

ORDINANCE NO. 12-95

AN ORDINANCE PROVIDING FOR THE RULES, REGULATIONS, AND CONDITIONS OF SERVICE OF THE VILLAGE OF SPENCER, MEDINA COUNTY, OHIO, MUNICIPAL SANITARY SEWER SYSTEM, AND TO DECLARE AN EMERGENCY

WHEREAS, the Village of Spencer, Medina County, Ohio, hereinafter called municipality, has undertaken to construct a municipal sanitary sewer system; and

WHEREAS, the municipality is financing the acquisition of the sanitary sewer system pursuant to F.H.A. requirements and has adopted a schedule of rates and charges by ordinance in accordance with F.H.A. requirements.

NOW, THEREFORE, be it ordained by the Council of the Village of Spencer, Medina County, Ohio, as follows:

SECTION I.....DEFINITIONS

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

A. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

B. "Superintendent" shall mean the Superintendent of the Municipal Sewage Works of the Village of Spencer, Ohio, or his authorized deputy, agent, or representative.

C. "Inspector" shall mean any person or person duly authorized by the Village of Spencer to inspect and approve the installation of building sewers and their connection to the public sewer system.

D. "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

E. "Sewer" shall mean a pipe or conduit for carrying sewage.

F. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

G. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

H. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

I. "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

J. "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 (5') outside the inner face of the building wall.

K. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

L. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

M. "Shall" is mandatory; "May" is permissive.

SECTION II USE OF PUBLIC SEWERS REQUIRED

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Village of Spencer, Ohio, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.

B. It shall be unlawful to discharge to any natural outlet within said Village, or in any area under the jurisdiction of said Village, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage.

D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the Village and abutting any street, alley or right-of-way in which there is now located or may in the

future be located a public sewer or combined sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred feet (100') of the property line.

E. The municipality shall install and maintain at its expense that portion of the service from the main to the lot or easement line, and the customer shall install and maintain at its expense that portion of the service from said lot or easement line to his premises. The size and slope of the building sewers shall be subject to the approval of the authorized personnel of the municipality, but in no event shall the diameter be less than four inches (4"). Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor.

SECTION III PUBLIC SEWAGE DISPOSAL

A. Where a public sanitary or combined sewer is not available under the provisions of Section II-D, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the local board of health.

B. At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in Section II-D, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned.

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

D. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Medina County Health Office.

SECTION IV BUILDING SEWERS AND CONNECTIONS

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Spencer Village Board of Public Affairs. Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the Village of Spencer and deposited

with the Board of Public Affairs a corporate surety in the sum of One Thousand Dollars (\$1,000.00) conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules, and regulations established under the authority of any ordinances of the Village of Spencer pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the Village of Spencer and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of one (1) year except that on such expiration it shall remain in force as to all penalties, claims, and demands that may have accrued thereunder prior to such expiration.

B. There shall be two (2) classes of building sewer permits: (1) for residential service, and (2) for service to establishments producing industrial waste. In either case, the owner or his agent shall make application on a special form furnished by the said Village. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the inspector. A permit and inspection fee of One Thousand Dollars (\$1,000.00) for a residential or commercial building sewer permit and One Thousand Dollars (\$1,000.00) for an industrial building sewer permit shall be paid to the Village at the time the application is filed.

C. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify said Village from any loss or damage that may directly or indirectly be occasioned by said installation.

D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be extended to the rear through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the superintendent.

E. Old building sewer or portions thereof, may be used in connection with new buildings only when they are found on examination and test by the said Inspector to meet all requirements of this Ordinance.

F. The building sewer shall be constructed of either Vitrified Clay Sewer Pipe and Fittings meeting the current A.S.T.M. Specifications for Standard or Extra Strength Clay Sewer

Pipe, Asbestos Cement, plastic P.V.C. Pipe and Fittings meeting the current A.S.T.M. Specifications, Extra Heavy Cast Iron Soil Pipe meeting the current A.S.T.M. Specifications or the Department of Commerce Commercial Standards for Extra Heavy Cast Iron Soil Pipe and Fittings or Concrete Sewer Pipe and Fittings meeting the current A.S.T.M. Specifications for Standard or Extra Strength Concrete Sewer Pipe. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that vitrified clay pipe or concrete pipe, may be accepted if laid on a suitable improved bed or cradle as approved by said Inspector.

G. All joints and connections shall be made gas tight and water tight. Vitrified clay sewer pipe shall be fitted with factory made Resilient Compression Joints meeting the A.S.T.M. "Specifications for Vitrified Clay Pipe Joints Having Resilient Properties" (Designation C425). Concrete sewer pipe joints shall be of the rubber ring, flexible compression type, similar and equal to joint specified for vitrified clay pipe.

