before the twenty-first (21<sup>st</sup>) day of the month in which the invoice is rendered. Monthly invoices will be rendered only upon written request from the Owner. Estimated invoices may be rendered to an Owner if access to a Premise's water meter was unobtainable for a timely reading.

- (b) The Board policy for monthly billing is as follows:
- i. Any Owner whose account is current may request to be placed on monthly billing status. Such request shall be in writing and shall be directed to the Clerk. Upon receipt of that request, the Clerk will place the Owner on monthly billing, beginning with the next quarterly billing period.
  - ii. Once an Owner has been approved for monthly billing, the Clerk shall generate an invoice to the Owner consisting of a monthly average of the previous four quarterly readings for the Premise in question. All monthly invoices shall be paid by the Owner on or before the twenty first (21<sup>st</sup>) day of the month in which the invoice is rendered.
  - iii. The water meter shall be read as usual at the end of a quarter, and the Clerk shall reconcile the amount charged and paid with actual consumption used at the Premises during the period. If the monthly billing resulted in an overpayment for a quarter, the amount of the overpayment shall be credited to future invoices; if the monthly billing resulted in an under-payment for a quarter, the balance of the amount due shall be billed and collected. Future monthly estimates will be calculated and adjusted by the Clerk in similar fashion. Payment of the invoiced monthly amount shall be due on or before the twenty-first (21<sup>st</sup>) day of the month regardless of whether the invoice is for an estimate or actual reading.
  - iv. If any payments are not made when due, the provisions of Section 121 will take effect, including liability, penalty and interest.

- v. Once an Owner has requested to be placed on monthly billing status, no request to be removed from such status will be honored for a period of one year. If an Owner wishes to be placed back on quarterly billings, such request must be in writing and shall be directed to the Clerk. Once an Owner has requested to be removed from monthly billing status, no request for reinstatement shall be honored for a period of one year after removal.
- vi. Upon request by the Owner to the Board, and for good cause shown, the aforementioned time periods may be adjusted by a determination made by the Board.

(c) The Village will not accept post-dated checks. A fee in the amount of forty five dollars (\$45.00) shall be charged to those accounts that payment has been returned to the Village with non-sufficient funds, and Owner shall be responsible for any additional costs associated therewith.

(d) A surcharge of twenty-five percent (25%) above the normal posted water and sewer rates for the Village will be added to all non-Village water and sewer accounts.

(e) The Board policy for estimated billing is as follows:

- i. A water meter reader will attempt to read the individual customers meter at least twice in person. If the water meter reader is unsuccessful in obtaining a meter reading on the second visit, then the water meter reader shall leave a card permitting the individual customer or an Owner to mark the required reading on the card and return the card to the office of the Clerk. If the reading card is not returned by the twenty-first (21<sup>st</sup>) day of the month in which the water meters are read, then the Clerk will prepare an estimated bill and add a ten percent (10%) penalty. The estimated bill will generally consist of an average of the previous four quarterly readings for the meter in question, notwithstanding any change in ownership or occupancy.
- ii. If an estimated bill is paid in full when due, and a subsequent actual reading indicates the consumption has been overestimated, a credit will be attached to the account in the amount of the overpayment. If it is determined that the overpayment is due to an estimated billing error, that the amount of the overpayment is two hundred dollars (\$200.00) or

more and the person who made the overpayment requests a refund, then the Board may direct the Clerk to pay the amount of the overpayment to the Person requesting a refund. Other overpayments made by Owner or its agent for whatever reason shall only be credited to future billings.

(f) Each request to turn on or turn off the Water Supply to a Premise shall incur a fee of one half (1/2) of the quarterly minimum water and sewer charge for the Premise, regardless of whether the water was shut off at the Owner's request or by the Village for nonpayment or otherwise.

### **SECTION 120 – RATES, CHARGES & FEES – AMENDED**

All rates, charges and fees contained in these Rules are approved, adopted and enacted and may be amended from time to time by separate legislation.

### **SECTION 121 – DELINQUENT ACCOUNTS**

(a) A penalty of ten percent (10%) will be added to invoices not paid when due. Further, a delinquent notice warning indicating the Services will be disconnected will be sent to Owners owing three hundred dollars (\$300.00) or more in water/sewer service charges to the Village or if the account is delinquent in any amount and a foreclosure action has been initiated against Owner. The notice will state that in the event payment in full is not received on or before a specified date, then water/sewer services will be shut off on the following working day.

(b) In lieu of shutting off water to a Premise, the Clerk may place those delinquent Owners, not in foreclosure and owing less than Three Hundred Dollars (\$300.00) on their account by the date of shut off or the twenty-first (21<sup>st</sup>) of the month, on a payment plan as set forth in Section 121(c) or any other payment plan approved by the Board upon written request of the Owner. In the event an account is shut off due to the balance of the account totaling over three hundred dollars (\$300.00), the Owner will be required to make a payment to bring the balance to three hundred dollars (\$300.00) or less prior to the water service being turned back on and being eligible for the payment plan as set forth in Section 121(c).

(c) Unless otherwise agreed to by the Board, any delinquent Owner wishing to enter into a payment plan on an eligible delinquent account shall make payments of at least one hundred dollars (\$100.00) at least every other week in order to retain water service until the delinquent account balance is paid in full.

(d) If an account is shut off due to an Owner not following through with a payment plan the Owner will have to pay the full delinquent account balance, including the turn on/off fee to have the water turned on.

(e) An Owner with a delinquent account is responsible to make all regularly scheduled payments and remain current according to these Rules for all water and sewer service charges that accrue during the pendency of a payment plan for delinquent accounts.

(f) The Village will produce no additional invoices pursuant to any payment plan. It shall be the responsibility solely of the Owner to make timely payments of all delinquent account amounts when due according to any agreed upon payment plan. If the payments are not received by the payment due date or Owner becomes delinquent on water and/or sewer service charges that accrue during the pendency of the payment plan, then the Village may shut off water services to the Premises immediately. If Services are shut off pursuant to this Section, they will not be restored until the entire amount due to the Village, which shall include current charges, all delinquencies and any shut off/turn on charges, are paid in full.

