

CODIFIED ORDINANCES OF HIRAM

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

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**CHAPTER 901
Sidewalks**

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CROSS REFERENCES

- Construction or repair at owner's expense - see Ohio R.C. 729.01 et seq.
- Notice to construct or repair sidewalks - see Ohio R.C. 729.03
- Barricades and warning lights - see GEN. OFF. 521.03

901.01 DUTY TO REPAIR SIDEWALKS.

(a) For purposes of this Chapter 901 of the Hiram Village Codified Ordinances, sidewalks shall be those paved or improved areas designed to be used for pedestrian or foot traffic, and located within 15 feet of a public thoroughfare, street or road, but expressly excluding alleys. As used in this Chapter, the definition of thoroughfare, street, and road shall be as those terms are defined in the Hiram Village Zoning Code.

(b) No owner or occupant of property on which a public sidewalk is located or of property which is abutting to a sidewalk shall fail to keep the public sidewalk and that portion of the sidewalk upon which his property abuts in good repair and free from ice, snow or any obstruction, including but not limited to structures, vehicles, material, debris, rubbish, barrels, stones, gravel, brush, vegetation, tree limbs, shrubs, hedges or similar items or a nuisance of any kind.

(c) A sidewalk shall be deemed to be in need of repair or replacement when removed, cracked, broken or otherwise damaged so as to have depressions or variances between sections or pieces thereof greater than one inch or otherwise found not to be in compliance with Section 901.03. The Village Administrator or his designee shall determine the need for repairs and notify the owner or occupant as hereinafter provided.
(Ord. 2018-07. Passed 5-15-18.)

901.02 NOTICE; FAILURE TO MAKE NECESSARY REPAIRS.

(a) When a portion of a sidewalk is found to be in need of repair or replacement, or otherwise in violation of this chapter, the Village Administrator or his authorized representative shall notify the owner, in writing, of the necessary repair or replacement, allowing a period of thirty days for the making of such replacement or repair. The notice shall be sent by regular U.S. Mail to the owner at the address shown for the property by the Portage County Auditor. Proof of mailing may be established by a Certificate of Mailing issued by the United States Postal Service. Service shall be deemed complete three days after mailing.

(b) If, after the expiration of the thirty day period, the owners have not made the necessary replacement or repair, the Village may make such repairs at the owner's or abutting property owner's expense and send a statement to such property owner or owners for such repairs or for his portion of such repairs or replacement. If not paid by the owner, the Village Administrator shall request the Fiscal Officer to certify the actual cost, to be placed upon the tax duplicate and collected in the manner other taxes are collected.

(c) If the Mayor or the Village Administrator determines that the condition of the sidewalk is such that immediate repair is necessary to protect the public, they may dispense with the notice. (Ord. 2018-07. Passed 5-15-18.)

901.03 SPECIFICATIONS FOR SIDEWALK CONSTRUCTION AND REPAIR.

New sidewalks within the Village shall be constructed of 6 sack limestone concrete (4,000 PSI) of the same width as existing sidewalks but not less than four feet in width, a minimum of four inches in thickness with reinforcement optional. All sidewalks at driveways or vehicle entrance and five feet each side shall be a minimum of six inches in thickness with reinforcement preferred, but optional. The slope or incline of sidewalks shall not exceed one and one-half inches per foot. All walks shall have tooled joints and/or sawed joints every five feet and expansion joints every twenty feet, or when there is a change in thickness and between day to day pours. All exposed edges shall be tooled before applying a stiff broom finish. All sidewalks must extend through a driveway area at the established grade of the adjoining sidewalks. In the repairing and relaying of old sidewalks and in laying of new sidewalks upon all streets whereon a grade is not established but upon which some sidewalks are now laid, such laying and relaying of walks of any such street shall be done to conform with the grade of the sidewalks as are now laid thereon.
(Ord. 2018-07. Passed 5-15-18.)

901.04 RESPONSIBILITY FOR SIDEWALKS.

(a) Sidewalks are desirable in order to enhance the safety of pedestrian traffic. Accordingly, but subject to the funding provisions set forth in subparagraph (d) below, the Village shall install sidewalks on all public thoroughfares, streets and roads. No later than the March Council meeting each year the Village Administrator shall recommend that year's sidewalks program. Public input will be accepted prior to the next Council meeting before plan approval.

(b) Where sidewalks are in need of repair or in cases where sidewalks existed but are now missing, it shall be the property owner's responsibility to make repair and to replace missing portions of sidewalk per the Village specifications. The Village Administrator or his designee shall have authority to enforce this section. Council reserves to itself the authority to determine that replacement of missing portions of sidewalk does not need to be accomplished. Subject to the funding provisions set forth in subparagraph (d) below, the Council may repair or install sidewalks, or in cases where sidewalks existed but are now missing the Council may install sidewalks.

(c) On existing streets where no sidewalk is present, Council may determine that sidewalks shall be installed. In that event, the Village shall bear a portion of the cost of any sidewalk deemed necessary and the property owner on the side of the street where the sidewalk is to be placed shall pay the balance of the cost, up to 50 percent of the total cost.

(d) Subject to the restrictions set forth in subsection (c) hereof, and subject to the availability of Municipal financing to accomplish the installation or repair of sidewalks the Village Council may determine that it will bear a greater proportion of the costs, including all of the costs, of sidewalk installation.

(e) On new streets and developments, the Planning Commission shall require sidewalks meeting these specifications in any site plan at the developer's expense.

(f) The Village may determine on existing streets where no sidewalks exist that due to terrain the installation of sidewalks will be cost prohibitive.
(Ord. 2018-07. Passed 5-15-18.)

901.05 APPEAL.

Any owner who believes the actions of the Village Administrator or his designee pursuant to this chapter are improper may appeal the decision of the Village Administrator or his designee to Council. At conclusion of the appeal hearing, the Council may affirm, modify or rescind the decision of the Village Administrator or his designee.
(Ord. 2018-07. Passed 5-15-18.)

901.99 PENALTY.

Whoever violates any provision of this chapter shall be charged with the crime of "Failure to Repair Sidewalk" a minor misdemeanor and upon conviction be fined not more than one hundred dollars (\$100.00). Each day on which a violation occurs or continues shall be deemed a separate offense. (Ord. 2018-07. Passed 5-15-18.)

CHAPTER 909
Trees

909.01	Definitions.	909.10	Trees on public land.
909.02	Duties and responsibilities.	909.11	Street trees on private property.
909.03	Operation.	909.12	Topping.
909.04	Tree species to be planted.	909.13	Dead or diseased tree removal on private property.
909.05	Spacing.	909.14	Private funds for tree planting.
909.06	Distance from curb and sidewalk.	909.15	Public seminars and literature.
909.07	Distance from street corners and fireplugs.		
909.08	Utilities.		
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CROSS REFERENCES

Power to regulate shade trees and shrubbery - see Ohio R.C.
715.20

Assessments for tree planting or maintenance - see Ohio R.C. 727.011

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

909.01 DEFINITIONS.

Street Trees: Street trees are defined as trees, shrubs, bushes and all other woody vegetation on land lying within 4 feet of a curb or sidewalk, or within 10 feet of a fireplug or overhead utility line within the Village of Hiram.
(Res. 2001-01. Passed 1-9-01.)

909.02 DUTIES AND RESPONSIBILITIES.

(a) It shall be the responsibility of the Beautification Commission to study, investigate, counsel and develop and/or update as needed, and administer a written plan for the suggested care, preservation, pruning, planting, replanting, removal or disposition of street trees. Such a plan will be presented to the Village Council and upon their acceptance and approval shall constitute the official comprehensive city street tree plan for the Village. The plan will be drafted using the recommendations of a certified arborist or urban forester.

(b) The Commission when requested by the Village, shall consider, investigate, make finding, report and recommend upon any special matter or question coming within the scope of its work. (Res. 2001-01. Passed 1-9-01.)

909.03 OPERATION.

The Commission shall follow its bylaws, and keep minutes of its proceedings. A majority of the members shall be a quorum for the transaction of business.
(Res. 2001-01. Passed 1-9-01.)

909.04 TREE SPECIES TO BE PLANTED.

The Commission develops and maintains a list of desirable trees for planting along streets according to a plan made by a landscape architect and arborist. The plan is available for public consultation in the Village Hall. Residents wishing to replace street trees will be encouraged to consult this plan. The Commission may reimburse one hundred dollars (\$100.00) of the cost of purchasing and planting trees listed in the plan as allowed by the approved budget. To receive reimbursement, residents must provide a receipt and must have the planting inspected. Residents may consult a listing maintained in the Village Hall of desirable trees, with the following categories: small (under 20 feet), medium (20 to 40 feet) and large (over 40 feet).
(Res. 2001-01. Passed 1-9-01.)

909.05 SPACING.

The spacing of streets trees will be in accordance with the three species size classes listed in Section 909.04, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees 50 feet; except in special plantings designed or approved by the Commission. The rationale behind the spacing is to avoid future maintenance problems. (Res. 2001-01. Passed 1-9-01.)

909.06 DISTANCE FROM CURB AND SIDEWALK.

Regardless of species, size or anticipated mature growth of the planting, no tree or shrub shall be planted closer than eight feet to a curb, curb line or sidewalk, unless recommended by the Beautification Commission in consultation with the Village Administrator.
(Ord. 2019-10. Passed 5-14-19.)

909.07 DISTANCE FROM STREET CORNERS AND FIREPLUGS.

No street tree shall be planted within 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted within more than 10 feet of any fireplug. The rationale behind the spacing is safety.
(Res. 2001-01. Passed 1-9-01.)

909.08 UTILITIES.

No street tree other than those listed as small trees in Section 909.04 may be planted under or within 10 feet of any overhead utility wire. The rationale behind this policy is both safety and avoidance of future pruning.
(Res. 2001-01. Passed 1-9-01.)

909.09 PUBLIC TREE CARE AFFECTING VILLAGE UTILITIES.

The Commission shall inform residents of the need to prune, maintain and remove street trees as may be necessary to insure public safety. The Commission will report to the Village owned public utilities any tree or part thereof that is in an unsafe condition or which by reason of its nature is injurious to Village utilities or Village property for action by the Village utility.
(Res. 2001-01. Passed 1-9-01.)

909.10 TREES ON PUBLIC LAND.

The Commission will take financial responsibility incurred by the care of trees on public land belonging to the Village (the Village Hall, parks and Cemetery) and will set this as the first priority each year. The Commission will allocate funds for replacement trees as needed on public property. (Res. 2001-01. Passed 1-9-01.)

909.11 STREET TREES ON PRIVATE PROPERTY.

The Commission may allocate funds remaining for the replacement of street trees each year based on the recommendations in the Village inventory and the requests for new planting by homeowners. All trees planted become the full financial responsibility of the resident or future residents of the property. (Res. 2001-01. Passed 1-9-01.)

909.12 TOPPING.

The Commission discourages the topping of any street tree as normal practice. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this policy at the determination of the Commission. (Res. 2001-01. Passed 1-9-01.)

909.13 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.

The Commission shall have the right to notify the Village of the need for pruning of hazardous limbs and for the removal of any dead or diseased street trees on private property within the Village, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the Village. The Commission will notify in writing the owners of such trees. On an annual basis, the Commission may request bids for the pruning and removal of street trees according to the plan developed by the Commission. The cost for pruning or removal of individual private trees listed in the bid will be sent to the owner. The owner has the option of taking or refusing this group bid provided by the company hired to remove trees on public property for the Commission. If the public bid is rejected, then owners are responsible for pruning or removal. Owners should bring cases of financial hardship to comply with the Commission within two months of notification. Removal of stumps will be included within the estimate. (Res. 2001-01. Passed 1-9-01.)

909.14 PRIVATE FUNDS FOR TREE PLANTING.

The Commission will accept donations from private individuals to be used for the replacement of street trees within Hiram Village. The allocation of these resources will be in accordance with the plans developed on a regular basis by a certified arborist and as determined by the Commission in consultation with the Mayor. (Res. 2001-01. Passed 1-9-01.)

909.15 PUBLIC SEMINARS AND LITERATURE.

The Commission will make available guidelines for the planting, pruning and care of trees to all residents of the Village following guidelines established by the National Arborist Association and the Municipal Arborists and Urban Foresters Society. The Commission will also hold annual seminars to inform residents and homeowners of the methods and standards accepted by these organizations. (Res. 2001-01. Passed 1-9-01.)

CHAPTER 911
Excavations

911.01	Definitions.	911.15	Property lines and easements.
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911.03	Prohibited excavation, grading or filling.	911.17	Protection of water courses.
911.04	Bond; charges; exception; return.	911.18	Backfilling.
911.05	Routing of traffic.	911.19	Restoration of surface.
911.06	Clearance for fire equipment.	911.20	Village's right to restore surface.
911.07	Protection of traffic.	911.21	Emergency action.
911.08	Removal and protection of utilities.	911.22	Noise.
911.09	Protection of adjoining property.	911.23	Inspections.
911.10	Sidewalk excavations.	911.24	Chapter not applicable to Village work.
911.11	Protective measures.	911.25	Insurance.
911.12	Equipment security.	911.26	Liability of Village.
911.13	Care of excavated material.	911.99	Penalty.
911.14	Damage to existing improvements.		

CROSS REFERENCES

Liability for damage - see Ohio R.C. 723.49 et seq.
Barricades and warning lights - see GEN. OFF. 521.03
Sidewalk regulations - see S.U. & P.S. Ch. 901

911.01 DEFINITIONS.

The meaning of the words as used in this chapter shall be as stated in the following:

- (a) "Applicant" means any person making written application to the Village for an excavation permit hereunder.
- (b) "Village" means the Village of Hiram, Ohio.
- (c) "Village Council" or "Council" means the Council of the Village of Hiram.
- (d) "Service Director" means the Supervisor of the Service Department of the Village of Hiram, Ohio.
- (e) "Clerk", "Clerk-Treasurer" and "Fiscal Officer" mean the Fiscal Officer of the Village of Hiram, Ohio.
- (f) "Excavation work" means the excavation and other work permitted under an excavation permit and required to be performed under this chapter.

- (g) “Permittee” means any person who has been granted and has in full force and effect an excavation permit issued hereunder.
- (h) “Person” means any person, firm, partnership, association, corporation, company or organization of any kind.
- (i) “Street” means any street, highway, sidewalk, alley, avenue or other public way or public grounds in the Village.
- (j) “Lawnstrip” means any unpaved area within a public right-of-way or public grounds in the Village.
(Ord. 92-39. Passed 1-12-93.)

911.02 PERMIT; APPLICATION; FEES; PLACARD.

(a) Permit. No person shall dig up, break, excavate, tunnel, undermine, bore horizontally or vertically or in any manner break up any street, sidewalk or lawnstrip or make or cause to be made any excavation in or under the surface of any street or sidewalk for any purpose or place, deposit or leave upon any street, sidewalk or lawnstrip any earth or other excavated material obstructing or tending to interfere with the free use of the street or sidewalk unless such person shall first have been obtained an excavation permit therefor from the Service Director/Superintendent as herein provided. Excavation permits are not required for work performed under Village and/or State and federal contracts.

(b) Underground Storage Tanks. The Ohio Fire Marshal has established very specific rules pertaining to underground storage facilities. These rules must be followed in addition to any contained herein (Reference Article 28 of the Ohio Fire Code).

(c) Application. No excavation permit shall be issued unless a written application for the issuance of an excavation permit is submitted to the Service Director/Superintendent. The written application shall state the name and address of the applicant, the nature, location and purpose of the excavation, the date of commencement and date of completion of the excavation, and other data as may reasonably be required by the Service Director/Superintendent. The application shall be accompanied by plans showing the extent of the proposed excavation work, the dimensions and elevations of both the existing ground prior to such excavation and of the proposed excavated surfaces, the location of the excavation work, and such other information as may be prescribed by the Service Director/Superintendent.

(d) Permit Fees. A permit fee shall be charged by the Village for the issuance of an excavation permit which shall be in addition to all other fees for permits or charges relative to any proposed construction work. The excavation permit fee shall be thirty dollars (\$30.00) for each excavation opening required per lot, except when excavations for individual lots are made simultaneously and in conjunction with excavation for constructing new or existing public or private utility feeder and/or trunk lines to service two or more customers.