Before joining the pipe in the trench, the bell and spigot surfaces shall be wiped free of dirt or other foreign matter. A lubricant or sealer as recommended by the pipe manufacturer shall be applied to the bell and spigot mating surfaces just before they are joined together. The spigot end shall be positioned into the bell end of the pipe previously laid and shall then be shoved home to compress the joint and to assure a tight fit between the interfaces. Joint for cast iron soil pipe shall be made by inserting a roll of hemp or jute and thoroughly caulking it into place and then following with pure molten lead well caulked, not less than one inch (1") deep. No paint, varnish, or putty will be allowed in the joints until they have been tested and approved. Joints for cast iron soil pipe may also be of an acceptable compressions type.

Asbestos-Cement pipe joints shall be made with sleeves and rubber sealing rings. Plastic P.V.C. pipe joints shall be made with sleeves and/or rubber sealing rings.

H. The size and slope of the building sewers shall be subject to the approval of the said Inspector, but in no event shall the diameter be less than four inches (4"). The slope of such four inch (4") pipe shall not be less than one-eighth inch (1/8") per foot. A slope of one-fourth inch (1/4") per foot shall be used wherever practical.

I. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Inspector. Pipe laying and backfill shall be performed in

accordance with A.S.T.M. Specification (Designation C12) except that no backfill shall be placed until the work has been inspected by the Inspector or his representative.

J. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used.

K. The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer, shall be made only as directed by the said Inspector.

L. The applicant for the building sewer shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his representative.

M. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the said Village of Spencer.

N. The municipality shall in no event be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

O. The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the municipality.

SECTION V.... USE OF THE PUBLIC SEWERS

A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.

B. No person shall discharge or cause to be discharged to any public sewer, any harmful waters or wastes, whether liquid, solid, or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment and personnel of the sewage works, or other interference with the proper operation of the sewage works.

C. Applications may be canceled and/or sewer service discontinued by the municipality for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:

1. Misrepresentations in the application as to the property or fixtures to be serviced by the sanitary sewer system.
2. Non-payment of bills.
3. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.

D. The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the Superintendent, who may prescribe limits on the strength and character of these waters or wastes. Where necessary, in the opinion of the Superintendent, the owner shall provide at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the said superintendent and no construction of such facilities shall be commenced until said approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

E. When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation sampling and measurement of the wastes. All measurements, tests, and analyses of the characteristics of waters and wastes shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

F. Grease, oil, and sand interceptors shall be provided when, in the opinion of the said Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand, and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

SECTION VI PROTECTION FROM DAMAGE

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

SECTION VII POWERS AND AUTHORITY OF INSPECTORS

The Superintendent, inspector, and other duly authorized employees of the Village of Spencer bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this Ordinance.

SECTION VIII PENALTIES

A. Bills and notices relating to the conduct of the business of the municipality will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the municipality; and the municipality shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from non-payment of a bill or from any performance required in said notice.

B. Bills for sewer service are due and payable at the business office of the municipality, or to any designated agent, on their date of issue. The past due date shall be the fifteenth (15th) day of the month after the period of service. Bills will be dated and mailed each month.

All bills not paid on or before the past due date shall be termed delinquent, and the municipality shall serve on the customer a written final notice of said delinquency. If a delinquent bill is not paid within thirty (30) days after date

due, the water and/or sewer service to the user will be subject to discontinuance, or other measures as state law will allow.

C. Where the water and/or sewer service supplied to a customer has been discontinued for non-payment of delinquent bill, the municipality reserves the right to request a nominal sum be placed on deposit with the municipality for the purpose of establishing or maintaining any customer's credit. The reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the municipality have been paid.

D. The municipality shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs will endeavor to re-establish service with the shortest possible delay. Whenever the service is interrupted for purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.

E. Any violation of the rules and regulations after written notice to cease and desist shall constitute misdemeanors.

F. Any person found to be violating any provision of this Ordinance except Section VI, shall be served by the Village of Spencer with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violations.

G. Any person who shall continue any violation beyond the time limit provided for in Section VIII-A, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount no less than Five Dollars (\$5.00) and not more than Fifty Dollars (\$50.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

H. Any person violating any of the provisions of this Ordinance shall become liable to the Village of Spencer for any expense, loss or damage occasioned the Village of Spencer by reason of such violation.

SECTION IX VALIDITY

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION X ORDINANCE IN FORCE - EMERGENCY

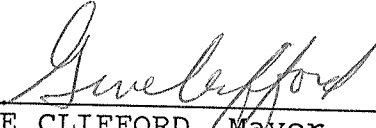
A. This Ordinance to be in full force and effect from and after its passage, approval, and publication according to the laws of the state of Ohio.

B. Special terms and conditions may be made where sewer service is used by the municipality or community for public purposes such as public parks, etc.

C. These rules may be changed or amended.

D. This Ordinance is declared to be an emergency measure, necessary for the immediate preservation of the public health, safety, and welfare of the Village and for the further reason it is necessary so as to immediately proceed with steps to finance the construction of said system.

PASSED: August 30, 1995



GENE CLIFFORD, Mayor

ATTEST:



ROBIN M. COLEMAN, Clerk