(g) In addition to the rights and remedies permitted herein, whenever an Owner's account is delinquent, the Board may also do either or both of the following at its sole discretion:

- i. Where rents or charges for water and/or sewer services provided to Premises have been duly unpaid for at least thirty (30) days, or any shorter period of time as determined by the Board, and where the Board has provided the Owner of the Premises with written notice of an impending certification at least ten (10) days prior to such certification, the Board may certify the unpaid charges or rents, together with any penalties, to the County Auditor for the purpose of placement of the certified amount on the real property tax list for collection in accordance with the applicable provisions of the Ohio Revised Code. A forty five dollar (\$45.00) certification charge shall be added to the Owner's bill before certification is made to the County Auditor.
- ii. Collect unpaid rents, charges and penalties by actions at law in the name of the Village from an Owner or any other Persons who may be liable to pay such rents or charges.

(h) The Board shall not accept any partial payments of unpaid water and/or sewer rents or charges during the certification process pursuant to paragraph (g)(i) of this Section.

**SECTION 122 – FREE WATER**

The Village will supply free water to all Village Departments, to the Burton Village Public Library and to the Burton Volunteer Fire Department for firefighting activities.

**SECTION 123 – MAINTENANCE AND REPAIR OF OWNER SERVICE LINE**

Any and all Owner Service Lines are the sole and complete responsibility of the Owner. The Village is not responsible for the maintenance and/or repair of any such Owner Service Lines. In the event two (2) or more Owners of Premises share an Owner Service Line, then said Owners shall be jointly and severally liable for any and all maintenance or repair of such Owner Service Lines.

## CHAPTER 2

### WATER SERVICE

#### **SECTION 201 – TAP IN FEES; ASSESSMENT CHARGES; PROCEDURE**

As of January 1, 2016, and subject to any future rate change as permitted herein, the water assessment charges and related tap in fee charges are as follows:

(a) Water Assessment and Tap In Fees:

- i. Three quarter inch (3/4") residential service: two thousand three hundred eighty-seven dollars and twenty-two cents (\$2,387.22)
- ii. All other residential water service assessments and tap-in fees will be charged a flat fee of two thousand one hundred fifty dollars and eighty-seven cents (\$2,150.87) plus four dollars and one cent (\$4.01) per gallon per day of estimated water usage based upon the current Ohio EPA suggested water flow guide.
- iii. Industrial and commercial uses and any other application for which no specific fee is listed above, may be referred to the Engineer for determination of the impact upon the Wastewater Treatment Works and recommendations for appropriate tap in charges. Council shall thereafter establish a tap in fee for such application, no later than sixty (60) days from the date of application.

(b) The fee for connection either directly or indirectly into the Water System shall be increased by three percent (3%) each year unless official action is taken on the part of the Board to make a different adjustment. In the event no such action has been taken by the Board by their final regular meeting of the year, the Clerk shall calculate the new tap-in fee and present it to the Board at their final regular meeting of the year. The new tap-in fee calculated by the Clerk shall be the tap-in fee for the following year unless the Board takes official action to make a different adjustment or no adjustment to the existing tap-in fee.

(c) Additional Costs: Costs for any of the following shall be paid to the Village in addition to the fees indicated in subsection (a) hereof:

- i. Water meter (other than for a ¾” service)
- ii. Curb Box (other than for a single family house)
- iii. Any necessary valves
- iv. Inspection
- v. Street repair costs
- vi. Village material costs plus one hundred and thirty percent (130%) of any labor costs based upon the maximum hourly rate of the position, with a minimum of one half hour charge.

(d) Additional charges and requirements

- i. Any Owner of a Premise seeking to tap-in to the Village Water System shall be responsible for the cost of installation of an Owner Service Line. The Owner shall be completely responsible for the installation, maintenance and repair of such line and the Village bears no responsibility for the installation, maintenance, or repair of such line.
- ii. Upon application for a water tap-in, the Owner shall deposit with the Village sufficient monies to cover all costs referred to in this Section.
- iii. All Owner Service Lines shall be installed at a ninety-degree (90) angle from the Main.
- iv. The Village shall perform all tap-ins to the Village Water System unless otherwise permitted by the Utilities Operator.
- v. All tap-ins to the Village Water System not performed by the Village must be supervised, inspected and approved by the Village prior to connection.
- vi. Upon tapping in to the Village Water System and prior to the activation of the Curb Box, the Owner must obtain a water meter from the Village and have the water meter installed. The cost of the water meter shall be included in those monies deposited with the Village pursuant to Section 201 (c)(ii) of the Rules of the Board. Any Person who ties in to the Village Water System and activates a Curb Box prior to the installation

of a water meter shall be fined by the Village in the sum of two hundred and fifty dollars (\$250.00) plus twenty five dollars (\$25.00) for each day, or part thereof, that water is used without a water meter installed in accordance with this subsection.

- vii. A water meter or water line tap-in which has been abandoned or unused for a period of two (2) years or more may not be reused.

**SECTION 202 - WATER USAGE RATES**

As of January 1, 2016, and subject to any future rate change as permitted herein, the rates for use of the Water System by those Premises within the Village shall be as follows:

- (a) Quarterly water usage rates for separately metered residential Premises:
  - i. Zero to five thousand (0-5,000) gallons (Minimum Charge) at forty-two dollars and ninety-one cents (\$42.91) per quarter;
  - ii. Five thousand one to fifty thousand (5,001-50,000) gallons at seven dollars and seventy-six cents (\$7.76) per one thousand (1,000) gallons;
  - iii. Fifty thousand (50,000) or more gallons at five dollars and forty-six cents (\$5.46) per one thousand (1,000) gallons.
- (b) Monthly water usage rates for separately metered residential Premises:
  - i. Zero to one thousand six hundred and sixty six (0 – 1666) gallons (Minimum charge) at fourteen dollars and thirty-one cents (\$14.31) per month;
  - ii. One thousand six hundred and sixty seven to sixteen thousand six hundred and sixty six (1667 to 16,666) gallons at seven dollars and seventy-six cents (\$7.76) per one thousand (1,000) gallons;
  - iii. Over sixteen thousand six hundred and sixty six (16,666) gallons at five dollars and forty-six cents (\$5.46) per one thousand (1,000) gallons
- (c) Quarterly water usage rates for multi-family residential (not otherwise separately metered), commercial and industrial Premises:
  - i. Minimum charge zero to five thousand (0-5,000) gallons at forty-two dollars and ninety-one cents (\$42.91) per quarter;

- ii. all amounts above five thousand (5,000) gallons at seven dollars and seventy-six cents (\$7.76) per one thousand (1,000) gallons

(d) Monthly water usage rates for multi-family residential (not otherwise separately metered), commercial and industrial Premises:

- i. Minimum charge zero to one thousand six hundred and sixty six (0 – 1666) gallons at fourteen dollars and thirty-one cents (\$14.31) per month
- ii. Over one thousand six hundred and sixty seven (1667) gallons at seven dollars and seventy-six cents (\$7.76) per one thousand (1,000) gallons

NOTE: THE WATER RATES AND WATER TAP-IN CHARGES APPEARING IN THESE RULES ARE INTENDED TO CONFORM TO THE RELEVANT VILLAGE ORDINANCES. HOWEVER, THE READER IS ADVISED TO CONSULT SUCH ORDINANCES AND, IF A CONFLICT ARISES BETWEEN THESE RULES AND SUCH RELEVANT ORDINANCES, THE LATTER SHALL CONTROL.