A utility company shall be issued a permit that shall be valid for a period of one year at a cost of thirty dollars (\$30.00) to perform ordinary and usual maintenance work including pole replacement or repositioning which shall be considered as excavation covered by this chapter.

(e) Excavation Placard. The Village shall provide each permittee at the time a permit is issued hereunder a suitable placard plainly written or printed in English letters at least one inch high with the following notice: "Village of Hiram, Ohio. Permit No. _____, Expires _____", and in the first blank space there shall be inserted the number of such permit and after the word "expires" shall be stated the date when such permit expires. It shall be the duty of any permittee hereunder to keep the placard posted in a conspicuous place at the site of the excavation work. No person shall exhibit such placard at or about any excavation not covered by such permit or misrepresent the number of the permit or the date of expiration of the permit. (Ord. 92-39. Passed 1-12-93.)

911.03 PROHIBITED EXCAVATION, GRADING OR FILLING.

No excavation, grading or filling shall be permitted which may interfere with the natural drainage of the general area surrounding the site. All existing watercourses shall be preserved, except that such watercourses may be relocated or piped, provided that there will not thereby be created any interference with the riparian and drainage rights or easements of other property owners, and provided further that no drainage shall be made onto public land or connected with public facilities without the express approval of the Service Director, except with respect to land controlled by the Board of Education, in which event such approval shall be obtained from the Crestwood Board of Education. (Ord. 92-39. Passed 1-12-93.)

911.04 BOND; CHARGES; EXCEPTION; RETURN.

(a) Bond. No excavation permit shall be issued until the applicant has deposited with the Fiscal Officer a bond in the amount of the cost of repairs to the Village street and facilities as estimated by the Service Director/Superintendent. The bond shall be in the form of a certified check or money order payable to the Village, or a permit bond issued by an approved surety company licensed in the State. The purpose of the required bond is to specifically insure that all excavations are restored in accordance with the current standards, drawings and specifications on file with the Village. The minimum bond amount shall be five hundred dollars (\$500.00).

(b) Charges. The costs incurred by the Village as defined in Section 911.20, for any repair made by the Village for work the permittee fails to perform or properly perform shall be deducted from the bond on deposit with the Fiscal Officer. The Service Director/Superintendent shall notify the permittee that defective workmanship by the permittee has caused the Village to make the specified repairs and the cost thereof has been deducted from the bond posted by the permittee. The Fiscal Officer shall notify the permittee of any additional amount that must be deposited with the Village to cover the cost of Village made repairs above the amount of the bond and to maintain the bond in its full amount. Complete compliance with the bond deposit requirement set forth herein is a condition precedent to the issuance of either the initial or a subsequent street opening or excavation permit.

(c) Exception. Any homeowner performing work within the public right-of-way adjacent to the property at which he/she resides shall be exempt from the bonding requirements of subsection (a) hereof. Any costs incurred by the Village as defined in Section 911.20 resulting from work performed by a homeowner exempt from bonding shall be billed to the property owner and shall be collected pursuant to Ohio Revised Code Chapter 727 and/or 729.

(d) Bond Return. All work shall be approved by the Service Director and Superintendent before a refund of bond money may be made to a permittee. It shall be the responsibility of the permit holder to obtain required inspections and to request in writing the return of bond. The permit holder may choose to keep the bond on file for use on concurrent or subsequent projects provided the bond amount is adequate to cover repair costs for all permits issued. (Ord. 92-39. Passed 1-12-93.)

911.05 ROUTING OF TRAFFIC.

The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions are maintained as nearly normal as practicable so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public. The Service Director may permit the closing of streets to all traffic for a period of time if it is deemed necessary. The permittee shall route and control traffic, including his/her own vehicles as directed by the Police Department. The following steps shall be taken before any highway may be closed or restricted to traffic:

- (a) The permittee must receive the approval of the Service Director and the Police Department therefor;
- (b) The permittee must notify the Fire Chief of any street so closed;
- (c) Upon completion of construction work, the permittee shall notify the Service Director and Police Department before traffic is moved back to its normal flow so that any necessary adjustments may be made;
- (d) Where flag persons are deemed necessary by the Service Director, they shall be furnished by the permittee at his/her own expense. Through traffic shall be maintained without the aid of detours, if possible. In instances in which this would not be feasible, the Service Director and Police Department will designate detours. The Village shall maintain roadway surfaces of existing highways designated as detours without expense to the permittee but in case there are no existing highways, the permittee shall construct all detours at his/her expense and in conformity with the specifications of the Service Director. The permittee will be responsible for any unnecessary damage caused to any highways by the operation of his/her equipment. (Ord. 92-39. Passed 1-12-93.)

911.06 CLEARANCE FOR FIRE EQUIPMENT.

The excavation work shall be performed and conducted so as not to interfere with access to the fire station and fire hydrants and connections in accordance with the Ohio Fire Code. Materials or obstructions shall not be placed within fifteen feet of fire hydrants. Passageways leading to fire escapes or fire fighting equipment shall be kept free of piles of material or other obstructions. (Ord. 92-39. Passed 1-12-93.)

911.07 PROTECTION OF TRAFFIC.

The permittee shall erect and maintain suitable timber barriers to confine earth from trenches or other excavations in order to encroach upon highways as little as possible. Vehicular crossings shall be steel plate of sufficient size to span the excavation in the affected lane(s) of traffic and be of sufficient thickness to support the maximum permissible axle loads established by the Ohio Department of Transportation (ODOT). The Ohio Fire Code requires temporary roadways to be of such width, turning radius and vertical clearance to permit access by Fire Department equipment. The steel plates must support the weight of a full tanker (GVW 58,000 pounds) and a thoroughfare eighteen (18) feet wide with a vertical clearance of thirteen (13) feet six (6) inches must be maintained. The permittee shall construct and maintain adequate and safe

crossings over pedestrian traffic at all street intersections. Pedestrian crossings shall consist of planking three inches thick, twelve inches wide and of adequate length, together with necessary blocking. The walk shall be not less than three feet in width and shall be provided with a railing as required by the Service Director.
(Ord. 92-39. Passed 1-12-93.)

911.08 REMOVAL AND PROTECTION OF UTILITIES.

The permittee shall not interfere with any existing utility without the written consent of the Superintendent of Utilities and the utility company or person owning the utility. If it becomes necessary to remove an existing utility, this shall be done by the owner. No utility owned by the Village shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee. The cost of moving privately owned utilities shall be similarly borne by the permittee unless it makes other arrangements with the person owning the utility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work and do everything necessary to support, sustain and protect them under, over, along or across such work. In case any such pipes, conduits, poles, wires or apparatus should be damaged, they shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee and his/her bond shall be liable therefor. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipe, electric conduit or other utility and his/her bond shall be liable therefor. The permittee shall learn of the existence and location of all underground utilities and protect the same against damage.
(Ord. 92-39. Passed 1-12-93.)

911.09 PROTECTION OF ADJOINING PROPERTY.

The permittee shall at all times and at his/her own expense preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where, in the protection of such property, it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain a license from the owner of such private property for such purpose, and if he/she cannot obtain a license from such owner, the Service Director/Superintendent may authorize him to enter the private premises solely for the purpose of making the property safe. The permittee shall, at his/her own expense shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or highways resulting from his/her failure properly to protect and carry out such work. Whenever it may be necessary for the permittee to trench through any lawn area, either the sod shall be carefully cut and rolled and replaced or the area shall be graded and seeded with straw covering after ditches have been back filled as required in this chapter. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before any such work began. The permittee shall not remove, even temporarily, any trees or shrubs which exist in lawnstrip areas or easements across private property without first having notified and obtained consent of the property owner, or in the case of public property, the appropriate Village department or Village official having control of such property.
(Ord. 92-39. Passed 1-12-93.)

911.10 SIDEWALK EXCAVATIONS.

Any excavation made in any sidewalk or under any sidewalk shall be provided with a substantial and adequate footbridge over such excavation on the line of the sidewalk, which bridge shall be at least as wide as the existing sidewalk and securely railed on each side so that foot passengers can pass over safely at all times.
(Ord. 92-39. Passed 1-12-93.)

911.11 PROTECTIVE MEASURES.

The permittee shall erect such fence, railing or barriers about the site of the excavation work as shall prevent danger to persons using the Village streets or sidewalks, and such protective barriers shall be maintained until the work shall be completed or the danger removed. At twilight, there shall be placed upon such place of excavation and upon any excavated materials or structures or other obstructions to streets suitable and sufficient lights which shall be kept lit throughout the night during the maintenance of such obstructions. No person shall remove or tear down the fence or railing or other protective barriers or any lights provided there for the protection of the public. (Ord. 92-39. Passed 1-12-93.)

911.12 EQUIPMENT SECURITY.

Permittee shall assure that no machinery, equipment, material or device shall be left unguarded or unsecured against accidental movement, slippage, operation or exposure which could result in injury to persons entering the project area at any time whether or not such entry is authorized. (Ord. 92-39. Passed 1-12-93.)

911.13 CARE OF EXCAVATED MATERIAL.

All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit piling of excavated material beside the trench, such as might be the case in a narrow street, the Service Director/Superintendent shall have the authority to require that the permittee haul the excavated material to a storage site and then haul it to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites. (Ord. 92-39. Passed 1-12-93.)

911.14 DAMAGE TO EXISTING IMPROVEMENTS.

All damage done to existing improvements during the progress of the excavation work shall be required by the permittee. Permittee is also liable for damage which is not observed at the time of project completion, i.e., hidden damage. Materials for such repair shall conform with the requirements of any applicable code or ordinance. If, upon being ordered, the permittee fails to furnish the necessary labor and materials for such repairs, the Service Director/Superintendent shall have the authority to cause such necessary labor and materials to be furnished by the Village and the cost shall be charged against the permittee, and the permittee shall also be liable on the bond therefor. (Ord. 92-39. Passed 1-12-93.)

911.15 PROPERTY LINES AND EASEMENTS.

Property lines and limits of easements shall be indicated on the plan of excavation submitted with the application for the excavation permit and it shall be the permittee's responsibility to confine excavation work within these limits. (Ord. 92-39. Passed 1-12-93.)

911.16 CLEAN-UP.

As the excavation work progresses, all streets and private properties shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Service Director/Superintendent. From time to time, as may be ordered by the Service Director/Superintendent and in any event immediately after completion of such work, the permittee shall, at his/her own expense, clean up and remove all refuse and unused materials of any kind resulting from such work and upon failure to do so within twenty-four hours after having been notified to do so by the Service Director/Superintendent, such work may be done by or contracted by the Village and the cost thereof charged to the permittee, and the permittee shall also be liable for the cost thereof under the surety bond provided hereunder.

(Ord. 92-39. Passed 1-12-93.)

911.17 PROTECTION OF WATER COURSES.

The permittee shall provide for the flow of all water courses, sewers or drains intercepted during the excavation work and shall replace the same in as good condition as original or shall make such provisions for them as the Service Director/Superintendent may direct. The permittee shall not obstruct the gutter of any street but shall use all proper measures to provide for the free passage of surface water. The permittee shall cover or otherwise protect catch basins against entry of dirt, gravel, rock, sand, muck, silt, etc. The permittee shall make provisions to take care of all surplus water, muck, silt, slickings or other run-off pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from failure to so provide. (Ord. 92-39. Passed 1-12-93.)

911.18 BACKFILLING.

Backfilling in any street opened or excavated pursuant to an excavation permit issued hereunder shall be compacted to a degree equivalent to that of the undisturbed ground in which the trench was dug. Compacting shall be done by mechanical tappers or vibrators, by rolling in layers, or by water settling, as required by the soil in question and sound engineering practices generally recognized in the construction industry. The decision as to whether a trench shall be backfilled by water settling shall be based upon such engineering practices and shall be made by the Service Director/Superintendent. When water is taken from a fire hydrant, the permittee shall assign one man to operate the hydrant and shall make certain that such man has been instructed by the Superintendent of Utilities in the operation of the hydrant. The Superintendent shall likewise be notified at both the beginning and end of the job so that the condition of the fire hydrants can be checked on both occasions. Any damage done to a hydrant during the excavation shall be the responsibility of the permittee. Water shall be paid for by the permittee on the terms agreed upon with the Superintendent.

- (a) Backfilling by Water Settling. When backfilling is done by water settling, excavated materials above utility installations shall be deposited uniformly in layers of not more than five feet in thickness and shall be thoroughly flooded. During the flooding the water shall be allowed to flow slowly to the trench from the high points and shall be worked down to the full depth of the layer of backfill with bars. All bars used shall be long enough to extend entirely through the layer being filled and shall be forced down through the loose backfill material. As the bars are withdrawn the water shall be allowed to flow downward around the bar. The channel or hold formed by the bar shall be kept open and the water kept running into it until the fill has settled. All work shall be done in existing adjacent to the excavation.

- (b) **Dry Backfilling.** Backfilling up to the first eighteen inches above the top of the utility pipes or similar installations shall be done within thin layers. Each layer is to be tamped by manual or mechanical means. Layers that are hand tamped shall not exceed four inches in thickness. Layers that are power tamped shall not exceed six inches in thickness. The same requirements shall apply to the remainder of the backfilling if tamping is the method used for backfilling. Backfilling of all pipes of over twenty-four inches in diameter shall be carried up to the spring line of the pipe in three inch layers, with each layer moistened and thoroughly tamped with suitable mechanical equipment.

Backfilling of excavations which encroach a State Route must meet Ohio Department of Transportation (ODOT) Specifications 02512, "Low Strength Mortar Backfill Material". (Ord. 92-39. Passed 1-12-93.)

911.19 RESTORATION OF SURFACE.

The permittee shall restore the surface of all streets, broken into or damaged as a result of the excavation work, to its original condition in accordance with the specifications of the Service Director. The permittee may be required to place a temporary surface over openings made in paved traffic lanes. Except when the pavement is to be replaced before the opening of the cut to traffic, the fill above the bottom of the paving slab shall be made with suitable material well tamped into place. (Ord. 92-39. Passed 1-12-93.)

911.20 VILLAGE'S RIGHT TO RESTORE SURFACE.

If the permittee has failed to restore the excavation work (911.01(f)) or the work described in (911.02(a)) or restore the surface of the street to its original and proper condition upon the expiration of the time fixed by such permit or otherwise has failed to complete the excavation work covered by such permit, the Village shall have the right to do or contract for all work and things necessary to restore the street and to complete the excavation work. The permittee shall be liable for the actual cost thereof and twenty-five percent of such cost in addition for general overhead and administrative expenses. The Village shall have a cause for action for all fees, expenses and amounts paid out and due it for such work and shall apply in payment of the amount due it any funds of the permittee deposited as herein provided and the Village shall also enforce its rights under the permittee's surety bond pursuant to this chapter. (Ord. 92-39. Passed 1-12-93.)

911.21 EMERGENCY ACTION.

In the event of any emergency in which a sewer, main conduit, or utility in or under any street breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such sewer, main conduit or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. However, such person owning or controlling such facility shall apply for an excavation permit not later than the end of the succeeding day during which the Village office is open for business and shall not proceed with permanent repairs without first obtaining an excavation permit hereunder. (Ord. 92-39. Passed 1-12-93.)

911.22 NOISE.

Each permittee shall conduct and carry out the excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable all noise associated with the excavation. Excavation may only be performed during the hours of 8:00 a.m. and 9:00 p.m. Excavation work may not be performed on a Sunday, unless with the express written permission of the Village Administrator, or his designee, and then only in case of an emergency. (Ord. 2021-07. Passed 7-13-21.)

911.23 INSPECTIONS.

The Service Director, Superintendent, Police Chief and Fire Chief shall make inspections as are reasonably necessary in the enforcement of this chapter. The Utilities, Fire and Police Departments shall bring problems to the attention of the Service Director who shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this chapter. (Ord. 92-39. Passed 1-12-93.)

911.24 CHAPTER NOT APPLICABLE TO VILLAGE WORK.

The provisions of this chapter shall not be applicable to any excavation work under the direction of competent Village authorities by employees of the Village or by any contractor of the Village performing work for and in behalf of the Village necessitating openings or excavations in streets. (Ord. 92-39. Passed 1-12-93.)