(e) The rates set forth in this Section shall increase three percent (3%) annually unless official action is taken on the part of the Board to make a different adjustment. In the event no such action is taken, the Clerk shall calculate and apply the new rates accordingly, effective on the first full billing cycle in the calendar year.

(f) Non-Village Premises utilizing the Water System shall be charged a twenty-five percent (25%) surcharge to the current Water System rates.

(g) Monthly billing may be requested by the Owner in writing pursuant to Section 119(b). Unless otherwise stated herein, the minimum charge for a monthly bill shall be a minimum of one third of the current quarterly minimum rate.

(h) For purposes of determining the applicable water rates contained above, a separately metered residential unit shall be a residence, building or structure designed for or occupied exclusively by one family. A separately metered commercial or industrial unit shall mean all building or structures designed for or occupied exclusively by an individual commercial or industrial use. A multi-family residential unit is any residence, building or structure designed for or occupied exclusively by two or more families living independently of each other. A multiple commercial or industrial unit or use is a building or structure designed for or

occupied exclusively by two or more commercial or industrial uses or entities conducting business independently of each other that have separate water facilities as a part of their use.

(i) Any Owner of a new or existing multi-family residential, multiple commercial or industrial Premise shall apply to the Village to have separate water meters installed for each individual residential, commercial or industrial unit or use at the Premise. Owner shall be solely responsible for the cost of the new meter(s) and any installation costs of the new meter. No tap-in fees or assessments for the additional meters shall be charged to the Owner other than the cost of a new water meter and installation costs. Upon adoption of these Rules, any existing multi-family residential, multiple commercial or industrial Premises not already metered shall be given a reasonable time, not to exceed one (1) year, to meter each individual unit or use at the Premises. Any Owner of a multi-family residential, multiple commercial or industrial Premises that does not comply with this Section shall be obligated to pay the applicable water rates as stated herein, plus a twenty five percent (25%) surcharge until each individual residential, commercial or industrial unit or use at the Premises is separately metered.

(j) No purchaser of Village water shall be allowed to purchase Village water and sell such water to other individuals at any rate different than the applicable Village water rate.

(k) Any Owner may apply to the Board for a separate meter to support such applications where the water does not return to the Wastewater Treatment Plant. Plumbing must be separate and inspected by the Village. The Village shall perform water meter installation at the Owner's expense. No additional tap-in fees or other assessments shall be charged, other than the costs of a new meter and installation costs. A separate account labeled "water only" shall be set up for each approved Owner. All normal charges and minimums shall apply to these accounts. The main meter reading shall be adjusted by the reading on the secondary "water only" meter.

(l) A yearly minimum service charge of Three Hundred Dollars (\$300.00) shall be included in the applicable billing for any Owner of Premises that has a fire sprinkler system.

## **SECTION 203 - OWNER SERVICE LINES AND HYDRANTS**

All Owner Service Lines from the Curb Box to the house water meter shall be in the type “K” copper pipe, not less than three-fourths ( $\frac{3}{4}$ ) of an inch in diameter and having a flare fitting for new or replacement water Mains and hydrants.

Hydrants and Mains shall have openings not smaller than six (6) inches in diameter with hydrants to have one four (4) inch and two two-and-a-half (2-1/2) inch openings and a six (6) inch gated Main. The Engineer or Utilities Operator may require larger openings if heavy or peak water usage is anticipated.

## **SECTION 204 – SHUTDOWN OF WATER FACILITIES**

Before a water Main is turned off for normal repairs or alterations, the Board shall attempt to notify either the Owner of the affected Premises or an occupant residing at the Premises. Notice shall be considered as provided once the Owner or an occupant at each Premise has been notified, either in person or in writing, of such action. The Board shall not be responsible for damages that may result from turning on or off water, whether or not an Owner or occupant is notified.

Water to Premises may be shut off without notice when necessary for purposes of breaks or leaks to Mains, plugged or blocked water lines, water system back up due to excess flow, emergency repairs, water plant pumping, replacement or repair of auxiliary machinery, reservoirs or other Water Works, Wastewater Treatment Plant or Wastewater Treatment Works maintenance. No claim will be allowed for damages arising from the turning off or turning on of the water for such purposes.

## **SECTION 205 – METERS**

(a) Only meters approved by the Village and installed by the Village or its authorized agents shall be permitted to be used with Village Water System.

(b) There shall be an individual meter for every individual residential, commercial or industrial building or structure utilizing the Water Services. In the case of multi-family residential, multiple commercial or industrial Premises, each separate unit or use shall have a water meter installed pursuant to Section 202(i).

(c) The Village shall own all meters used in conjunction with the Village Water System. Unless it has been determined there has been a meter malfunction,

the Owner is responsible for all water passing through the Premise's meter, regardless of whether it is actually used or not. In addition, the Owner is responsible for leaks or other damage to the Owner Service Line running from the Curb Box to the water meter itself.

(d) Meter installation, location and maintenance.