911.25 INSURANCE.

A permittee, prior to the commencement of excavation work hereunder, shall furnish the Fiscal Officer satisfactory evidence in writing that the permittee has in force and will maintain in force during the performance of the excavation work and the period of the excavation permit public liability insurance of not less than one million dollars (\$1,000,000) for any one person and three million dollars (\$3,000,000) for any one accident and property damage insurance of not less than one million dollars (\$1,000,000) duly issued by an insurance company authorized to do business in the State of Ohio. (Ord. 92-39. Passed 1-12-93.)

911.26 LIABILITY OF VILLAGE.

This chapter shall not be construed as imposing upon the Village of Hiram or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the Village or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work. (Ord. 92-39. Passed 1-12-93.)

911.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). Each day's continued violation shall constitute a separate offense. (Ord. 92-39. Passed 1-12-93.)

**CHAPTER 925
Water Service**

<p>925.01 Authority.</p> <p>925.02 Service connections.</p> <p>925.03 Meters.</p> <p>925.04 Rates and billing.</p>	<p>925.05 General provisions.</p> <p>925.06 Complaints.</p> <p>925.07 Cross connection control; back-flow prevention.</p>
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CROSS REFERENCES

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

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

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

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

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

Fluoridation - see Ohio R.C. 6111.13

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

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

Backflow - see OAC 4101:2-51-38

925.01 AUTHORITY.

The Village Administrator shall have full charge of the Water Department, including power and authority to provide for prudent and efficient management and protection thereof. (Ord. 2007-7. Passed 8-14-07.)

925.02 SERVICE CONNECTIONS.

(a) No person, firm or corporation shall tap into the Village Water System without first securing the proper permits and paying the established fees as set forth in the current ordinances. This permit will be the authority for connecting service lines to the Village water system, which must be subject to regulations of the Village Administrator. Materials used for service lines must be approved by the Department before installation. Materials used between the Village main and curb valve must be "K" copper or ductile iron pipe. Materials used from the curb valve to the premises to be supplied with water shall be "K" copper, NSF approved PE-3406 class 160 polyethylene water tubing, ductile iron pipe designed in accordance with AWWA C150 and thickness class 50 or PVC plastic pipe designed in accordance with AWWA C900 having a Dimension Ratio of 18 (pressure class 150).

(b) Fire hydrants shall be Mueller Centurion 200 Model A-421 or A-423, unless otherwise specified by Administrator.

(c) Connections to Existing Mains.

- (1) New mains shall be connected to existing mains using proper fittings. Connections shall be made in a manner acceptable to the Village Administrator. No cut-ins or connections to existing mains shall be made unless at least 48 hours notice of such work is given to the Administrator of the water works system and the related portion of the new main has been disinfected and all testing completed, as subsequently specified.
- (2) One day prior to shutting valves on existing lines, the Contractor shall notify all affected property owners and the Administrator of such shut-off. The shut-off time shall be kept to a minimum and shall be made at off-peak hours.
- (3) The operation of all existing valves shall be accomplished by a representative of the Hiram Village Water Department. The Contractor shall not operate existing valves.
- (4) The Village of Hiram assumes no responsibility for any delay occasioned by special requirements of conditions which must be met in making connections.
- (5) Extreme care shall be taken in making such connections to prevent contamination of the existing mains. Before making cut-ins or connections to existing mains, all fittings, valves and pipe shall be washed with clean water and then disinfected by washing with a chlorine solution having a residual chlorine strength of not less than 50 ppm.
- (6) All such work shall be planned so as to reduce the number of shut-offs to a minimum.
- (7) Plugs removed from the existing mains may be re-used within the project and those remaining after completion of construction shall remain the property of the Village of Hiram.

(d) Disinfection. As previously specified, all pipe interiors shall be cleaned before laying and shall be kept clean thereafter. After a main has been completed, it shall be disinfected in accordance with AWWA C651-86, "Disinfecting Water Mains", using the tablet or continuous feed method, and the following:

- (1) For the tablet method, an average chlorine dose of 25 ppm shall be provided by placing 5 gram calcium hypochlorite tablets in the main as it is being installed. Tablets shall be placed in each section of pipe, with the number of tablets determined by the formula $0.0012d^2L$ rounded to the next highest integer, where "d" is the inside diameter of the pipe in inches, and "L" is the length of the pipe section in feet, and also, one tablet shall be placed in each hydrant branch and other appurtenances. Tablets shall be attached using Permatex No. 1 or equal adhesive on only the side attached and so that they are at the inside top of the pipe upon installation of the pipe, and with approximately equal numbers of tablets at each end of a given pipe length. When installation of the pipe is complete, the main shall be filled with potable water at a rate such that water within the main will flow at a velocity no greater than 1 fps. Precautions shall be taken to assure that air pockets are eliminated. The water shall remain in the pipe for at least 24 hours.

- (2) For the continuous feed method, the main shall be flushed as thorough as possible with the water pressure and outlets available and all air exhausted. If no hydrant is installed at the end of the main, a tap large enough to develop a velocity in the main of at least 2.5 fps shall be provided by the Contractor. Disinfection can be accomplished by injecting a 1% chlorine solutions (10,000 ppm), prepared by mixing one pound of calcium hypochlorite (approximately 65% available chlorine by weight) and 8 gallons of water, into the main at a point not more than 10 feet downstream from the beginning of the new main.
- (3) Potable water for the injector for delivering the 1% chlorine solution shall be pumped from a cleaned and sterilized container. Water from the existing distribution system or other approved potable water source shall be controlled so as to flow slowly into the new main during chlorine application, with the rate of chlorine application in such proportion to the rate of water entering the main that the solution of clean water and chlorine in the main will have not less than 25 ppm free chlorine. The solution shall remain in the main for 24 hours, at which time the treated water in all portions of the main shall have a residual of not less than 10 ppm free chlorine.
- (4) For all methods, after the applicable retention period, the main shall be thoroughly flushed out with potable water from the distribution system until the main has approximately the same chlorine content as water in the existing system.
- (5) Air shall be exhausted at the fire hydrant, and 1 inch corporation stop inserted at the end of the main. The Contractor shall provide all corporation stops required for exhausting air, for samples for testing for chlorine residual, and for chlorine solution injection. In all cases, tests for chlorine residual will be performed by the Village Water Department personnel.
- (6) During all flushing and disinfection operations, existing valves shall be manipulated so that strong chlorine solution in the main being treated will not flow back into the line supplying the water, and the new valve and hydrant shall be operated so as to disinfect appurtenances and pipe branches.
- (7) Bacteriological samples shall not be taken for testing until the main has been subjected to a successful pressure and leakage test.
- (8) Disinfection is a responsibility of the Contractor, who shall provide all materials, labor and equipment and, in addition, pay for the total volume of water used and dispose of all heavily chlorinated water.

(e) Pressure and Leakage Test. After the main has been disinfected and flushed out, it shall be subjected to a pressure and leakage test in accordance with AWWA C600-82 and the following:

- (1) The main shall be isolated from adjacent main and pressure shall be applied by pumping clean water from a sterilized container into the main via 1 inch corporation stops. The test pressure shall be 150 pounds per square inch (psi), and shall not vary more than ± 5 psi.

- (2) The pressure test shall be started in an afternoon and the pressure shall be on for 18 hours, and then, the test pressure shall be maintained for an additional two hours by pumping water from the container. At the end of the two hour period, the water used shall be measured and the loss by leakage shall not exceed that as determined by the following formula:

$$L = \frac{SD(P)^{1/2}}{133,200}$$

in which "L" is the allowable leakage in gallons per hour; "S" is the length of the pipe tested in feet; "D" is the nominal diameter of the pipe in inches; and "P" is the average test pressure during the leakage test in pounds per square inch gauge.

- (3) The test shall be made with the hydrant in the closed position.
 (4) If the main and valves do not pass the leakage test, the leak or leaks shall be located and repaired and the testing procedure repeated by and at the expense of the Contractor. All visible leaks shall be repaired regardless of the amount of leakage.
 (5) Pressure and leakage testing is a responsibility of the Contractor, who shall provide all materials, labor and equipment and, in addition, pay for the total volume of water used.

(f) Bacteriological Tests. After the main has been disinfected and tested, and before it is placed in service, bacteriological tests shall be performed in accordance with Section 7 of AWWA C601, and the following:

- (1) Samples will be collected from the extremities and midpoint of the main by a representative of the Village Water Department and bacteriological tests performed. Samples shall not be taken by the Contractor. At least two samples taken at 24 hour intervals shall show the water to be safe.
 (2) Before a sample is taken, the water shall be allowed to flow from the sampling point for at least one minute. The outlet shall be thoroughly flamed in order to kill all bacteria. Nothing should be allowed to touch the lip or top of the sample bottle while the sample is being taken.
 (3) If bacteriological tests show the water to be safe, the main may be placed in service. If bacteriological tests show the water to be unsafe, the main shall be completely disinfected again at the expense of the Contractor.
 (4) The Contractor shall be responsible for all costs of bacteriological tests.

(g) Completion of Tests. When all tests on the water main have been successfully completed, the main will be placed in service by the Village of Hiram Water Department and no further work on the main or its valves will be permitted without full knowledge of the work by the Authority. (Ord. 2007-7. Passed 8-14-07.)

925.03 METERS.

(a) Water will be supplied only through approved meters installed by an authorized representative of the Village Administrator. Each single family dwelling shall have separate meters and curb boxes for each family unit. New multi-family dwellings and condominiums shall be served by a single tap-in and meter unless otherwise permitted for good cause shown by the Village Administrator. Each separate building or structure in a multi-family development or condominium complex shall have separate water service with separate meter and curb boxes with shut-off valve. All accounts will be carried in the name of the owner of the property being served. Any exceptions must have the approval of the Village Administrator.

(b) Property owners will be billed for all water passing through the meter and shall be solely responsible for leaks and other wastes in the lines and fixtures to which water service is furnished, including the service line extending from the curb valve to the water meter.

(c) Meters will be furnished and set by the Water Department, provided the property owner furnishes a suitable place. The space occupied by the meter must at all times be kept free from rubbish or debris that will prevent personnel from gaining access to the meter. All meters must be installed horizontally, with a ball valve on each side of the meter and in a place that is free from frost. The Water Department will not be liable for any damages caused by frozen pipes or meters inside the curb lines. A meter vault may be installed only after approval of the Water Department. The location, depth and type of meter vault used shall be approved by the Department before installation. Consumers shall protect all meters from freezing, hot water and injury of any kind. Meters will not be removed for any reason except by personnel of the Department. If it is found that a meter seal has been broken or if there is evidence that the meter has been tampered with, the meter will be removed and water service discontinued until all charges and expenses have been paid. This will include the turn-on charge, meter repair and a charge for the water used as estimated by the Village Administrator.

(d) Water meters may be removed for tests, cleaning and repair whenever deemed necessary by the Department. The Village Administrator may test any meter, and if found to vary 2% or more from the correct amount, the meter will be repaired or replaced. If a consumer desires a test of his meter, he shall make the request to the Village Administrator in writing. A test will be made under the supervision of the Administrator and if the test shows that the meter over registers by as much as 2%, a proper adjustment will be made in the billing. A service charge will be made if the test shows that the meter does not over register. Consumers requesting a meter reading, due to a vacating of premises or suspension of service shall notify the Village Administrator at least 24 hours prior to desired meter reading. A billing will be rendered promptly after final meter reading.
(Ord. 2007-7. Passed 8-14-07.)

925.04 RATES AND BILLING.

(a) The rates charged for water consumed shall be set and established by the Village Council upon the recommendation of the Village Administrator. So far as practicable, meters will be read monthly and bills will be rendered monthly. A schedule of rates is on file with the Village Administrator and is available upon request. A charge shall be made for each turn-on made at the consumer's request if made necessary by reason of failure to make payments as provided herein or through violation of any of the provisions in these regulations.

(b) All bills shall be due and payable within 21 days of the billing date and if not paid, shall be subject to a 10% penalty charge. If at the end of 60 days from the date of billing, a water bill shall remain unpaid, the Village Administrator will order the water service discontinued to the property involved unless a payment agreement has been made with the Village Administrator. Service will remain discontinued until past due amount has been paid in full, unless arrangements have been made with the Village Administrator. Water rent shall be a lien on the property supplied, and if not paid as herein provided, the same shall be collectable as other taxes and assessments are collected, and the Fiscal Officer is hereby directed to certify to the Auditor of Portage County such delinquent accounts with a description of the premises, and the Auditor shall place the same on the duplicate according to law.

(c) In the event that a meter ceases to operate during a current billing period, an estimated bill will be prepared based on the last three (3) regular readings of the meter. If the meter reader cannot gain access to the property to read the meter, the Village Administrator is authorized to prepare an estimated bill based on the last three (3) readings.
(Ord. 2007-7. Passed 8-14-07.)

925.05 GENERAL PROVISIONS.

(a) No persons other than Village Administrator, employees or authorized agents of the Village Administrator shall have the authority to open or close valves which are the property of the Department.

(b) The Village Administrator shall have the right to shut off and stop the flow of water into any premises whenever access to any part of the water apparatus on said premises shall be denied to them, or to their agents, or whenever the consumer shall fail to comply with any of the rules and regulations herein provided for.

(c) The Village Administrator reserves the right at all times to temporarily discontinue water service whenever it becomes necessary to make extensions, alterations or repairs; and it is expressly stipulated by the Village Administrator that no claims shall be made against him/her, or the Village by reason of its inability to supply water to all parts of the Village, by reason of breakage of mains, service pipes or other fixtures, or from damages arising from shutting off the water to repair mains, or for any other cause whatsoever. All boiler and hot water heater connections with the service lines must be provided with suitable check valves to prevent accidents in case water is drawn off from the main. The Village Administrator shall have the right to curtail the use of water whenever a public emergency so requires.
(Ord. 2007-7. Passed 8-14-07.)

925.06 COMPLAINTS.

Complaints of any nature from consumers shall be submitted to the Village Administrator in writing. The Village Administrator will forward the complaint to the proper department for action. A written response to the complaint will be returned to the consumer if requested.
(Ord. 2007-7. Passed 8-14-07.)

925.07 CROSS CONNECTION CONTROL; BACK-FLOW PREVENTION.

(a) General Policy.

(1) Purpose. The purpose of these Rules and Regulations is:

- A. To protect the public potable water supply from contamination or pollution by isolating within the consumer's water system contaminants or pollutants which could backflow through the service connection into the public potable water system.
- B. To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing process fluids.
- C. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the public and consumer's potable water system.

- (2) Application. These Rules and Regulations shall apply to all premises served by the public potable water system of the Village of Hiram.
- (3) Policy. The Village Administrator shall be responsible for the protection of the public potable water system from contamination due to backflow of contaminants through the water service connection. If, in the judgment of the Village Administrator, an approved backflow prevention device is necessary at the water service connection to any consumer's premises for the safety of the water system, the Village Administrator or his authorized representative shall give notice to the consumer to install such approved backflow prevention device at each service connection to his premises. The consumer shall immediately install such approved device or devices at his own expense, and failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed.
- (b) Definitions.
- (1) The following definitions shall apply in the interpretation and enforcement of these Rules and Regulations:
- A. "Air gap separation" means unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.
 - B. "Approved" means that a backflow prevention device or method has been accepted by the supplier of water and the director as suitable for the proposed use.
 - C. "Auxiliary water system" means any water system on or available to the premises other than the public water system and includes the water supplied by the system. These auxiliary waters may include water from another supplier's public water system; or water from a source such as wells, lakes or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable or constitute a water source or system over which the supplier of water does not have control.
 - D. "Backflow" means the flow of water or other liquids, mixtures or substances into the distributing pipes of a potable water supply from any source other than the intended source of the potable water supply.
 - E. "Backflow prevention device" means any device, method or type of construction intended to prevent backflow into a potable water system.
 - F. "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water system.
 - G. "Consumer's water system" means any water system, located on the consumer's premises, supplied by or in any manner connected to a public water system, A household plumbing system is considered to be a consumer's water system.
 - H. "Contamination" means an impairment of the quality of water by sewage or process fluid or waste to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

- I. "Cross-connection" means any arrangement whereby back flow can occur.
- J. "Degree of hazard" is a term derived from an evaluation of the potential risk to health and the adverse effect upon the potable water system.
- K. "Director" means the Director of the Ohio Environmental Protection Agency or his duly authorized representative.
- L. "Double check valve assembly" means an assembly composed of two single, independently acting, check valves including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.
- M. "Health hazard" means any condition, device or practice in a water system or its operation that creates, or may create, a danger to the health and well-being of users. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could reasonably be expected to result in significant morbidity or death.
- N. "Interchangeable connection" means an arrangement or device that will allow alternate but not simultaneous use of two sources of water.
- O. "Non-potable water" means water not safe for drinking, personal or culinary use.
- P. "Person" means the State, any political subdivision, public or private corporation, individual, partnership or other legal entity.
- Q. "Pollution" means the presence in water of any foreign substance that tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.
- R. "Potable water" means water which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Ohio Environmental Protection Agency.
- S. "Process fluids" means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollution or system hazard if introduced into the public or a potable consumer's water system. This includes, but is not limited to:
1. Polluted or contaminated waters;
 2. Process waters;
 3. Used waters originating from the public water system which may have deteriorated in sanitary quality;
 4. Cooling waters;
 5. Contaminated natural waters taken from wells, lakes, streams or irrigation systems;
 6. Chemicals in solution or suspension;
 7. Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes or for fire fighting purposes.
- T. "Public water system" has the meaning ascribed to such term in Sections 6109.01 and 6109.02 of the Ohio Revised Code.

- U. "Reduced pressure principle backflow prevention device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In cases of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.
- V. "Service connection" means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.
- W. "Supplier of water" means a condition posing an actual or potential threat of damage to the physical properties of the public water system or a potable consumer's water system.
- X. "System hazard" means a condition posing an actual or potential threat of damage to the physical properties of the public water system or a potable consumer's water system.
- Y. "Pollution hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water system or a potable consumer's water system.
- Z. "Used water" means any water supplied by a supplier of water from a public water system to a consumer's water system after it has passed through the service connection and is no longer under the control of the supplier.
- (c) Water System.
- (1) The water system shall be considered as made up of two parts: the public potable water system and the consumer's water system.
 - (2) The public potable water system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Village Administrator up to the point where the consumer's water system begins.
 - (3) The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the public distribution system.
 - (4) The public distribution system shall include the network of the conduits used for delivery of water from the source to the consumer's water system.
 - (5) The consumer's water system shall include those parts of the facilities beyond the service connection which are utilized in conveying water from the public distribution system to points of use.
- (d) Cross-Connections Prohibited.
- (1) No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public potable or consumer's water system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the Village Administrator.

- (2) No connection shall be installed or maintained whereby water from an auxiliary water system may enter a public potable or consumer's water system unless such auxiliary water system shall have been approved by the Village Administrator and by the Director of the Ohio Environmental Protection Agency as required by Section 6109.13 of the Ohio Revised Code.
- (e) Survey and Investigations.
- (1) The consumer's premises shall be open at all reasonable times to the Administrator, or his authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.
- (2) On request by the Village Administrator, or his authorized representative, the consumer shall furnish information on water use practices within his premises.
- (3) It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections in his water system through which contaminants or pollutants could backflow into his or the public potable water system.
- (f) Where Protection is Required.
- (1) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Village Administrator, actual or potential hazards to the public potable water system exist.
- (2) An approved backflow prevention device shall be installed on each service line to a:
- A. Premises having an auxiliary water system, unless such auxiliary system is accepted as an additional source by the Village Administrator and the source is approved by the Director of the Ohio Environmental Protection Agency;
 - B. Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to the public potable water system. This shall include premises having sources or systems containing process fluids or waters originating from the public potable water system which are no longer under the sanitary control of the Village Administrator;
 - C. Premises having internal cross-connections that, in the judgment of the Village Administrator, are not correctable, or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist;
 - D. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey;
 - E. Premises having a repeated history of cross-connections being established or reestablished;

- F. Others specified by the Village Administrator.
- (3) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following type of facilities unless the Village Administrator or the Director determines that no actual or potential hazard to the public potable water system exists:
- A. Hospitals, mortuaries, clinics, nursing homes;
 - B. Laboratories;
 - C. Piers, docks, waterfront facilities;
 - D. Sewage treatment plants, sewage pumping stations or storm water pumping stations;
 - E. Food or beverage processing plants;
 - F. Chemical plants;
 - G. Metal plating industries;
 - H. Petroleum processing or storage plants;
 - I. Radioactive material processing plants or nuclear reactors;
 - J. Car washes;
 - K. Others specified by the Village Administrator.
- (4) An approved backflow prevention device shall be installed at any point of connection between the public potable or consumer's water system and an auxiliary water system, unless such auxiliary system is accepted as an additional source by the Village Administrator and the source is approved by the Director of the Ohio Environmental Protection Agency.
- (g) Type of Protection Required.
- (1) The type of protection required under subsections (f)(1), (2) and (3) hereof shall depend on the degree of hazard which exists as follows:
- A. An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard;
 - B. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with any substance that could cause a system or health hazard;
 - C. An approved air gap separation or an approved reduced pressure principle backflow prevention device or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollution hazard not dangerous to health.
- (2) The type of protection required under subsection (f)(4) hereof shall be an approved air gap separation or an approved interchangeable connection may not be required, provided:
- A. At premises where the auxiliary water system may be contaminated with substances that could cause system or health hazard, the public or consumer's potable water system shall be protected against backflow by installation of an approved reduced pressure principle backflow prevention device;
 - B. At all other premises, the public or consumer's potable water system shall be protected against backflow by installation of either an approved reduced pressure principle backflow prevention device or an approved double check valve assembly;

- C. The public or consumer's potable water system shall be the primary source of water for the fire protection system;
- D. The fire protection system shall be normally filled with water from the public or consumer's potable water system;
- E. The water in the fire protection system shall be used for fire protection only, with no regular use of water from the fire protection system downstream from the approved backflow prevention device;
- F. The water in the fire protection system shall contain no additives.

(h) Backflow Prevention Devices. (Approved list available upon request from Village Administrator.)

- (1) Any backflow prevention device required by these rules and regulations shall be of a model or construction approved by the Village Administrator and the Director and shall comply with the following:
 - A. An air gap separation, to be approved, shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.
 - B. A double check valve assembly or a reduced pressure principle backflow prevention device shall be approved by the Village Administrator, and shall appear on the current list of approved backflow prevention devices of the Ohio Environmental Protection Agency.
 - C. An interchangeable connection, to be approved, shall be either a swing type connector or a four-way valve of the lubricated plug type that operates through a mechanism which unseats the plug, turns it ninety degrees and reseats the plug. Four-way valves shall not be used as stop valves but must have separate stop valves on each pipe connected to the valve. The telltale port on the four-way valve shall have no piping connected and the threads or flange on this port shall be destroyed so that a connection cannot be made.
- (2) Existing backflow prevention devices approved by the Village Administrator or the Director of the Ohio Environmental Protection Agency at the time of installation and properly maintained shall, except for inspection, testing and maintenance requirements, be excluded from the requirement of subsection (h)(1) hereof providing the Village Administrator is assured that they will satisfactorily protect the public potable water system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the Village Administrator finds that the maintenance of the device constitutes a hazard to health, the device shall be replaced by a backflow prevention device meeting the requirements of these regulations.

(i) Installation.

- (1) Backflow prevention devices required by these rules and regulations shall be installed at a location and in a manner approved by and at the expense of the water consumer. In addition, any backflow prevention device required by subsection (g)(2) hereof shall be installed at a location and in a manner approved by the Director of the Ohio Environmental Protection Agency as required by Section 6109.13 of the Ohio Revised Code.

- (2) Backflow prevention devices installed on the service line to a consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.
 - (3) Pits or vaults shall be of water-tight construction, be so located and constructed as to prevent flooding and shall be maintained free from standing water by means of either a sump and pump or a suitable drain. Such sump pump or drain shall not connect to a sanitary sewer nor permit flooding of the pit or vault by reverse flow from its point of discharge. An access ladder and adequate natural or artificial lighting shall be provided to permit maintenance, inspection and testing of the backflow prevention device.
 - (4) Reduced pressure principle backflow prevention devices must be installed above ground level or floor level, whichever is higher.
- (j) Inspection and Maintenance.
- (1) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspections, tests, and overhauls made in accordance with the following schedule, or more often where inspections indicate a need:
 - A. Air gap separations shall be inspected at the time of installation and at least every twelve months thereafter;
 - B. Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter;
 - C. Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every twelve months thereafter.
 - (2) Inspections, tests, and overhauls of backflow prevention devices shall be made at the expense of the water consumer and shall be performed by a properly licensed professional installer qualified to inspect, test and overhaul backflow prevention devices.
 - (3) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired, overhauled or replaced at the expense of the consumer without delay.
 - (4) The water consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, repairs and overhauls. Records of inspections, tests, repairs and overhaul shall be submitted to the Village Administrator.
- (k) Booster Pumps.
- (1) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to ten pounds per square inch gauge or less.

- (2) It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Village Administrator, at least once a year that the device is operating properly.
- (1) Violations.
 - (1) The Village Administrator shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested and maintained in a manner acceptable to the Village Administrator, or if it is found that the backflow prevention device has been removed or by-passed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.
 - (2) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Village Administrator.
(Ord. 2007-7. Passed 8-14-07.)

CHAPTER 927
Sewer Regulations

927.01 Purpose.	927.17 Annual review of user charges.
927.02 Organization of regulation.	927.18 Billing procedures.
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927.09 Powers and authority of inspectors.	927.25 Pretreatment monitoring.
927.10 Limiting sewer connections.	927.26 Accidental discharges.
927.11 Injury and damage of sewage works.	927.27 Liberal interpretation.
927.12 Deficit prohibited.	927.28 Grievance and appeals.
927.13 Use of revenue.	927.29 Enforcement and penalties.
927.14 Free service prohibited.	927.30 Invalidity and separability.
927.15 Base user charge.	927.31 Repeal of conflicting ordinances.
927.16 Determination of charges.	

CROSS REFERENCES

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

927.01 PURPOSE.

(a) It is the purpose of this chapter to establish guidelines, policies, procedures, rates, and penalties for the safe, efficient; and sound fiscal operation of the wastewater collection and treatment system owned by the Village of Hiram. This chapter is required to comply with certain requirements of the United States Environmental Protection Agency and the Ohio Environmental Protection Agency.

(b) Sewer Use Regulation is intended to protect and preserve the physical integrity of the sewage collection and treatment works.

(c) The User Charge System is intended to totally recover from the classes of sewer system users the costs of operation, maintenance, capital debt, repair, replacement and reasonable contingencies.

(d) The Industrial Pretreatment Regulation is intended to establish guidelines and standards necessary for the control of industrial waste discharged into the Hiram Sewage disposal system in order to prevent the introduction of pollutants into the wastewater system which could upset the normal operation of the treatment plant to contaminate the resulting sludge.
(Ord. 2007-7. Passed 8-14-07.)

927.02 ORGANIZATION OF REGULATION.

- (a) This regulation is divided into five divisions:
- (1) General
 - (2) Sewer Use Regulation
 - (3) User Charge System
 - (4) Industrial Pretreatment
 - (5) Miscellaneous.

(Ord. 2007-7. Passed 8-14-07.)

927.03 DEFINITIONS.

- (1) ACT: Shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. 1251, et. Seq.
- (2) APPLICABLE PRETREATMENT STANDARD: Shall mean pretreatment limit or prohibitive standard (federal and/or local), deemed to be the most restrictive, with which nondomestic users are required to comply.
- (3) APROVAL AUTHORITY: Shall mean the Ohio Environmental Protection Agency and the United States Environmental Protection Agency.
- (4) AUTHORITY: Shall mean the Village of Hiram action through its designated representative for all areas in Portage County included in the respective sewer district tributary to the Authority's WWTP. See 927.03(110) Village Administrator.
- (5) AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER: Shall mean:
 - A. A principal executive officer of at least the vice president, if the industrial user is a corporation;
 - B. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
 - C. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.
- (6) AVERAGE MONTHLY DISCHARGE LIMITATION: Shall mean the highest allowable average of 'daily discharges' over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during the month.
- (7) AVERAGE WEEKLY DISHCARGE LIMITATION: Shall mean the highest allowable average of 'daily discharge' over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

- (8) AWWA - Shall mean the American Water Works Association.
- (9) BENEFICIAL USES: Shall include, but are not limited to, domestic, municipal, agricultural and industrial use, owner generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife, and other aquatic resources or reserves, and other uses, both tangible and intangible, as specified by state or federal law.
- (10) BIOCHEMICAL OXYGEN DEMAND (BOD): Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade expressed in terms of weight and concentration (milligrams per liter [mg/l]). Laboratory procedures shall be in accordance with the latest edition of Standard Methods.
- (11) BOARD OF PUBLIC AFFAIRS: Shall mean the former authority of water and waste water works as per Ord 2005-23. Village Administrator shall replace any references to the Board of Public Affairs.
- (12) BUILDING DRAIN: Shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from the soil, waste, and other drainage pipes inside the walls of a building and conveys it to the sewer, terminating outside the inner face of the building wall.
- (13) BUILDING SEWER: Shall mean the extension from the building drain to the municipal sewer or other place of disposal.
- (14) CAPACITY CHARGE: Shall mean the charge levied on new users in the system to help fund future POTW expansions as the new users reduce existing plant growth capacity. The capacity charge is based on the EDU of the new user at the rate in effect at the time of permit application. The Village, at the time of passage of this chapter, uses tap-in-fees instead of capacity fees.
- (15) CAPITAL COST: Shall mean that portion of the cost of sewage treatment systems which is directly attributable to the cost of principal and interest obligations issued to finance acquisition and construction of the wastewater system.
- (16) CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD): Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter not including Nitrification under standard laboratory procedure in five (5) days at 20 degrees Centigrade expressed in terms of weight and concentration (milligrams per liter [mg/l]). Laboratory procedures shall be in accordance with the latest edition of Standard Methods.
- (17) CHEMICAL OXYGEN DEMAND (COD): Shall mean the quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedures, expressed in terms of parts per million by weight in accordance with procedures set forth in the latest edition of Standard Methods.
- (18) CHLORINE REQUIREMENT: Shall mean the amount of chlorine, in parts per million by weight, which must be added to sewage to produce a specified residual chlorine content, or to meet the requirements of some other objectives, in accordance with procedures set forth in the latest edition of Standard Methods.
- (19) COMBINED SEWER: Shall mean a sewer intended to receive both wastewater and storm or surface water.
- (20) COMMERCIAL USER: Shall mean any aggregation of space, office, laundry, restaurant, stores, taverns, shops, and other like units, which is equipped with one or more water fixtures draining into the wastewater disposal system, separate and distinct from other users of service. In office buildings or other premises containing more than one tenant, only those tenants shall be classified as users of service who occupy space equipped with a district opening or fixture or set of fixtures for the use of water separately from other tenants and with waste draining into the water disposal system.

- (21) **COMPATIBLE POLLUTANT:** Shall mean the BOD, SS, pH, and fecal coliform bacteria, plus additional pollutants identified in the Authority's NPDES permit if the treatment works was designed to treat such pollutants, and in fact does not remove such pollutants to a substantial degree.
- (22) **COMPOSITE SAMPLE:** Shall mean a sample which contains a minimum of eight (8) discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable.
- (23) **CONTROL MANHOLE:** Shall mean a structure which provides access to a building sewer. A control manhole may be used as an inspection chamber and may contain certain testing equipment.
- (24) **COOLING WATER:** Shall mean the water discharge from any use such as air-conditioning, cooling, or refrigeration, or during which the only constituent added to the water is heat.
- (25) **DAILY DISCHARGE:** Shall mean the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar for purposes of sampling.
- (26) **DEBT SERVICE CHARGES:** Shall mean charges resulting from the capital investment in the wastewater system consisting of the annual principal and interest payments and other amounts required in connection with the issuance and the sale of bonds to provide the funds for Construction.
- (27) **DELINQUENT ACCOUNT:** Shall mean any bill or account not paid within 30 days.
- (28) **EASEMENT:** Shall mean an acquired legal right of the specific use of land owned by others.
- (29) **EFFLUENT:** Shall mean the water and any treated and processed materials leaving the sewage treatment plant being discharged back into the environment.
- (30) **EPA OR U.S. ENVIRONMENTAL PROTECTION AGENCY:** Shall mean the United States Environmental Protection Agency and may also be used, where appropriate, as designated for the Administrator or other duly authorized official of such agency.
- (31) **EQUIVALENT DWELLING UNIT (EDU):** Shall mean the measurement of a home equivalent based upon a flow rate of 2000 gallons per month. Apartments, homes, trailers, cottages and other single residential structures shall be considered as 1 EDU each regardless of flow rate.
- (32) **ETHER-SOLUBLE MATTER:** Shall mean oil and grease which is soluble in ether, as measured in the laboratory procedure made in accordance with the method set forth in Standard Methods.
- (33) **FECAL COLIFORMS:** Shall mean any number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.
- (34) **FLOATABLE OIL:** Shall mean oil, fat, or grease, in a physical state, such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.
- (35) **FOUNDATION DRAINS:** Shall mean subsurface drains laid around the foundation of a building, either within or outside of the building foundation, for the purpose of carrying ground or subsurface water to some point of discharge.