- i. All meters are to be kept free from rubbish, debris or anything else preventing reasonable access by the Village or its agents.
- ii. All water meters are to be installed and maintained in an area free of temperature extremes, to specifically include insulation from frost or possible freezing damage. Owner shall provide notice to the Board of any damaged or inoperable water meter. If it is necessary to repair or replace a water meter due to damage caused by Owner, its tenants, or agents, then the Owner shall bear all expenses for the repair or replacement, including all labor and material expended by the Village at a rate of one hundred thirty percent (130%) of the Utilities Operator's hourly rate based upon the maximum salary of the position, with a minimum of one-half hour charge.
- iii. The Village may install remote water meters for the purpose of facilitating water meter readings by Village personnel. The remote water meters shall be installed at the Village's expense and all remote reading technology (including software licenses) and remote reading equipment shall be maintained by the Village at its sole cost.
- iv. The Utilities Operator may test, clean, repair or replace water meters at any time. Owner may also request the Village to test water meters on an annual basis. If a water meter is tested, and if the test shows the water meter varies by five percent (5%) or more from the correct amount, the water meter will be repaired or replaced at the Village's cost, and the Board will determine what the actual meter reading should be for the period of time in question and bill the Owner accordingly for said services. If the Owner requests that the water meter be tested and the test reveals that the water meter varies by less than five percent (5%) from the correct amount, then the Owner shall bear all costs for the testing, including all labor and material expended by the Village at a rate of one hundred thirty

percent (130%) of the Utilities Operator's hourly rate based upon the maximum salary of the position, with a minimum of one-half hour charge.

(e) Water meter vaults shall be used only upon prior approval by the Engineer.

(f) No removal, alteration or inspection of any water meter shall be made except by Village personnel or individuals approved, in advance, by the Village.

### **SECTION 206 – WATER TAP IN PROCEDURE FOR FIRE SPRINKLER SYSTEMS**

(a) Applications

Application for fire lines for a sprinkler system at a Premise shall be made at the office of the Village Clerk by the Premise's Owner. When the application has been signed by applicant and approved by the Utilities Operator, the Owner will make the required payments to the Board for the work to be done.

(b) Installation

All fire lines shall be installed at the sole expense of the Owner and in accordance with the requirements of the Board and the State of Ohio fire code. Such expense shall include all cost of excavating of trench, laying of pipes, backfilling of trench and providing for such service connections as the Utilities Operator shall direct.

(c) Inspection

All fire lines for sprinkler systems shall be installed subject to the supervision and inspection of the Board and trenches shall not be backfilled until the fire line has been inspected and approved. The Board requires continuous inspection during construction that will be paid for by the Owner. Water will not be turned on to a fire line until all work has been approved and all charges of the Village have been paid.

(d) Steamer Connections

All services of steamer connections for boiler systems shall have a check valve installed in such a manner as to prevent a backflow into the Village Main.

(e) Line Size

Unless specifically approved by the Board, the largest water line service allowed for a fire or sprinkler system is eight (8) inches. The eight (8) inch water service lines will be allowed on ten (10) inch mains and larger lines only. No water connection line larger than six (6) inches will be allowed on eight (8) inch mains and no water connection larger than four (4) inches will be allowed on six (6) inch Mains.

(f) Un-metered Fire Lines

Un-metered Services must be equipped with a standard fire detector check valve approved by the Board and installed in accordance with its specifications. Owner is responsible for the cost and installation of any and all fire detector check valves.

**SECTION 207 – EXPIRATION DATE FOR WATER PERMITS**

For all permits issued by this Board there shall be a period of one (1) year from the date of issuance of said permit within which the permit holder must demonstrate substantial compliance towards the purpose of said permit or it shall expire and no refund shall be granted for any fees or costs. Holders of such expired permits may petition the Board for relief on a case by case basis by making a written request to the Clerk and appearing at a Board meeting.

**SECTION 208 – PRIVATE WATER SUPPLY SYSTEMS**

(a) From and after the fifteenth (15<sup>th</sup>) of May, 1978, no person, firm or corporation shall use any well, cistern, spring or other source of water other than the Village water system for the supply of water for consumption and use by Persons where public water supply is accessible, within four hundred (400) feet from any Village Service Line to the closest point of the property line of a Premise.

(b) In the event the Village Service Line is not so accessible as provided for in Subsection (a) hereof, no spring, well, cistern or any other non-Village water source shall be used as a source of supply for consumption or use by Persons unless the source is first approved by the Geauga County Board of Health and evidence of the suitability of the water is furnished to the satisfaction of the Board at intervals of not less than once every six months. Evidence of the purity of such water shall be by certification of approval thereof by the Geauga County Board of Health.

(c) Every dwelling house and every building designed for or occupied by Persons within the Village shall be separately connected with the Village Water System. Each dwelling or building shall have a direct connection at right angles to the Village Main, and the Village Main shall be extended across the full frontage of each Premise Owner's property, at the Owner's expense.

(d) In addition to any other remedies available to the Village, i.e. injunctive relief, any Person who violates any section hereof shall be guilty of a minor misdemeanor. Each day such violation of failure to comply with the terms of this section continues, shall constitute a separate offense.

### **SECTION 209 – EXTENSION OF WATER SERVICE BEYOND THE VILLAGE LIMITS**

Each request for extension of water service beyond the Village limits shall be reviewed by the Board on a case-by-case basis with consideration of the probable long-term impacts of such extended water service on the Village's water system, expenses, and revenues. It shall be the policy of the Board to discourage such extensions of water services absent a showing of a concomitant benefit to the Village and a demonstration that the Village's Water System has the capability to undertake the additional burden.

### **SECTION 210 – PROHIBITION AGAINST GROUND WIRES**

No Person shall be permitted to attach ground wires to any part of the System.

### **SECTION 211 – BACKFLOW PROTECTION**

(a) If, in the judgment of the Utilities Operator, an approved backflow prevention device is necessary for the safety of the Water Works, the Utilities Operator will give notice to the Owner to install such an approved device immediately. The Owner shall, at his own expense, install such an approved device at a location and in a manner approved by the Utilities Operator and shall have inspections and tests made of such approved devices as required by the Utilities Operator.

(b) The Utilities Operator or his or its duly authorized representative shall have the right to enter at any reasonable time any Premise for the purpose of inspecting the piping system or systems thereof. On demand the Owner, lessees or occupants of any Premises shall furnish to the Utilities Operator any information that he may request regarding the piping system or systems or water use on such Property.

The refusal of such information, when demanded, shall, within the discretion of the Utilities Operator, be deemed evidence of the presence of improper connections as provided in this Section.

(c) The Utilities Operator is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any Property wherein any connection in violation of the provisions of this Section is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the Water Works. Water service to such Property shall not be restored until such conditions shall have been eliminated or corrected in compliance with the provisions of this Section.

### **SECTION 212 – FRAUDULENT USE OF WATER**

No person supplied with water by the Village shall be permitted to use the water for any other purpose than those allowed by these Rules or otherwise stated in any application or agreement with the Village. No consumers of water shall make unreasonably large use of water, or suddenly draw a large quantity from the Mains to the detriment, damage or disadvantage of other consumers of water. For willful or unreasonable waste, concealment or neglect or violation of any of these Rules, the Board reserves the right to stop the supply of water and demand payment for all water supplied in addition to any other available civil remedies or criminal prosecution.