- (36) **FRONTAGE:** The front of a property boundary along the Village Street measured in feet as defined by the Hiram Village Zoning Code. Tap-in-fees are based on frontage, but only the frontage of one street (the greater measurement) should a corner lot be involved.
- (37) **GARBAGE:** Shall mean the residue from the preparation and dispensing of food, and from the handling, storage, and sale of produce.
- (38) **GOVERNMENT USER:** Shall mean any user discharging wastewater from premises utilized by public political units, including Federal, State, County, and Authority units.
- (39) **GRAB SAMPLE:** Shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (40) **GREASE AND OIL:** Shall refer to a group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during the laboratory test procedures. Greases and Oils as defined by the method of their determination in accordance with Standard Methods.
- (41) **GREASE AND OIL OF ANIMAL AND VEGETABLE ORIGIN:** Shall mean substances that are of a less readily biodegradable nature such as are discharged by meat packing, vegetable oil, and fat industries, food processors, canneries, and restaurants.
- (42) **GREASE AND OIL OF MINERAL ORIGIN:** Shall mean substances that are less readily biodegradable than grease and oil of animal or vegetable origin, and are derived from a petroleum source. Such substances include machinery lubricating oils, gasoline station wastes, petroleum refinery wastes, and storage depot wastes.
- (43) **GROUND GARBAGE:** Shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.
- (44) **INCOMPATIBLE POLLUTANT:** Shall mean any pollutant which is not a compatible pollutant as defined herein.
- (45) **INDUSTRIAL USER:** Shall mean a person who discharges to the Authority's wastewater disposal system liquid, solid, or gaseous wastes resulting from the processes employed in industrial or manufacturing activities, or from the development, recovering, or processing of any natural resource. Industrial users are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, under Division A, B, D, E, and I.
- (46) **INDUSTRIAL WASTE:** Shall mean any liquid, solid, or gaseous substance or form of energy, or combination thereof, resulting from any process of industrial, commercial, governmental and institutional concerns, manufacturing, business, trade, or research, including the development, recovery, or processing of natural resources, or from sources other than those generating waste defined as "Normal Domestic Sewage" herein.
- (47) **INDUSTRIAL WASTE PERMIT:** Shall mean a formal permit to deposit or discharge industrial waste into any sanitary sewer, as issued by the Authority.
- (48) **INFILTRATION:** Shall mean water other than wastewater that enters sewer system (including building sewer connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

- (49) **INFLOW:** Shall mean water other than wastewater that enters a sewer system from sources such as, but not limited to; roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm towers, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.
- (50) **INFLUENT:** Shall mean the water, together with any waste that may be present, flowing into a drain, sewer receptacle, or outlet and then to the sewage treatment plant.
- (51) **INSPECTION FEE:** Shall be the amount charged by the Authority to inspect and issue a permit for users to verify proper construction procedures and materials for new connections, repairs, and alterations. For new tap ins to the sewer system, the tap-in-fee includes the permit and inspection fee.
- (52) **INSTITUTIONAL USER:** Shall mean any person discharging wastewater from the premises serving educational, social, or eleemosynary purposes, including, but not limited to, private schools, hospitals, nursing homes, churches and charitable organizations.
- (53) **INTERFERENCE:** Shall mean inhibition or disruption of the sewage treatment processes or operations which contributes to a violation of any requirements of the Authority's NPDES permit. The term includes prevention of sewage sludge use or disposal by the treatment plant in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of the Solid Waste Disposal Act) applicable to the method of disposal or use employed by the Authority.
- (54) **MAJOR CONTRIBUTING INDUSTRY:** Shall mean any user of the Authority's wastewater disposal system which:
- A. Has a disposal flow of 25,000 gallons per average workday; or
 - B. Has a flow in the Authority's wastewater disposal system; or
 - C. Has as its wastes toxic pollutants as defined pursuant to Section 30 of the Act; or
 - D. Has significant impact, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- (55) **MAXIMUM DAILY DISCHARGE LIMITATIONS:** Shall mean highest allowable daily discharge.
- (56) **NATIONAL CATEGORICAL PRETREATMENT STANDARD:** Shall mean any regulation containing pollutant discharge of limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.
- (57) **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT:** Shall be issued by the State of Ohio or EPA pursuant to the Act for the purpose of regulating the discharge of sewage, industrial wastes, and other wastes under the authority of Section 402 of the Act, into the navigable waters of the United States.
- (58) **NATURAL OUTLET:** Shall mean any outlet into a water course, pond, ditch, lake, or other body of surface or ground water.

- (59) **NEW SOURCE:** Shall mean any source of wastewater, the construction of which is commenced after the publication of regulations prescribing an applicable Section 307 (c) (33 U.S.C. 1317) Categorical Pretreatment Standard is promulgated in the Federal Register.
- (60) **NONRESIDENTIAL USER:** Shall mean commercial, government, institutional and industrial users in the aggregate and all other users not considered under the residential user category.
- (61) **NORMAL DOMESTIC SEWAGE:** Shall mean wastewater that has a BOD concentration of not more than 370 mg/1 and a suspended solid concentration of not more than 270 mg/1 and discharged principally from dwellings such as residences, apartments, trailers, etc.
- (62) **NPDES:** See “National Pollutant Discharge Elimination System Permit.”
- (63) **ON-LOT SYSTEM:** Shall mean a publicly owned grinder pressure pump system located on public and/or private property together with all electrical connections and appurtenances thereof. The public system begins at and includes the septic tanks inlet.
- (64) **OPERATION AND MAINTENANCE COSTS:** Shall mean the current, reasonable and necessary costs of operation and maintenance of the wastewater disposal system, paid or incurred, determined in accordance with generally accepted accounting principles, including replacement costs, but excluding payments of principal and of interest on obligations issued to finance the costs of acquisition and construction of the treatment works.
- (65) **PARTS PER MILLION (ppm):** Shall mean a weight-to-weight ratio. The parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water. A milligram per liter (mg/1) is a synonymous term.
- (66) **PERMIT FEE:** See “Inspection Fee”.
- (67) **PERSON:** Shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, association, institution, enterprise, governmental agency, the State of Ohio, the United States of America, or other legal entity, or their representatives, agents, or assigns. The masculine gender shall include the plural where indicated by the context.
- (68) **pH:** Shall mean the logarithm, base ten, of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in Standard Methods.
- (69) **POLLUTION:** Shall mean the dredges, spoil, solid waste, incinerator residue, wastewater, garbage, wastewater sludge, munitions, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, commercial, domestic, and agricultural waste discharged into water.
- (70) **POTW:** See “Publicly Owned Treatment Works.”
- (71) **PREMISES:** Shall mean any piece of real estate having one or more sewers which may be connected either individually or through a common sewer and directly or indirectly to the wastewater disposal system.
- (72) **PRETREATMENT:** Shall mean the process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater prior to introducing such pollutants into the Authority's wastewater disposal system. The reduction, elimination, or alteration may be obtained by physical, chemical, or biological processes, process changes of other means, except as prohibited by this chapter.

- (73) **PRETREATMENT REQUIREMENTS:** Shall mean any substantive procedural requirements related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
- (74) **PRIVATE ON-SITE TREATMENT FACILITIES:** Shall mean any private sewage treatment facilities located at the site where wastewater is being generated, when such facilities are for the purpose of treating or pre-treating the generated wastewater before it enters public sewers.
- (75) **PROPERLY SHREDDED GARBAGE:** Shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely, under the conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.
- (76) **PUBLIC SEWERS:** Shall mean a sewer provided by or subject to the jurisdiction of the Authority on public or private property.
- (77) **PUBLICLY OWNED TREATMENT WORKS (POTW):** Shall mean all publicly owned (Authority owned) facilities for the collection, treatment, and disposal of wastewater.
- (78) **RECEIVING STREAM:** Shall mean the watercourse, stream or body of water receiving the waters finally discharged from the wastewater treatment plant.
- (79) **REIMBURSABLE EXPENSES:** Shall mean those costs incurred by the Authority which are passed on to the users of the POTW on whose behalf the expenses were incurred. Included will be such items as sampling costs and laboratory fees.
- (80) **REPLACEMENT:** Shall mean any expenditure for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. Also known as "equipment replacement costs."
- (81) **RESIDENTIAL USER:** Shall be any aggregation of space or area occupied as a residence and generating domestic wastewater. In multi-use premises, only those divisions of the building utilized as domiciles will be considered residential users.
- (82) **SANITARY SEWER:** Shall mean a gravity or pressure sewer which carries wastewater and to which storm, surface and ground, water is excluded.
- (83) **SERVICE AREA:** Shall mean all users connected with the treatment works including those in Portage County and outside of the Village corporation limits.
- (84) **SEWAGE:** Shall mean the water-carried human, animal, and household wastes in public or private drains, and may include industrial wastes and unintentional groundwater infiltration and surface drainage.
- (85) **SEWAGE DISPOSAL SYSTEM:** Shall mean all facilities for collecting, pumping, treating, and disposing of sanitary sewage to and through the sewage treatment or disposal works or extensions thereof. This shall not include plumbing inside or in connection with building services or service sewers from a building to the publicly owned sewer connection.
- (86) **SEWAGE TREATMENT PLANT:** Shall mean an assemblage of devices, structures, and equipment for treatment of sewage and industrial waste.
- (87) **SEWER:** Shall mean a pipe or conduit for carrying wastewater.
- (88) **SEWAGE:** Shall mean the system of sewers and appurtenances for the collection, transportation, and pumping of sewage and industrial waste.

- (89) **SEWER SERVICE CHARGE:** Shall mean an imposed charge upon all users receiving services from the Authority's sewage disposal system in a total amount sufficient to pay the costs of the system. Sewer service charges consist of a debt, service charge, and operation and maintenance charge, and surcharge (if applicable).
- (90) **SHALL, MAY:** "Shall" is mandatory; "may" is permissible.
- (91) **SLUDGE:** Shall mean any solid, semi-solid, or liquid waste generated by a public, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects as defined in standards issued under Section 402,405 of the act and in the applicable requirements under Sections 3001, 3004 and 4004 of the Solid Waste Disposal Act (PL 94-580).
- (92) **SLUG:** Shall mean any discharge of water, sewage, or industrial wastewater, in concentration of any given constituent or in quantity of flow, exceeding for any period of longer duration than fifteen minutes more than five times its average hourly concentration or flow.
- (93) **STANDARD INDUSTRIAL CLASSIFICATION (SIC):** Shall mean the system that classifies industries pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, assigning a code (SIC Code) denoting the manufacturing process.
- (94) **STANDARD METHODS:** Shall mean the laboratory procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage, and Industrial Wastes, published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.
- (95) **STORM SEWER OR STORM DRAIN:** Shall mean a public or private sewer which carries storm, surface, and ground water drainage, but excludes sewage and industrial waste.
- (96) **STORM WATER RUNOFF:** Shall mean the portion of rainfall that is drained into the storm sewers.
- (97) **SURCHARGE:** Shall mean the assessment in addition to the service charge which is levied on those persons whose wastes are greater in strength than the concentration value established as representative of normal sewage.
- (98) **SUSPENDED SOLIDS (SS):** Shall mean solids that either float on the surface of, or are in suspension or will settle in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the Standard Methods.
- (99) **TAP-IN-FEES:** Shall mean the charge levied on new connections in the system to help cover the cost of past improvements and maintenance of the WWTP in addition to the cost for the new connection to the main sewer line on the Village right of way. The property owner will pay all expenses involved with new connection of the premise to the main sewer line in addition to the tap-in-fee. The tap-in-fee is based on a charge per frontage of property (See Chapter 927) with a minimum charge to cover properties with little or no frontage. Each new or different connection requires a new tap-in-fee.
- (100) **TIE-IN-FEES:** See "Tap-In-Fees."
- (101) **TOTAL SOLIDS:** Shall mean the sum of suspended and dissolved solids.

- (102) **TOXIC SOLIDS:** Shall mean concentrations of any pollutant or combination of pollutants which, upon exposure to or assimilation into any organism, will cause adverse effects such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of the Act.
- (103) **TREATMENT PLAN:** See "Sewage Treatment Plant".
- (104) **UNPOLLUTED WATER or UNPOLLUTED LIQUID:** Shall mean any water or liquid containing none of the following: free or emulsified grease or oil; acids or alkalides; substances that may impart taste, odor, or color characteristics; toxic or poisonous substances in suspension, colloidal state of solution; odorous or otherwise obnoxious gases. It shall not contain more than 2,500 parts per million by weight of dissolved solids and no more than ten parts per million each of Suspended Solids (SS) or biochemical oxygen demand (BOD). Analytical determinations shall be made in accordance with procedures set forth in Standard Methods.
- (105) **UPSET OR OPERATING UPSET:** Shall mean an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth hereto due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.
- (106) **USEFUL LIFE:** Shall mean the estimated period during which a treatment work will be operated.
- (107) **USER:** Shall mean any property upon which an on-lot system has been constructed and is available for use whether or not it is actually connected to the building drain.
- (108) **USER CHARGE:** Shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation maintenance and replacement of wastewater treatment works.
(Ord. 2007-7. Passed 8-14-07.)
- (109) **USER CLASS:** Shall mean a group of users that discharges, causes, or permits the discharge of wastewater with similar volume characteristics into the sewerage system of the Village. The two distinct User Classes are as follows:
- (a) User Class 1. For residential users, including rental properties and apartment units (Apartment units here means per individual apartment dwelling unit within a building); and for commercial and industrial users.
 - (b) User Class 2: For Users over 9,000 gallons of water for two consecutive months. (Ord. 2017-06. Passed 4-11-17.)
- (110) **VILLAGE ADMINISTRATOR:** In accordance with Ohio R.C. 735.271 Hiram Village Council has created the position of Village Administrator (Ord 2005-23) to oversee operations of the street, water and waste water operations. For the purpose of this chapter, Village Administrator can also mean the authority as outlined in 1003,03-4 or Representatives or Agents of Village Administrator.
- (111) **VOLATILE ORGANIC MATTER:** Shall mean the material in the sewage solids transformed to gas or vapors when heated at 500 degrees Centigrade for 15 to 20 minutes per Standard Methods.
- (112) **WASTEWATER:** Shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with ground water, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the Authority's wastewater disposal system.
- (113) **WASTEWATER TREATMENT PLANT:** See "Sewage Treatment Plant".
- (114) **WATERCOURSE:** Shall mean a channel in which a flow of water occurs, whether continuously or intermittently.

- (115) **WATERS OF THE STATE:** Shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- (116) **WORKING CAPITAL:** Shall mean a reasonable reserve of monies within the system operating fund to provide a margin of safety for fluctuations of the cash flow in the fund.
(Ord. 2007-7. Passed 8-14-07.)

927.04 USE OF PUBLIC SEWERS REQUIRED.

(a) No person shall place, deposit or permit to be deposited, in any unsanitary manner on public or private property within the Authority or in any area under the jurisdiction of the Authority, any human or animal excrement, garbage or other matter which is or may become offensive, noxious, or dangerous to the public health.

(b) No person shall discharge to the waters of the State within the area under the jurisdiction of the Authority, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the requirements of the EPA or the local health department.

(c) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) The owner of the house, building, or properties used for human occupancy, employment, recreation, or other purposes, situated within the area under the jurisdiction of the Authority and abutting on any street, alley or rights of way in which there is now located or may in the future be located a public sanitary sewer of the Authority, is hereby required at his expense to install suitable toilet facilities directly to the sanitary sewer, in accordance with the provisions of this chapter, within 180 days after date of official notice to do so, provided that such street, alley, or right-of-way is within 200 feet of the foundation walls of such house, building, or other property at all usable for human occupancy.
(Ord. 2007-7. Passed 8-14-07.)

927.05 SEWER CONSTRUCTION PERMIT.

(a) Before any building sewer is constructed, repaired or altered, a permit must be obtained from the Authority. All permits issued hereunder shall expire ninety (90) days from the date of issuance. No refund of the permit fee and/or inspection charge shall be made unless a request is made and the permit is returned within the ninety (90) day permit period.

- (b) The applicant for the permit must furnish the following:
- (1) Name of owner; and
 - (2) Owner's mailing address; and
 - (3) Name of subdivision and lot number or legal description on unparceled land; and
 - (4) Mailing address of the property; and
 - (5) Name and Address of the construction contractor, if any; and
 - (6) The permit fee includes the final inspection fee. An additional fee for any inspector's time which exceeds one hour shall be added to the first water/sewer bill.

(c) Such permit will be issued only to a person who can satisfy the Authority that he is competent to do such work. A permit/Inspection charge shall be paid to the Authority at the time of the application for permit. If this is a new tap into the sanitary sewer system, the tap-in-fee includes the permit and inspection fee.
(Ord. 2007-7. Passed 8-14-07.)

927.06 TAP-IN FEES/CAPACITY CHARGES.

(a) Tap-in Fees Required. Except as herein provided, no person shall connect a building or other structure either directly or indirectly to the sewage disposal system without first paying to the Authority a tap-in fee determined in accordance with the schedule currently adopted by the Village at the time of permit application. The Village, at the time of passage of this chapter, was using tap-in fees based on property frontage.

(b) The Authority shall not issue a permit to connect to the sewage disposal system until the applicant for such a permit shall have deposited in cash, or by certified check payable to the Authority, a tap-in fee to be determined in accordance with the current schedule.

(c) The tap-in fee shall be levied as follows:
(1) Residential User- Based on frontage;
(2) Nonresidential User- At minimum frontage or more as determined by the Authority on a case by case basis.

(d) Capacity Charge Required. Capacity charges will be used instead of tap-in fees if the Village should stop charging for sanitary sewer connection based on property frontage. Except as herein provided, no person shall connect any building or other structure either directly or indirectly to the sewage disposal system without first paying to the Authority a determined capacity charge.

(e) If a capacity charge is enacted, the Authority shall not issue a permit to connect to the sewage disposal system until the applicant for such a permit shall have deposited in cash or by certified check payable to the Authority, a capacity charge to be determined in accordance with the current schedule.

(f) The capacity charge shall be levied as follows:
(1) Residential User- I EDU
(2) Nonresidential User- At least 1 EDU or more as determined by the Authority on a case by case basis.

(g) In the event the Authority ascertains that any property has been connected to the sewage disposal system without a proper permit, the Authority may disconnect such a property until such violation ceases. In the event a property is disconnected and subsequently reconnected under this section, the owner shall be subject to the disconnection-reconnection charges provided herein. Such charges shall be added to the customer's sewer service bill.
(Ord. 2007-7. Passed 8-14-07.)

927.07 SEWER CONSTRUCTION AND MAINTENANCE.

(a) All building sewers shall be inspected and approved by the Authority after installation but before covering with back fill. The person to whom the permit has been issued shall call the Authority, requesting the inspection, at least one day before the inspection is desired. The construction shall include all facilities needed to connect to the pressure sewer. The materials and/or equipment used during the construction must be purchased from the Authority and turned over to the Authority immediately following start-up testing and satisfactory operation. The installation shall conform to the specifications used for the original sewer project unless directed otherwise by the Authority.

(b) The building sewer shall be constructed of a size not less than four inches, internal diameter, and shall be of first grade quality of ABS pipe, PVC or cast iron pipe using proper bends or curves for all changes in alignment or grade. All joints and connections shall be made gas tight and water tight. The Authority may require the sewer tapper to demonstrate the tightness of the joints by such tests as he may deem necessary and require additional jointing material or concrete collar at any or all joints.

(c) The building sewer shall have a minimum fall of one-fourth inch per linear foot of sewer from the building to the public sewer. The Authority may, by special permission in each case, authorize the building sewer to be constructed with a fall as little as one-eighth inch per linear foot if he determines such a procedure to be necessary. The junction between the building sewer and the house plumbing shall be made water tight.

The interior of each length of pipe shall be made perfectly clean and free from offsets, fins and projections before the next length is connected thereto. All building sewers shall be graded by line and pole, the line being first leveled from the building to the public sewer then lowered at the down stream end to obtain the required fall.

(d) A separate and independent building sewer shall be provided for each residence or building; except where one building stands at the rear of another on an interior lot and separate building sewers cannot be made available to each building; thence one building sewer may be extended to serve both buildings. A permit shall be obtained for each building connected to the building sewer.

(e) Foundation drains shall not be connected, either directly or indirectly to the building sewer or public sewer. If any drains are installed, carrying surface or subsurface water, they shall be constructed to carry said water to the street or other natural water courses.

(f) Surface water which collects in basement or foundation excavations shall not be discharged at any time into the building sewer. If the building sewer is completed before the house plumbing can be connected thereto, the building or sewer tapper shall keep the end of the building sewer tightly closed at all times with a plumber's plug or other water tight plug in order to prevent said water surface or ground water from entering the building sewer.

(g) Old or existing building sewers may be used in connection with new building or alterations only when it can be demonstrated that they conform in all respects to the requirements contained herein for new building sewers

(h) Building sewers shall not be constructed closer than three feet to any exterior wall, cellar, basement or cistern nor shall they have less than two feet of earth or stone cover.

(i) Where the building sewer will cross unstable soil or close to a tree where roots may enter the joints, extra heavy cast iron pipe may be required. Cast iron pipe shall be required when the building sewer is within ten feet of a water service line, well, spring, cistern or other source of water supply.

(j) Any portion of Section 927.07(j), (k) or (l) being inconsistent Chapter 911 Excavation shall be invalid.

All excavation for sewers shall be by open cut from the surface. The sides of the trench shall be substantially vertical, using such sheeting and bracing as may be necessary to accomplish this result. The bottom of the excavation shall be shaped to fit the lower half of the sewer so that the pipe will have uniform bearing from end to end. In the event the trench is excavated below the required grade of pipe, the excess space shall be filled with pea gravel or stone not over 3/4 inch in diameter. The width of the trench at the top of the pipe shall not exceed two feet plus the outside diameter of the pipe nor shall the width at that point be less than one foot plus the outside diameter of the pipe.

(k) Directional boring will be accepted if approved by the Village Administrator and accomplished using AWWA guidelines.

(l) The person to whom a permit is issued shall be responsible for obtaining any required permits to open cut any street, road or alley from the appropriate political body, official or person having authority or jurisdiction over such work.

(m) The building sewer shall be back filled to an elevation at least six inches over the top of the pipe by tamping in six inch layers. Soil containing stones larger than three inches, in the greatest dimension, shall not be used for back fill. The balance of the back fill may be deposited in any manner which will not damage the pipe or disturb the alignment or grade of the sewer; except that the balance of the back filling shall be done in such a manner and with such material as may be required by the permit.

(n) For new connection into the sanitary sewers, the connection methods must be approved by the Authority prior to initiating construction of the building sewer.

(o) The permit holder will be required to repair or restore any drains or service lines damaged or disturbed by him during the construction of the building sewer.

(p) Following construction of a building sewer or on-lot system, the property owner shall own, maintain, repair or replace the building sewer from the building foundation to the publicly owned sewer.

(q) If the Authority receives a service call for a property to investigate a sewage backup and performs services to clean a building sewer for which the owner is responsible, the Authority may charge the owner for labor, material and equipment costs incurred. Such charges may be placed on the owner's sewer service bill.
(Ord. 2007-7. Passed 8-14-07.)

927.08 DISCHARGES TO THE PUBLIC SEWERS.

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

(b) Storm water, surface drainage, subsurface drainage, groundwater, roof runoff, cooling water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the local authorities. Industrial cooling water or unpolluted processed waters may be discharged, on approval of the local authorities, to a storm sewer or natural outlet.

(c) No person shall discharge or cause to be discharged, directly or indirectly any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards (40 CFR Part 403) or any other National, State, or Local Pretreatment Standards or Requirements.

(d) No person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewers:

- (1) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into POW which exceeds 150 degrees For causing the temperature at the treatment facility to exceed one hundred four degrees (104 degrees) F.
- (2) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction, to cause fire or explosion or be injurious in any other way to the operation of the POTW.
- (3) Any water or waste containing free oils, emulsified oils and grease exceeding an average of one hundred parts per million (833 pounds per million gallons) of the soluble matter.
- (4) Any waters or waste containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including cyanides.
- (5) Any garbage that has not been properly shredded.
- (6) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, chemical residues, paint 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 sewage works.
- (7) Any waters or waste containing suspended solids (SS) of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, or any substance which may cause the POTW's effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (8) Any noxious or malodorous gas substance capable of creating a public nuisance, or substances causing the release of noxious or poisonous gases after discharge into the public sewer system.
- (9) Any waters or waste containing strong acid, iron pickling waste or concentrated plating solutions, whether neutralized or not.

- (10) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substance; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits as may be established by Authority from time to time for such material, and which may cause the POTW to violate its NPDES and/or other Disposal System permits.
- (11) Any waters or waste containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Authority as necessary, after treatment of the composite sewage, to meet the requirements of state, Federal or other public agencies of jurisdiction for such discharge to the receiving waters, and which might cause the POTW to violate its NPDES and/or other Disposal System permits.
- (12) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Authority in compliance with applicable State or Federal regulations.
- (13) Any waters or waste having a pH of less than 5.5 or in excess of 9.0.
- (14) Materials which exert or cause:
 - A. Unusual concentration of inert suspended solids (SS) such as, but not limited to, fullers earth, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.
 - B. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
 - C. Biochemical oxygen demand, Suspended Solids (SS), or chlorine requirements in such concentrations as to constitute a load on the sewage treatment works greater than that expected from normal domestic wastewater characteristics.
 - D. Unusual volume of flow or concentration of waste constituting "slugs" as defined herein.
- (15) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(e) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics which, in the judgment of the Authority, may have a deleterious effect upon the sewage works, processes, equipment of receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Authority may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition in accordance with guidelines adopted herein for discharge into the public sewers;
- (3) Require control over quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treatment of the wastes not covered by existing taxes or sewer charges under the provisions of "Additional Charges."

(f) If the Authority permits the pretreatment or equalization of waste flow, the design and installation of the plants and equipments shall be subject to the review and approval of the Authority and subject to the requirements of all applicable codes, ordinances, and laws. (Ord. 2007-7. Passed 8-14-07.)

927.09 POWERS AND AUTHORITY OF INSPECTORS.

(a) The Authority bearing proper credentials and identification shall be permitted to enter all private properties through which the Authority holds a duly negotiated easement for the purpose of all things necessary for the maintenance of the easement including inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(b) While performing the necessary work on private properties, the Authority shall observe all safety rules applicable to the premises established by the owner and the Authority.

(c) The Authority bearing proper credentials and identification shall present them to the owner, agent or present occupant of properties within the Authority before entering for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions contained herein. The Authority shall also obtain and present a proper search warrant if the owner, agent or present occupant requests one. A request by the owner, agent or present occupant that the Authority obtain a search warrant is an exercisable right of the requesting party and shall not constitute failure to cooperate nor shall it constitute a failure to comply with the provision herein. The Authority shall have no right to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond the point of having a direct bearing on the kind and source of discharge into the sewers or waterways to facilities for waste treatment. (Ord. 2007-7. Passed 8-14-07.)

927.10 LIMITING SEWER CONNECTIONS.

The Authority shall limit connections into sewer lines if sufficient capacity to handle and treat additional wastewater is unavailable in the system.

(a) Any person applying for a permit to connect to a public sewer shall provide, with the application for said building sewer permit, sufficient data, as required by the Authority, regarding the location, type of wastewater and amount of flow to be conveyed to the public sewer.

(b) Any costs associated with additional charges herein shall be borne by the person applying for the building sewer permit. (Ord. 2007-7. Passed 8-14-07.)

927.11 INJURY AND DAMAGE OF SEWAGE WORKS.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewage disposal system. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct and shall be required to make restitution for said damages. (Ord. 2007-7. Passed 8-14-07.)

927.12 DEFICIT PROHIBITED.

As part of the annual review provided herein, the Authority or other representative shall make an estimate of the revenues and expenses for the next year. After deducting the estimated operation and maintenance costs, the estimated debt service cost, and the repair and replacement reserve payment from the total estimated revenues and net carryover from the previous years, the system shall maintain a positive working capital.

(Ord. 2007-7. Passed 8-14-07.)

927.13 USE OF REVENUE.

The funds received from the collections of the rates and charges provided in this chapter shall be deposited as received by the Authority into a separate fund designated as the "Hiram Village Sewer Fund". Disbursements from the fund may be made for operation and maintenance costs, debt service costs, and payments to a Sewer Replacement and Repair Fund.

(Ord. 2007-7. Passed 8-14-07.)

927.14 FREE SERVICE PROHIBITED.

Service will be provided to the users of the system in accordance with the terms of this chapter. No user shall be provided service without payment of sewer service charges in proportion to the service available to such user. No one, including the Authority, shall subsidize the cost of operation, maintaining or replacement of the sewage disposal system.

(Ord. 2007-7. Passed 8-14-07.)

927.15 BASE USER CHARGE.

Charges for wastewater services shall be determined in accordance with the terms of this chapter and shall not be provided without charge to any users. User charges may be determined on the basis of Equivalent Dwelling Unit (EDU) (as shown by the records of the Authority) times the applicable user charge rate. User charges may also be based on metered water consumption with rates determined by the Village Administrator and approved by Village Council. In either case, user charges will be proportionate to the sewage disposal system operation, maintenance and replacement cost incurred plus a charge to recover the proportionate share of capital costs for sewage treatment plant improvements. If fixed sewer service charges are used instead of being based on metered water consumption, such charges shall consist of the sum of the Operation, Maintenance and Replacement Rate, the Debt Service Charge Rate and the surcharge rate (if applicable) calculated as follows:

- (a) Operation, Maintenance and Replacement Rate (OMR.). A proportionate rate for the operation, maintenance and replacement of the sewage disposal system shall be charged to all users based upon the following formula:

$$\text{OMR} = \text{A}/\text{EDU}$$

Where A = Total annual operation, maintenance and Replacement costs for the wastewater treatment plant and collection system.

EDU = Total number of Equivalent Dwelling Units (EDU) of the system.

- (b) Debt Service Charge Rate DSC. The proportionate rate for repayment of all capital costs associated with the original construction of the sewage disposal system shall be charged to all users based upon the following formula:

$$\text{DSC} = \text{B}/\text{EDU}$$

Where B = Total amortized annual debt service payments for all original construction of the sewage disposal system

EDU = Total number of Equivalent Dwelling Units (EDU) of the system.

- (c) Sewage Surcharge Rate SSR. The proportionate rate for payment of the cost to treat wastewater discharge containing concentrations of BOD as SS higher than those expressed in the definition of normal domestic wastewater shall be based upon the following formula:

$$\text{SSR-BOD or SSR- SS} = C \times D$$

Where C = Additional pounds of BODS or SS

D= Current cost per pound to treat normal BOD or SS loads (this amount is currently defined at \$ 0.38/lb for BOD and \$0.14 lb. for SS)

(Ord. 2007-7. Passed 8-14-07.)

927.16 DETERMINATION OF CHARGES.

If fixed sewer charges are used, the monthly sewer service charge for each user shall be calculated by multiplying the currently adopted User Charge (and amortized Capital Improvements Charge) determined under Section 927.15 by the number of EDU's assigned to the user in accordance with currently adopted chart of User Categories and EDU criteria. If the user has paid all or part of the initial portion of unamortized CIC (Capital Improvements Charge) in advance, CIC will be reduced or eliminated for that user.

(Ord. 2007-7. Passed 8-14-07.)

927.17 ANNUAL REVIEW OF USER CHARGES.

(a) Pursuant to U.S. EPA regulations, user charges shall be reviewed annually to accomplish the following purpose:

- (1) To maintain the proportionate distribution of operation and maintenance and replacement costs among users and user classes; and
- (2) To generate sufficient revenue to pay the total operation, maintenance, replacement, capital and working capital costs of the sewage disposal system.