### **SECTION 213 – INJURY TO WATER FIXTURES**

No Person shall remove, obstruct, or in any way injure any fire hydrant, Main, line, valve, valve box or cover, the water tower, or in any manner injure or tamper with, any property of the Village under penalty of law.

### **SECTION 214 – TAMPERING WITH WATER METERS**

If the Board finds that a water meter seal or any valve(s) has been broken or any by-pass inserted, and there is evidence that the water meter or valve(s) has been tampered with, the water shall be shut off, and shall not be turned on again until the consumer or Owner of the Premises shall pay the estimated quantity of water which has been used and not registered. In addition, Owner is responsible for the fee for turning the water on and off as provided in these Rules, in addition to any other available civil remedies or criminal prosecution.

**SECTION 215 – NO ALLOWANCE FOR LOSS OF WATER THROUGH LEAKAGE.**

Unless otherwise permitted by the Board in its sole discretion, there shall be no allowance made for water use that is lost or wasted through leaks, carelessness, neglect or otherwise, after the same has passed through a water meter.

**SECTION 216 -- USE OF FIRE HYDRANTS.**

The fire hydrants in the Village are intended for the use of the Village Fire Department for fighting fires. They also may be used for flushing Village sewers. Drawing of water from fire hydrants by an unauthorized person is strictly prohibited, and violation of such may warrant civil liability, fines and/or criminal prosecution. A permit will have to be obtained from the Board for flushing out sewers, or for any other private purpose, and the water used for such purpose will have to be paid for. The rate for water used will be based upon the time and/or the amount of water used for such purpose.

## CHAPTER 3

### SEWER SERVICE

#### **SECTION 301 – SEWER TIE IN REQUIREMENT**

(a) From and after the effective date of Ordinance 1173-79, being August 22, 1979, no person, firm or corporation shall use any septic tank, sewage disposal system or any on-site sewage disposal system where a Public Sewer is available and accessible.

(b) Every Premise, including but not limited to all dwellings, houses, commercial or industrial buildings designed for or occupied by Persons within the Village shall be separately connected to a Public Sewer within the Village.

(c) In the event of any new sewer construction within the Village or any extensions to the new sewer construction and/or Wastewater Treatment Works in the Village, the required tie-in shall be affected within six (6) months from the date of acceptance of the extension thereof by the appropriate agency.

(d) Whenever it becomes necessary, pursuant to these Rules, for a Person to discontinue using its septic system, the following additional requirements shall be met by such Person to the satisfaction of the Board.

- i. The discontinued septic line shall be capped off completely.
- ii. The discontinued septic tank and line shall be pumped out completely.
- iii. The discontinued septic tank shall be either removed or crushed in and filled with appropriate material.

#### **SECTION 302 – SEWER TAP-IN OR CONNECTION FEES**

(a) As of January 1, 2016, and subject to any future rate change as permitted herein or by statute, the fee for connection either directly or indirectly to a Public Sewer which discharges into the Village Wastewater Treatment Plant shall be as follows:

- i. Residential – Single Family - five thousand one hundred eight dollars and ninety cents (\$5,108.90).
- ii. Residential – Two Family - nine thousand four hundred eighty-six dollars and two cents (\$9,486.02)
- iii. All other uses will be charged a flat fee of seven hundred eighteen dollars and eighty-eight cents (\$718.88) plus ten dollars and ninety-four cents (\$10.94) per gallon per day of estimated Sewage flow based upon the current Ohio EPA suggested Sewage flow guide.

(b) Industrial uses and any other application for which no specific fee is listed above, including residential or commercial subdivision developments, may be referred to the Engineer for determination of the impact upon the Wastewater Treatment Plant and Wastewater Treatment Works, and recommendations for appropriate tap-in charges. Council shall thereafter establish a tap in fee for such application, no later than sixty (60) days from the date of application.

(c) The fee for connection either directly or indirectly to the Public Sewer which discharges into the Village Wastewater Treatment Plant shall automatically be increased by three percent (3%) each year unless official action is taken on the part of the Board to make a different adjustment. In the event no such action is taken, the Clerk shall calculate the new tap-in fee and charge applicants for a tap-in fee accordingly beginning on the first day of each year.

(d) Where a Premise currently being serviced by the Village's Wastewater Treatment Works is changed as to involve a change of classification to more density than the prior classification. (e.g., single family changed to two family), or involves a change from one designated classification to another (e.g., coin operated laundry to office building), then the tap-in fee to be imposed at the time of such change shall equal the difference between the fee imposed for the new use and the fee imposed for the prior use as set forth under subsection (a) of this Section. Where the new use results in a lower tap in fee than the prior use, there shall be no refund.

(e) Any work performed, or inspection made, by the Village or its authorized representatives in regard to any connections listed in either subsection (a) or (b) hereof shall be charged to the Owner on a time and material basis.

(f) Funds collected pursuant to subsections (a) and (b) hereof shall be used for investigation and rehabilitation of existing Sewers to reduce the infiltration and inflow of storm water into the Public Sewer and/or to cover operating and/or maintenance expenditures for providing of major services and/or for the obtaining and installing of equipment, accessories or appurtenances which are necessary during the useful life of the Wastewater Treatment Works and Wastewater Treatment Plant to maintain the capacity and performance for which such were designed and constructed.

(g) Any additional costs incurred by the Board, such as Wastewater Treatment Plant review or inspection, pretreatment procedures, or special charges from additional construction costs related to the Wastewater Treatment Works or Wastewater Treatment Plant shall be borne by the property Owner.

(h) Payment of fees listed in subsection (a) and (b) hereof shall be due at the time application is made. Payment for all other work performed by the Village as set forth in this Section shall be due within fourteen (14) days of the invoice date.

(i) No Sewer tap-ins may be connected to manholes.

(j) Whenever engineering studies and/or excavation must be performed in order to determine the sufficiency of slope and grade relative to a Sewer tap in, the property owner involved must pay all costs expended for such engineering and/or excavation.

(k) Notwithstanding anything to the contrary set forth herein, all Sanitary Sewer line installation, maintenance and repair are the responsibility of the Owner and the Village bears no responsibility for the installation, maintenance or of such Sanitary Sewer line.

### **SECTION 303 – SEWER RATES**

(a) As of January 1, 2016, and subject to any future rate change as permitted herein or by statute, there is hereby levied and charged upon each Premise, lot, parcel of land to which the Public Sewer is provided, charges payable as hereinafter provided, in amounts to be determined as follows:

- i. Quarterly Billing: The quarterly minimum sewer rate for all Premises inside within the Village is as follows:

- Zero to five thousand (0-5,000) gallons (Minimum Charge) = seventy-three dollars and thirty cents (\$73.30) per quarter;
- Five thousand plus (5,000+) gallons = twelve dollars and twenty-five cents (\$12.25) per one thousand (1,000) gallons, prorated on a per gallon basis.
- In the event no Sewer meter is installed, a flat rate of three hundred thirteen dollars and eighty-nine cents (\$313.89) per quarter shall be charged.

ii. Monthly Billing: The monthly minimum sewer rate for all Premises within the Village is as follows:

- Zero to one thousand six hundred and sixty six (0-1,666) gallons (Minimum Charge) = twenty-four dollars and forty-three cents (\$24.43) per month;
- One thousand six hundred and sixty six plus (1,666+) gallons = twelve dollars and twenty-five cents (\$12.25) per one thousand (1,000) gallons, prorated on a per gallon basis.

NOTE: THE SEWER RATES AND SEWER TAP-IN CHARGES APPEARING IN THESE RULES ARE INTENDED TO CONFORM TO THE RELEVANT VILLAGE ORDINANCES. HOWEVER, THE READER IS ADVISED TO CONSULT SUCH ORDINANCES AND, IF A CONFLICT ARISES BETWEEN THESE RULES AND SUCH RELEVANT ORDINANCES, THE LATTER SHALL CONTROL.

(b) The rates set forth in this Section shall increase three percent (3%) annually unless official action is taken on the part of the Board to make a different adjustment. In the event no such action is taken, the Clerk shall calculate and apply the new rates accordingly, effective on the first full billing cycle in the calendar year.

(c) Non-Village Premises utilizing the Wastewater Treatment System shall be charged a twenty-five percent (25%) surcharge to the regular charges as set forth in this Section.

(d) Quarterly bills shall be rendered on or before March tenth (10<sup>th</sup>), September tenth (10<sup>th</sup>), and December tenth (10<sup>th</sup>), such bills to be paid on or before the twenty-first (21<sup>st</sup>) day of the month in which the bill is rendered.

(e) The monthly charge shall be rendered by issuing a monthly bill with the first monthly bill and second monthly bill being estimated bills based upon the last quarter's usage and the third bill of the quarter being based on an actual meter reading with a minimum of one third of the current minimum.

(f) A penalty of ten percent (10%) will be added to bills not paid when due. In the event delinquency of payment continues for a period of ninety (90) days from the first day of delinquency, the service billed for may thereupon immediately be discontinued and shall thereupon be resumed only upon full payment of all delinquent sewer rentals and penalties thereon. All shut off and turn on charges shall apply whether it is voluntary or involuntary. At the expiration of the ninety days delinquency the Clerk shall certify to the County Auditor the facts of the delinquency for the purpose of placement of the delinquency on the tax duplicate for the collection thereof.

(g) Should a majority of the Board determine that it is necessary for immediate certification to the Geauga County Auditor of any late payment of Sewer rates or any delinquencies of Sewer rates, the Board shall have such authority and may direct the Clerk to cause certification immediately.

(h) Upon any Village water service being turned off at a Premise, such service shall not again be turned on until the Owner thereof has caused payment in full of all past delinquencies, current delinquencies, and any present Sewer bill outstanding at the time of the request that the water service again be turned on.

(i) Nothing in this Section shall be construed to prevent the Village from either raising or lowering the above rates as the circumstances of the Village may direct.

(j) Once per year, an annual audit of the sewer rates, operation and maintenance costs, debt retirement, and replacement cost provisions shall be performed. Should a rate adjustment be necessary, a proportionate system of rate adjustments shall be established to cover the costs of Sewage treatment, operation and maintenance, debt retirement and replacement costs.

(k) Should there be any industrial users, as defined in section 925.015 of the Codified Ordinances of the Village, in the future, discharging in excess of twenty five thousand (25,000) gallons per day of Sewage and/or Waste, the Village shall implement an industrial cost recovery system, to be established and

administered in accordance with the provisions of 40 CFR, and USEPA Regulation no. 35.928 for the remaining period of the cost recovery period.

(1) Any Owner of a multi-family residential, multiple commercial or industrial Premises that does not comply with Section 202(i) shall be obligated to pay the applicable sewer rates for the Premise as stated herein, plus a twenty-five (25%) surcharge until each individual residential, commercial or industrial unit or use at the premise is separately metered.

### **SECTION 304 – DOWNSPOUT CONNECTION INFILTRATION**

(a) No downspout, sump pump or other method of surface water infiltration shall be connected to a Sanitary Sewer in any manner. Should the Village discover that a sump pump is connected to the Sanitary Sewer or any part thereof, the Village will notify the Owner of the Property of the violation and the Owner must disconnect the sump pump from the Sanitary Sewer within thirty (30) days and notify the Utilities Operator when the job is complete. Each day the notice is neglected, a One Hundred Dollar (\$100) penalty will be added to the Owner's account. The Utilities Operator is directed to use what measures he/she deem most effectual to discover those downspouts or other methods of surface water infiltration which are presently connected to the Sanitary Sewer, including an inspection when a final water meter reading is obtained to verify the sump pump or any Sewer connection is properly connected to the Storm Sewer. If the sump pump is not properly connected to the Storm Sewer, the Board will issue a notice of violation to the Owner and the Title Company requiring that the sump pump be properly connected to the Storm Sewer within thirty (30) days and, if such condition is not corrected within thirty (30) days, the Board may discontinue water service to the Property.

(b) In addition to the penalty provided in Section 925.99 of the Codified Ordinances, the Village may, after having given the notice stated in subsection (a) hereof, and stating in that notice the conditions of this section, go upon the land of any violator of this Section, performing the work required and submit the costs thereof to the landowner or person in possession. If after ten (10) days of the receipt of the costs for the work performed, this invoice is not paid in full, then the Clerk shall certify the cost of the work performed to the Geauga County Auditor for placement upon the tax duplicate so that this cost figure will be collected as a tax upon the land.