(b) The annual review of the user charges shall be conducted by the Authority or by consulting engineer. A written report shall be prepared and submitted to the Village Council on or before March 1st of each year. The report shall summarize actual operations for the year just ended and, based upon at least two years' projections (the current year and the next year), shall recommend a rate increase or decrease effective September 1st of the current year. At the time recommended in the report, the Village shall, by appropriate ordinance, set the schedule of rates and charges for the users of the system.

(c) In addition to the authority of the Village Council to increase or decrease rates on September 1st of each year, the Council may, at any time, increase or decrease rates if the Council determines a modification of the rates is required in order to comply with regulation, any revenue bond resolution, or to adjust rates to reflect final costs.

(d) Following the annual review, the Authority shall promptly notify each user, in conjunction with a regular bill, of the rate adjustments, if any, and that portion of the sewer service charge which is attributable to operation, maintenance and replacement costs of the system. (Ord. 2007-7. Passed 8-14-07.)

927.18 BILLING PROCEDURES.

(a) All bills for water and sewer service are payable in accordance with the schedule of rates on file in the Village Hall.

(b) Payment of Charges.

(1) All charges shall be paid within thirty days after the bill is rendered. Any bill or account not paid within 30 days shall be delinquent. Charges include but are not limited to user charges, interest, water on/off charges (927.18(k)(4)B.), bad check charges (927.18(r)(2)), permit or inspection charges (927.05(b)(6)), tap-in fees and capacity charges (927.06), and damage assessments. If tap-in fees or other substantial charges create temporary financial hardships, payment arrangements may be considered by the Village Administrator.

(2) The Village Administrator may create special user charges for waste of unusual strength or composition entering into the sewer system, providing its composition strength is not prohibited by this chapter. (See 927.06(c)(2) and 927.06(f)(2)), as examples.

(c) Creation of Account. Immediately upon the acceptance of an application for a supply of water or sewer service, the Authority will open an account in the name of the owner of the premises, giving the account number. If the premise is a rental property, the account will also carry the name of the tenant when said name is supplied. At the option of the Authority bills may be mailed to the tenant. All bills against the premises shall be charged and all payments shall be credited on the books of the Authority to the account of the Owner according to said account number.

(d) Payment by Tenant. If the owner of any premises so elects, he may have his tenant or lessee pay the bills and/or miscellaneous charges as they accrue. However, such tenant or lessee does so as the agent of the owner and such owner is not thereby relieved from the payment of any bills that might accrue. The owner is furthermore responsible for providing the names of tenants to the Authority.

(e) Non-payment of Bills. Water may not be supplied to, and it may be turned off from, any premises the owner of which is delinquent in the payment of water or sewer bills or who is indebted to the Village for materials, supplies, work done, or any other manner, until such indebtedness has been paid, whether the indebtedness was incurred at the premises so affected or any other place within the Village.

(f) Bill Against Vacant Property. A rebate or abatement will not be allowed on service to vacant premises. Owners shall be held responsible for all charges of the Authority accruing against the property until written notice shall be given to the Authority to discontinue the supply, or the water has been turned off by the Authority.

(g) Disconnection or Reconnection.

(1) A user who certifies that his or her building is not habitable may request the Authority to disconnect a building from the sewage disposal system. Upon such a request, the Authority shall remove or close the sewer connections and /or remove any publicly owned equipment.

- (2) Thereafter, the owner of the premises shall not allow the building to be utilized for human occupancy as a residence or place of employment and the Authority shall not bill for sewer service.
- (3) Violation of subsection (g)(2) hereof will subject the owner to the mandatory connection provisions of this chapter and Ohio law.
- (4) A person or subsequent owner of a property disconnected who disconnects from the sewage disposal system may later request to be reconnected. Upon approval by the Authority, the Authority shall reopen sewer connections and/or replace publicly owned equipment.
- (5) The charge for disconnection or reconnection shall be paid to the Authority before performance of the work.
- (6) The owner or representative shall be present at the time of disconnection or reconnection in order to provide necessary access to electrical and plumbing facilities.

(h) Service Disconnected at Main. Any service which has been out of use continuously for a period of at least one year may be disconnected at the main by the Authority and the cost of such disconnecting, including street repaving, may be charged against the Owner.

(i) Charge for Water Found On. Where water has been turned off for any reason, it shall be so recorded, and the charge for the water and sewer ceases from that date. However, wherever water is found turned on to a service, recorded as turned off on the records of the Authority, the account shall be charged for the use of water and sewer from the recorded date of the turning off the service.

(j) Changes of Address or Ownership.

- (1) Upon the change of his or her mailing address, an owner of property serviced by the sewage disposal system shall inform the Authority, in writing, of the change. Failure to inform the Authority, if a change of address shall not excuse an owner from any payment penalties incurred because of the failure to report an address change.
- (2) Prior to the sale of a property, the purchaser shall contact the Authority to arrange for a pro-ration of the first bill and to inform the Authority of the mailing address of the new owner. Failure to comply with this part shall not excuse the new owner from the responsibility for any and all delinquencies certified pursuant to the Ohio Revised Code, current charges, and/or charges or penalties remaining unpaid by the previous owner.

(k) Billing and Delivery. Every account shall be charged and billed separately except as provided in the schedule of rates. The Authority will deliver bills for water, sewer, and miscellaneous charges by depositing same in the Post Office only as a matter of convenience to the Owner. Failure to receive bills shall not relieve any Owner from his obligation in the payment of such bills or constitute a claim for discount.

The billing procedures shall be as follows:

- (1) Bill is mailed on or about the first day of the month. It is due on the last banking day of the month.
- (2) On the first day of the next month new bill is sent showing previous balance plus amount of new bill.

- (3) 15 days later,
 - A. Any accounts with past due balance remaining from previous month are sent a shut-off notice, stating that if by the end of the month past due amount is not paid and no request has been made for special arrangements and/or payment agreement has not been signed, water will be shut off. Notice states that property owner, if different from person being billed, will be notified of the delinquent account.
 - B. Property owner, if different from person being billed, receives a copy of shut-off notice and reminder that property owner is responsible for payment of the bill.
 - C. A payment agreement may be signed. It will require an initial partial payment and provision for regular payments to catch up in no more than six months. In special circumstances, extensions may be granted by the Village Authority. The payment agreement will state clearly the conditions stated in subsection (k)(5) hereof. All current charges will be paid when due in addition to the payment plan.
 - D. A customer may submit a written petition or may request a hearing before the Authority to appeal a bill, to explain hardships preventing bill payment, to request a waiver of penalty due to special hardship or to request an extension on a payment agreement.
- (4) About 15 days later, when account is 30 days delinquent, water is shut off at the convenience of the Authority.
 - A. Once the water has been shut off, it may not be turned on until all current and back due water and sewer charges are paid in full.
 - B. A water on/off fee will be charged before the water is turned on. This fee may be waived by the Authority for extenuating or extreme hardship circumstance.
- (5) If a water and sewer payment agreement is signed and accepted in subsection (k)(3)C. hereof the following conditions apply:
 - A. If the promised make up payments are ten days late from the agreed payment date, water will be shut off at the earliest convenience of the Authority.
 - B. A notice of the water shut off and a bill for the total amount will be mailed to the customer and the property owner.
 - C. The water will not be turned on unless the total past and current due for all water and sewer charges are paid in full or unless approved by the Village Authority for extenuating or extreme hardship circumstances.
- (6) If all these collection procedures fail, the unpaid balance will be placed on the tax duplicate of the property owner.
- (7) The Village and the Village Authority will not be responsible for the damages or hardship which may result from turning off or turning on water, whether or not the occupant is notified.

(1) Collection Responsibility. The Authority will make every possible effort to collect bills as promptly as the nature and volume of work will permit, but no owner shall be relieved from any obligation for payment of bills that may be unpaid through failure of the Authority to make collections as provided by its rules.

(m) Reading for Billing. Reading for bills shall be taken monthly when possible. If a monthly reading is missed, monthly bills may be estimated based on past readings. When closing the account meter shall be read with no fee.

The Authority shall determine the actual amount of rents due based upon an actual reading of each customer's meter at least once each three month period, and at least quarterly the Authority shall render a bill for the actual amount shown by the meter reading to be due, except estimated bills may be rendered if access to a customer's meter was unobtainable for a timely reading.

When property to which service is provided is about to be sold, any party to the sale or his agent may request the Authority to read the meter at the property and to render within ten days following the date on which the request is made, a final bill for all outstanding rents and charges for services. Such a request shall be made at least fourteen days prior to the transfer of the title of such property.

(n) Adjustments. The amount of water registered by any meter shall be charged and paid for in full, irrespective of wherever such water, after having been registered, was lost by leakage, accident or otherwise, except that water used in extinguishing fires will not be billed. When meters fail to register correctly, and during the time meters are removed for test or repairs, the charges for water will be assessed on an estimated amount based upon the average consumption shown when meter is in proper working order.

When, upon examination, meters fail to register or the accuracy does not meet the requirements of the Authority, the account history will be examined for a period of one year preceding testing, repair, or replacement of the meter. Should there be a marked difference in consumption as shown by a defective meter and one in good repair, an additional charge or credit for under or over registration of meter for one year shall be made.

(o) Account Credit. An account credit on a bill can be made only for one of the following reasons:

- (1) Where an error has been made in the reading of the meter, or the preparation of the bill.
- (2) When the meter, upon test, shows an average over registration greater than A.W.W.A. standards.
- (3) When any charge of the Authority has been paid twice or incorrectly.

The original receipted bill or copy must accompany the application for an account credit. In general, all overpayments will be credited to the account.

(p) Complaints for Overcharge.

- (1) Owners or agents are to advise the Authority of complaints concerning any bill by calling Village Hall within ten (10) days of the due date appearing on the bill. A clerk at that number will log the name, address, date and complaint. If the owner or agent is not satisfied with the explanation, the owner or agent may request a hearing before the Village Administrator.
- (2) Failure to call within the ten (10) day period, followed by failure to pay prior to the service turnoff date will result in service turnoff without further notice.
- (3) As an alternative, an owner or agent may give written notice of such complaint, postmarked within the ten (10) day period, addressed to the Authority, Box 65, Hiram, OH 44234, Attention: Complaints, Water and Sewer Billing.

- (4) The Village and Authority assumes no responsibility as to whether the bill is or is not being received by the party charged with responsibility to pay.
- (5) Any complaint shall be handled initially by calling 569-7860. Thereafter, the complaint may be referred to the Manager of Utilities. If the dispute is not then resolved, the Manager of Utilities may advise that a hearing be requested with the Village Administrator.
- (6) A person is not entitled to a hearing if notice has not been given within the ten (10) day period. The personnel under the Village Administrator will, however, attempt to resolve all complaints made before the turnoff date.

(q) Partial Payments. Payments for combined utility billings will be applied in the following manner:

- (1) All arrearages to water, sewer and miscellaneous water and sewer charges, including arrearages, shall be applied on a pro rata basis. Partial payments will be accepted only under unusual and extraordinary circumstances or pursuant to collection procedures.

(r) Bill Payment.

- (1) All payments to the Authority shall be in currency or by check drawn to the order of the Village of Hiram. All checks will be accepted subject to collection at the Village Hall, and the banks that accept payments.
- (2) If a person pays for water, sewer, or other charges with a check that is returned for insufficient funds, a charge of (See Chapter 929) will be added to that account and become due and payable in accordance with other charges as provided by this chapter.
- (3) If a person has two checks returned for insufficient funds, the Authority may require all future payments to be made in cash or money order.
- (4) Upon the claim of a person that the return of a check for insufficient funds was bank error, the Authority may waive the insufficient funds charge (See Chapter 929) and/or accept payment by check if the bank supplies adequate documentation of its error.

(s) Bill Period.

- (1) The period covered by a bill, except final bills will terminate as of date of bill.
- (2) In computing partial bills, either on consumption or time basis, date of meter reading will be used as the fixed date for starting or ending of the billing period, except that final bills terminating within ten days after date of bill may be billed as of bill date. Likewise, new accounts opened within this period may be billed from start of normal billing period.
- (3) Final bills termination within ten days before the end of the normal billing period may be computed upon the basis of the regular meter reading obtained for the billing if the account.

(t) Shut Down of Water Facilities. Before a main is turned off, either for repairs or alterations, all consumers affected may be notified. Notice shall be considered to have been given if some persons at each address have been told either in person or in writing, of such action. The Village and the Authority will not be responsible for damages or hardship which may result from turning off or turning-on of the water whether or not occupant is notified.

In case of breaks in mains, services, pumping and auxiliary machinery, reservoir or other water works equipment, the water may be shut off when necessary without notice. No claim will be allowed for damages arising from the turning off or turning on of the water.

(u) Discontinuance of Supply of Water. The supply of water through any service may be turned off by the Authority for any one or more of the following causes:

- (1) For the use of water on any premises other than that included in the application, except as herein provided.
- (2) For willful waste of water through improper, imperfect or worn out pipes, fixtures or otherwise. Water lost or wasted from worn out or broken pipes or fixtures between the Village tap in and the consumer's water meter (not on Village Property) is to be paid for by the property owner. This amount will be determined by an employee of the Authority as the most reasonable estimate of loss based on probable gallons of flow per hour over the time period the loss was known to have occurred. Failure for the property owner to pay this amount can result in water shut off.
- (3) For failure to maintain in good order connections, service pipes or fixtures owned by the applicant.
- (4) For cross-connection or inter-connection with any other supply of water. See Chapter 911.
- (5) For installation of pipe and fixtures such that a possibility of back siphonage or back-flow exists. See Chapter 911.
- (6) For tampering with any service pipe, meters, curb stop, corporation stop or any appliance of the Authority.
- (7) For non-payment of water rent, sewer usage charges, or other charges when said account or charge is delinquent.
- (8) For absence of reasonable access for the purpose of inspection or for reading, caring for or installing of or removing meters.
- (9) For making additions or alterations in or about service pipe or curb stop without notice thereof being previously given to and permission in writing obtained from the Authority.
- (10) For inability to obtain meter readings for two consecutive months due to lack of access or obstruction of meter. Meter reading cards accurately marked and timely returned by owner or designated agent may be considered as an actual meter reading. However, the Authority or an agent must get in to read the meter at least once a year.
- (11) For failure to pay the water bill at any other location for which a valid contract of said owner exists.
- (12) For vacancy of a property as soon as such vacancy is determined.
- (13) For failure of property owner to execute a contract for a supply of water.

(v) Certification or Action at Law for Unpaid Bills. When bills or charges are not paid when due, the Authority shall notify the Fiscal Officer of the Village, who may do either or both of the following:

- (1) Certify them, together with any penalties, to the County Auditor, who shall place the certified amount on the real property tax list and duplicate against the property served by connection. The amount certified shall be a lien on the property served from the date placed on the list and duplicate and shall be collected in the same manner as other taxes, except that notwithstanding

Section 323.15 of the Ohio Revised Code, the County Treasurer shall accept a payment in such amount when separately tendered as payment for the full amount of such unpaid rents or charges and associated penalties. The lien shall be released immediately upon payment in full of the certified amount Unless the Fiscal Officer determines that a transfer of the property is about to occur, the Fiscal Officer may only make a certification under this division if the rents or charges have been due and unpaid for at least sixty days and the Fiscal Officer or other official or body has provided the owner of the property with written notice impending certification at least thirty days prior to the certification. However, no certification may be made under this division unless the unpaid rents or charges have arisen pursuant to a service contract made directly with the owner of the property served.

- (2) Collect them by actions of law, in the name of the Village from the owner, tenant, or other person who is liable to pay the rents or charges.

At any time prior to certification under subsection (v)(1) hereof, the Authority or other official shall accept any partial payment of unpaid rents or charges, in the amount of \$10.00 or more. (Ord. 2007-7. Passed 8-14-07.)

927.19 PROHIBITED NONRESIDENTIAL DISCHARGE.

(a) It shall be unlawful for any nonresidential user to discharge without a permit to any natural outlet within any areas under the jurisdiction of the Authority, any wastewater except as authorized by the Authority in accordance with this chapter.