## **Section 305 – PROHIBITION OF VARIOUS SUBSTANCES**

No person, firm or corporation shall discharge or permit the discharge of any of the following described waters or Wastes into a Public Sewer:

(a) Any oils, acids, cyanides, explosives or inflammable compounds, industrial chemicals, heavy metals, poisons and any other substances, gaseous or liquid, which may in any way damage or interfere with the use or operation of the Wastewater Treatment Works.

(b) Any substance in excess of maximum concentration that may create a hazard to life.

(c) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or interference with the proper operation of the Wastewater Treatment Works.

(d) Any waters or Wastes containing Suspended Solids of such character and quality that unusual attention or expense is required to handle such materials at the Wastewater Treatment Plant.

(e) Any Industrial Waste, unless in conformance with this section.

(f) Substances in such concentrations as to constitute a hazard to humans or animals, to interfere with any sewage treatment process, or to create any hazard in the receiving waters of the Wastewater Treatment Plant.

(g) The limits of concentration for the following chemical constituents will be furnished, to be used as a guide in design and plant control, but they may be altered by the Board in the event of a cumulative overload on the Wastewater Treatment Plant or any part of the Wastewater Treatment Works, or if standards are revised by any appropriate agency: Including but not limited to ammonia, arsenic, barium, cadmium, chlorides, chromium, copper, cyanides, fluorides, foaming agents, iron, lead, manganese, mercury, nitrates, phenols, phosphorus, selenium, silver, zinc.

(h) Any Wastes containing Suspended Solids of such character and quantity that unusual provision, attention or expense is required to handle such materials at the Wastewater Treatment Works.

(i) Any noxious or malodorous gas or substance capable of creating a public nuisance or hazard to life, of preventing entry into Sewers for their maintenance, inspection and repair.

(j) Any wastes containing quantities of naturally occurring radium, or artificially produced radioisotopes in excess of presently existing or subsequently accepted limits for drinking water.

(k) Any concentrated dye wastes, spent tanning solutions, Wastes which are highly colored, wastes which are of unusual volume, concentration of solids, or composition that may create obstruction to the flow in Sewers, or other Wastes that may cause interference with the proper operation of the Wastewater Treatment Works.

(l) Industrial chemicals.

(m) Garbage that has not been properly shredded. Garbage has been properly shredded when it has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers with no particle greater than one half inch in any dimension. The installation and operation of any Garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater may be subject to the review and approval of the Board.

(n) Materials which exert or cause:

i. Unusual concentrations of inert Suspended Solids, such as, but not limited to, Fullers Earth, lime slurries and lime residues or of dissolved substances such as, but not limited to, sodium chloride and sodium sulfate.

ii. Excessive discoloration such as, but not limited to, dye, wastes, and vegetable tanning solutions.

iii. Unusual B.O.D. chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the Wastewater Treatment Plant.

iv. Unusual volume of flow or concentration of Wastes constituting Slugs.

(o) Waters or Wastes containing substances which are not amenable to treatment or reduction by the Sewage treatment processes or are amendable to treatment only to such degree that the Wastewater Treatment Plant effluent cannot meet the requirements of the State of Ohio EPA or of such character or quality that unusual attention or expense is required in handling such Wastes at the Wastewater Treatment Plant. No discharge to the Public Sewer System shall be allowed that would violate the requirements for an NPDES permit.

(p) Grease. Grease traps must be installed by all restaurants and grocery stores in the Village. Said grease traps shall be maintained by the Property Owner.

### **SECTION 306 – PROHIBITED INDUSTRIAL WASTES**

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or Wastes to any Public Sewer:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.

(b) Any water or Waste which may contain more than twenty milligrams per liter of fat, oil or grease; or any water or Wastes containing oils, greases or other substances that will solidify or become viscous at temperatures between thirty two degrees and one hundred fifty (150) degrees Fahrenheit.

(c) Any gasoline, benzene, naphtha, fuel oil, motor oil, mineral spirits, commercial solvent or other Flammable or explosive liquid, solid or gas.

(d) Any water or Wastes that contain more than five milligrams per liter of hydrogen sulphide, sulphur dioxide or nitrous oxide.

(e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, plastics, wood, paunch manure, hair and fleshings, entrails, lime residues, cannery waste bulk solids, or any other solid or viscous substance capable of causing obstruction to the flow in Sewers, or other interference with proper operation of the Wastewater Treatment Works.

(f) Any waters or Wastes having a Ph lower than five and a half (5.5) or higher than nine and a half (9.5) at any time, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the Wastewater Treatment Works.

- (g) Any waters or Wastes containing toxic or poisonous substances.

**SECTION 307 – CONTROL OF PROHIBITED AND CONDITIONALLY PROHIBITED DISCHARGES**

(a) If any waters or Wastes are discharged, or are proposed to be discharged to the Public Sewer System, which Wastes may have a deleterious effect upon the Sewers, Wastewater Treatment Plant, or Wastewater Treatment Works or which otherwise create a hazard to life, limb and property or constitute a public nuisance, the Board may:

- i. Reject the Wastes.
- ii. Require pretreatment, Waste control or neutralization of waters or Wastes to an acceptable condition for discharge to the Public Sewer.
- iii. Require payment to cover the added cost of handling and treating the Wastes not covered by existing Sewer charges under the provisions of the Board.
- iv. Require control over the quantities and rates of discharge.

(b) An Owner must, upon application for Sewer service, present to the Board, a tabulation of the chemical analysis of such Wastes which are proposed to be discharged into Public Sewer and the volume of such Waste analysis and volume based on similar processes in operation elsewhere.

(c) If the Board permits the pretreatment control, neutralization or equalization of Waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Board and subject to requirements of all applicable codes, ordinances and laws.

(d) Interceptors for grease, oil and such shall be provided when, in the opinion of the Board, they are necessary for the proper handling of liquid wastes containing grease, oil or sand in excessive amounts, except that such interceptors shall not be required for private residential Premises. All interceptors shall be a type and capacity approved by the Board and shall be located for ease in cleaning and inspection.

(e) Where pretreatment, neutralization or flow equalizing facilities are provided for waters or Wastes; they shall be maintained continuously in satisfactory and effective operation by the owner at his expense and shall be subject to inspection by the Board or its agent. All pretreatment shall be in accordance with Federal standards.

(f) No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Village and any industrial or other concern whereby an Industrial Waste of unusual strength or character may be accepted by the Village for treatment subject to payment therefore, in accordance with all terms and provisions of this chapter and the Sewer rental rate ordinance of the Village.

### **SECTION 308 – CONTROL OF DISCHARGES, INSPECTION AND TESTING**

(a) When required by the Board, the Owner of any Property serviced by a Building Sewer carrying Industrial Wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the Building Sewer to facilitate observation, sampling and measurement of the water or Wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Board. The manhole shall be installed by the Owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(b) All measurements, tests and analyses of the characteristics of Wastes to which reference is made in this chapter shall be determined in accordance with “Standard Methods for the Examination of Water and Wastewater”, as published by the American Public Health Association and in accordance with the standards cited in 40 CFR 136 and all subsequent revisions thereto, and samples shall be taken at the control manhole. In the event, that no special manhole has been required, the control manhole shall be the point at which the Building Sewer is connected.

(c) Sampling shall be carried out by customarily accepted methods to reflect the effect of Constituents upon the Public Sewer System and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether composite or grab samples will be taken. B.O.D. and Suspended Solids samples for analyses will be obtained from twenty-four hour composites; measurements of Ph will be made from periodic grab samples.

(d) A monthly report of the quantity and characteristic of Industrial Waste discharged into the Public Sewer shall be presented by the Waste producer to the Board no later than the fifteenth (15<sup>th</sup>) day of the following month.

(e) While performing any necessary work on private Property referred to in this Section, the Board or its duly authorized agent shall observe all safety rules applicable to the Premises established by the company and the company shall be held harmless for injury or death to any of the duly authorized Village employees and the Village shall indemnify the company against loss or damage to its Property by the duly authorized Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

### **SECTION 309 – ACCIDENTAL DISCHARGE RESPONSIBILITIES**

In the event of an accidental spill or unavoidable discharge of any deleterious material into a Building Drain on any Premises, the Owner concerned shall promptly notify the Board of the nature of the spill, the quantity, and the time of the occurrence, in order that the Board may take special precautions, if possible, to guard against injury to the Wastewater Treatment Works. The Owner responsible for the accidental spill shall be responsible for any costs incurred by the Board in attempting to protect the Wastewater Treatment Works, or any damages incurred either by the Village or other citizens.

### **SECTION 310 – PROHIBITION OF STORM WATER**

No person, firm or corporation shall discharge, or cause to be discharged any storm water, ground water, roof run off, subsurface drainage, Cooling Water or unpolluted industrial process water, or any other unpolluted water into any Sanitary Sewer. No person shall discharge into the house or Building Sewer the surface water that collects during construction in basement or foundation excavations.

### **SECTION 311 – PROTECTION OF FACILITIES DURING CONSTRUCTION**

No person, firm or corporation shall discharge into any Sanitary Sewer the surface water that collects in basement or foundation excavations. If any Sanitary Sewer is complete before the plumbing can be connected thereto, the builder or sewer contractor shall keep the end of the Sanitary Sewer within the building tightly closed with plumber's plug or other watertight plug.

### **SECTION 312 – MAXIMUM ALLOWABLE B.O.D.**

The admission into the Public Sewer of any waters or Wastes having a five day B.O.D. in excess of two hundred and twenty (220) milligrams per liter on a twenty-four (24) hour composite basis, or for any sample period having a five day B.O.D. in excess of the average influent value for the affected Wastewater Treatment Plant during the previous calendar year, will be subject to review by the Board. Where necessary, in the opinion of the Board, the Owner shall provide and operate, at his own expense, such pretreatment as may be required to reduce the B.O.D. to meet the above requirements.

### **SECTION 313 – MAXIMUM ALLOWABLE SUSPENDED SOLIDS**

The admission into the Public Sewer of any waters or Wastes having a Suspended Solids content in excess of two hundred and twenty (220) milligrams per liter on a twenty-four (24) hour composite basis, or having a Suspended Solids content for any sample period greater than the average influent value recorded at the affected Wastewater Treatment Plant during the previous calendar year, will be subject to review by the Board. Where necessary, in the opinion of the Board, the Owner shall provide and operate, at his own expense, such pretreatment as may be required to reduce the Suspended Solids concentration to meet the above requirements.

### **SECTION 314 – MAXIMUM ALLOWABLE VOLUME**

The admission into the Public Sewer System of any waters or Wastes in volumes, or so constituted that existing dilution conditions in the Sewers or at the Wastewater Treatment Plant would be affected to the detriment of the facilities, shall be subject to review and approval of the Board. Where necessary, in the opinion of the Board, pretreatment or equalizing units may be required to bring Constituents of volume of flow within the limits previously prescribed or to an otherwise acceptable level, and to hold or equalize flows such that no peak flow conditions may hamper the operation or any unit shall have a capacity suitable to serve its intended purpose, and to be equipped with acceptable outlet control facilities to provide flexibility in operation and accommodate changing conditions in the Waste flow.

### **SECTION 315 – PRETREATMENT FACILITY MAINTENANCE**

Where pretreatment facilities are provided for any waters or Waste, the Owner shall maintain them continuously in satisfactory and effective operation, at his own expense. Pretreatment facilities shall be in accordance with the existing Federal, State and local guidelines.

### **SECTION 316 – VARIABILITY OF ALLOWABLE LIMITS**

Any approval by the Board of a type or capacity of an installation shall not relieve the owner of the responsibility of revamping, enlarging or otherwise modifying such installation as may be established or required by any State or Federal agency. Any written or verbal agreement as to the limits of Constituents, volumes of water or volume of Wastes shall not be considered as final approval for a continuing operation. Their limits will be subject to constant study and change as considered necessary to serve their intended purpose.

### **SECTION 317 – APPLICATION**

Any industrial zoned use must, and any commercially or residentially zoned use may, be required at the discretion of the Board and upon application for Public Sewer service, to present to the Board a satisfactory tabulation of the chemical analysis of the Waste to be discharged into the Public Sewer and the volume of such Waste or, if this is not available, the expected Waste analysis based on similar processes, now in operation.

### **SECTION 318 – PRETREATMENT**

The Board shall, if it finds it necessary, require pretreatment of a Waste prior to its discharge into a Public Sewer. Acceptance of any Waste by the Board does not relieve an Owner from providing additional pretreatment if deemed necessary by the Board at a later date.

### **SECTION 319 – OWNERS TO MAINTAIN INDIVIDUAL SEWER PUMPING STATIONS**

The Owners of individual Sewer pumping stations shall maintain said stations at their sole cost and pursuant to applicable laws and regulations.