(b) In cases where the characteristic of sewage or industrial waste from any manufacturing or industrial plant, building, or premises is such that it will damage the sewerage system or cannot be treated satisfactorily at the wastewater treatment plant, the Authority shall compel such users to dispose of such waste and prevent it from entering the sewerage system. (Ord. 2007-7. Passed 8-14-07.)

927.20 NEW NONRESIDENTIAL USERS.

(a) All nonresidential users proposing to connect to or to contribute to Hiram wastewater works must obtain a Wastewater Discharge Permit at least sixty (60) days prior to connecting to or contributing to the Authority's sewage disposal system.

(b) Users required to obtain a Nonresidential Discharge Permit shall complete and file with the Authority, a Permit Application in the form prescribed by the Authority, and accompanied by a fee set in accordance with Chapter 929 currently in effect. In support of the Wastewater Discharge Permit Application, the user shall submit, in units and term appropriate for evaluation, the following information:

- (1) Name, address, and location (if different from the address);
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (3) Wastewater constituents and characteristics as required by the Authority as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, part 136, as amended;
- (4) Time and duration of contribution;
- (5) Average daily and three (3) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.
- (7) Description of activities, facilities and plant processes on the premises, including all material which are to or could be discharged;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Authority, State, or Federal Pretreatment Standards, and a statement regarding whether or not the Pretreatment Standards are being met on a consistent basis and if not whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;
- (9) Each product produced by type, amount, process or processes, and rate of production;
- (10) Type and amount of raw material processed (average and maximum per day);
- (11) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- (12) Any other information as may be deemed by the Authority to be necessary to evaluate the permit application.
(Ord. 2007-7. Passed 8-14-07.)

927.21 REGULATED NONRESIDENTIAL DISCHARGES.

(a) In cases where the character of sewage industrial waste from any manufacturing or industrial plant, building or premises show excessive flow rates or concentration of pollutants such that it imposes an unreasonable burden upon the sewage collection pumping, or treatment works greater than that imposed by the average sewage entering the sewage system, the Authority may:

- (1) Require such manufacturing or industrial plant, building, or premises to pretreat such sewage in such manner as specified by the Authority before discharging it into the sewerage system;
- (2) Require flow control or equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works, and/or,
- (3) Require payment of a surcharge on any excessive loadings discharged to the treatment works to cover the additional costs of treating such wastes.
(Ord. 2007-7. Passed 8-14-07.)

927.22 PRETREATMENT INTERCEPTORS.

(a) All food establishments which maintain a kitchen or other facilities for the preparation of food may be required by the Authority to have a grease interceptor of sufficient capacity, except such interceptor shall not be required for private residential dwellings.

(b) Other nonresidential users may be required by the Authority to install grease, oil and sand interceptors of sufficient capacity if in the opinion of the Authority, they are necessary to protect the sewerage system.

(c) All interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gas tight and watertight. All interceptors shall be located as to be readily accessible for cleaning and inspection. (Ord. 2007-7. Passed 8-14-07.)

927.23 PRETREATMENT COSTS.

Any pretreatment facility or flow-equalizing facilities required by the Authority shall be constructed, owned, maintained, repaired and replaced at the cost of the owner. Prior to construction of such facilities, the owner shall submit and receive the Authority's approval of detail design plans for the facilities. Thereafter, such facilities shall be maintained continuously in satisfactory operation at the cost of the owner. (Ord. 2007-7. Passed 8-14-07.)

927.24 PRETREATMENT REPORTING.

Any nonresidential user subject to a Pretreatment Standard after the compliance date of such Pretreatment Standard, or, in the case of a new user or new source, after commencement of the discharge, shall submit to the Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc, the Authority may alter the months during which the reports are to be submitted. (Ord. 2007-7. Passed 8-14-07.)

927.25 PRETREATMENT MONITORING.

(a) Each nonresidential user may be required to construct and maintain one or more control manholes or cross points to facilitate observation, measurements and sampling of his waste including domestic sewage.

(b) Control manholes or access facilities shall be located and built in a manner acceptable to the Authority. If measuring devices are to be permanently installed they shall be of a type acceptable to the Authority. Plans for the installation of the control manholes or access facilities and related equipment shall be approved by the Authority prior to the beginning of construction.

(c) All measurements, tests and analyses of the characteristics of waters as waste to which reference is made in this chapter shall be determined in accordance with Standard Methods and in accordance with 40 CFR 136 entitled "Guidelines Establishing Test Procedures for Analysis of Pollutants", and shall be determined at the control manhole provided or upon suitable samples taken at such control manhole.

(d) In the event that no special manhole has been required the control manhole shall be considered to be the manhole at which the building sewer is connected to the public sewer system.

(e) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analysis involved will determine whether a twenty-four hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended Solids (SS) analysis are obtained from twenty-four hour composites of all outfalls, whereas pHs are determined from periodic grab samples. (Ord. 2007-7. Passed 8-14-07.)

927.26 ACCIDENTAL DISCHARGES.

No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Authority and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Authority for treatment, subject to payment therefore by the industrial concern in proportion to cost and consistent with the use charge system.

- (a) Each nonresidential user may be required to provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited material shall be provided and maintained at the cost of the owner. Detailed plans showing facilities and operating procedures to provide such protection shall be submitted for review by Authority, and shall be approved by the Authority before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the nonresidential user from the responsibility to modify the facility as necessary to meet the requirements contained in this chapter.
- (b) If, for any reason, a nonresidential user does not comply with or will be unable to comply with any prohibition or limitations herein, the user shall immediately notify the Authority that corrective action may need to be taken to protect the treatment plant. In addition, a written report addressed to the Authority detailing the date, time, and discharge, and corrective action taken to prevent future discharge, shall be filed by the user within 5 days of the occurrence of the noncomplying discharge. (Ord. 2007-7. Passed 8-14-07.)

927.27 LIBERAL INTERPRETATION.

This chapter shall be interpreted liberally to effectuate its broad remedial purpose of protection of the public health, safety and welfare. Absent a showing of actual abuse of discretion, the Authority's interpretation of this chapter shall have a strong presumption of validity. (Ord. 2007-7. Passed 8-14-07.)

927.28 GRIEVANCE AND APPEALS.

(a) Any user aggrieved by a decision of the Authority under this chapter may file a written grievance with the Authority. The written grievance shall set forth the substance of the Authority's decision and the basis of the user's complaint.

- (b) The Authority shall investigate the grievance and issue a written determination including the following:
- (1) Name, address and location of the user's premises;
 - (2) A summary of the user's claim;
 - (3) A summary of the facts revealed by the Authority's investigation;
 - (4) An interpretation of any applicable regulation, law or policy;
 - (5) A notice of the user's right of appeal to the Authority;
 - (6) A copy of this grievance and appeal procedure;

(c) No legal action in the courts of the state or federal government shall be initiated by any user until completion of this administrative remedy.

(d) The Authority, upon request or on its own initiative may extend time limits otherwise imposed by the Authority or this chapter when such extension should be granted to force majeure, natural disaster, weather, decrees of other governmental bodies, strike, incapacity or other impossibility not within the reasonable control of the affected party (ies) or the Authority. Such extension of time shall be determined by the Authority, incorporated into the minutes of the Authority's records and be provided to all affected parties. Upon expiration of the extended time period, another force majeure not having occurred, enforce procedures and/or penalties shall be the same as otherwise provided herein.
(Ord. 2007-7. Passed 8-14-07.)

927.29 ENFORCEMENT AND PENALTIES.

(a) Upon the violation of any provision of this chapter, (unless covered elsewhere herein like collection procedures for delinquent accounts Section 927.18) the Authority shall serve written notice by actual delivery or certified mail upon the user. Such written notice shall adequately state the nature of the violation and provide at least ten (10) days for the correction of the violation, unless the Authority finds a shorter period is required to protect the public health, safety or welfare.

(b) Upon failure to correct the violation within the specified time limit, the authority may file in any court of competent jurisdiction an action for injunctive relief, civil damages and /or penalties.

(c) The following civil penalties shall apply for the violation of the following provisions of this chapter:

- (1) Twenty-five dollars (\$25.00) for each day of violation after the time limit specified by the Authority in its notice for each of the following sections:
 - A. Section 927.08(a), DISCHARGE TO THE PUBLIC SEWERS.
- (2) Fifty dollars (\$50.00) for each day of violation after the time limit specified by the authority in its notice for each of the following sections:
 - A. Section 927.08(a), (b), (c), (d) DISCHARGE TO THE PUBLIC SEWERS.
- (3) One thousand dollars (\$1,000) for each day of violation after the time limit specified by the Authority in its notice for each of the following sections:
 - A. Section 927.08(c), DISCHARGE TO THE PUBLIC SEWERS.
 - B. Section 927.24, PRETREATMENT REPORTING.
 - C. Section 927.08(d)(1) - (15) DISCHARGE TO THE PUBLIC SEWERS.
 - D. Section 927.19(a), PROHIBITED NONRESIDENTIAL DISCHARGE.

(d) In addition to the foregoing civil penalties, the Authority may recover civil damages for any expense, loss or damage, including attorney's fees, occasioned by a user's violation of this chapter. (Ord. 2007-7. Passed 8-14-07.)

927.30 INVALIDITY AND SEPARABILITY.

Invalidity of any section, clause, sentence, or provisions in this chapter shall not affect the validity of any other section, clause, sentence or provisions of this chapter or subsequent ordinance. (Ord. 2007-7. Passed 8-14-07.)

927.31 REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances, or regulations or parts of regulations, in conflict with this chapter are hereby repealed.
(Ord. 2007-7. Passed 8-14-07.)

CHAPTER 929
Utility Rate Schedule

929.01 Water user charges.	929.04 Tap-in fees and capacity charges determined.
929.02 Sewer user charges.	929.05 Other charges determined.
929.03 Penalty for late water or sewer utility payment.	

929.01 WATER USER CHARGES.

(a) Effective for all bills due on or after December 1, 2021, the rates for users of Village water shall be as follows:

For customers who reside within the Village of Hiram:

Minimum (up to 1,000 gallons/month)	\$15.27
Each additional 100 gallons	\$1.53

For all other customers who reside outside the Village of Hiram; a ten percent (10%) surcharge of the residential rate will be added:

Minimum (up to 1,000 gallons/month)	\$16.71
Each additional 100 gallons	\$1.67

Bulk water rates may be authorized by the Village Administrator on a case by case basis.

(b) Commencing on each successive January 1 through January 1, 2027, the metered water rate as set forth in this Section 929.01(a) shall be increased by one half percent (.5%) for the following calendar year. The one half percent annual increase shall take place for each of the next five years beginning on January 1, 2022, with no automatic increase beginning in calendar year 2027.

(Ord. 2021-18. Passed 11-9-21.)

929.02 SEWER USER CHARGES.

(a) Effective for all bills due on or after December 1, 2021, the rates for users of Village sewer shall be as follows:

USER CLASS 1

For customers who reside within the Village:

Minimum for first 2,000 gallons	\$31.22
For each additional 100 gallons	\$.88

For all other customers who reside outside the Village of Hiram:
 A ten percent (10%) surcharge of the residential rate will be added.
 Minimum for first 2,000 gallons \$34.34
 For each additional 100 gallons \$.95

Special Minimum \$15.62 for 1,000 for certain users who qualify.

USER CLASS 2

Minimum for first 1,000 gallons \$10.71
 For each additional 100 gallons \$1.07

Eligible Class I Users may receive a reduction in the minimum charge for the first 1,000 gallons of calculated discharge to a rate of \$15.62. Addition calculated discharge for identified Eligible Class I Users shall be at the rate of \$.86 per 100 gallons. Customers are eligible for this reduction if they currently participate in any one of the following programs: the Ohio Energy Credits Program; the Home Energy Assistance Plan (HEAP); Emergency HEAP; Supplemental Security Income; or Medicaid. For the Eligible Class I User to receive the reduction, proof of participation in one of the listed programs must be presented to the Village Fiscal Officer or to the Utilities Department Billing Clerk. (Ord. 2021-18. Passed 11-9-21.)

(b) In each instance where a USER, CLASS 1 or CLASS 2, has reason to believe that water purchased from the Village does not ultimately enter the Village sanitary sewer system, the USER may apply to the Village for the installation of a subtraction meter. A subtraction meter shall be installed upon demonstration that the water provided through the meter does not go into the Village sanitary sewer system. Said meter shall be provided in series and subsequent to the location of the primary meter on the served premises. The amount shown on the subtraction meter shall be deducted from the amount shown on the primary meter for the served premises, but only for the purpose of the calculation of charges owed to the Village for discharge of sanitary effluent from the served premises into the Village sanitary sewer system.

The subtraction meter shall be owned by the Village. The subtraction meter may only be installed by Village personnel and it shall be unlawful for any individual other than Village personnel to install, remove, adjust or service a subtraction meter. Tampering with a subtraction meter shall be grounds for the Village to disallow any reduction in sanitary sewer charge to which the user would otherwise be entitled, as well as temporary or permanent shut off or removal of the subtraction meter. A fee as established by the Village Administrator shall be charged:

- (1) For installation of the subtraction meter.
 - (2) For removal of the subtraction meter.
 - (3) A monthly fee for maintenance and administrative costs.
- (Ord. 2006-22. Passed 9-12-06.)

(c) Commencing on each successive January 1, thereafter through January 1, 2027, the calculated discharge sewer rate as set forth in this Section 929.02(a) shall be increased by one half percent (.5%) for that calendar year. The one-half percent annual increase shall take place for each of the next five years beginning on January 1, 2022 which no automatic increase beginning in calendar year 2027.
 (Ord. 2021-18. Passed 11-9-21.)

929.03 PENALTY FOR LATE WATER OR SEWER UTILITY PAYMENT.

All water and/or sewer bills in excess of thirty days beyond due date will be charged a late fee of 10%. If outstanding balances remain in excess of sixty days or more those remaining balances will be charged an additional 1.5% per calendar month.
 (Ord. 2007-7. Passed 8-14-07.)

929.04 TAP-IN FEES AND CAPACITY CHARGES DETERMINED.

(a) Sewer Tap-In Fees. All tap or tie in fees shall apply to all locations where apartments, condominiums, houses, individual and/or group dwellings discharging to the Hiram Village Water Sewer System will be based on water tap-in sizes.

The Tap-in or Tie-in Fees are in addition to Inspection Fees.

No person, firm or corporation shall tap into the Village Water or Sewer System without first securing a permit and paying the establishment tap-in fee as set forth in this chapter.

(b) Water Tap-in Fees. Water tap-in fees shall be as follows:

Size of Tap-in	3/4"	1"	1 1/2"	2"	3"	4"
Total Cost	\$2,000.00	\$2,500.00	\$5,000.00	\$10,000.00	\$15,000.00	\$25,500.00

(c) Sewer Tap-In Fees. Sewer tap-in fees shall be as follows:

Size of Tap-in	3/4"	1"	1 1/2"	2"	3"	4"
Total Cost	\$4,000.00	\$5,000.00	\$9,000.00	\$14,000.00	\$20,000.00	\$30,000.00

(d) The tap-in fee provides for service only to the nearest property line.

(e) Additional rates for larger size water and/or sewer tap-in fees will be determined at the time of application, with payment due before installation. If determined to be appropriate in the sole discretion the Village Administrator, adjustments to the fee may be made after completion of the tap, based on actual cost of said tap.

(f) A permit fee of \$100.00 shall be paid to the Authority at the time of application for the permit. The permit includes the initial inspection fee up to one hour. Any time beyond one hour shall be charged an inspection fee of \$50.00 per hour.

(g) The tap-in fee includes the meter or meters, which remain the property of the Village. (Ord. 2011-03. Passed 4-12-11.)

929.05 OTHER CHARGES DETERMINED.

Returned check charges for insufficient funds shall be \$25.00. Inspection fees shall be \$50.00 per hour with a one hour minimum per Section 927.04(b) and (c), water on-off fees shall be \$25.00 with an additional \$25.00 fee for after hours, weekends and/or holidays (as per Section 927.18(k)(4)B.5.).

(Ord. 2007-7. Passed 8-14-07.)

TITLE FIVE - Other Public Services
 Chap. 941. Garbage and Rubbish Collection.
 Chap. 945. Cemetery Rules and Regulations.

CHAPTER 941
Garbage and Rubbish Collection

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|---------------|--|---------------|--|
| 941.01 | Short title. | 941.12 | Vehicle inspection. |
| 941.02 | Definitions. | 941.13 | Vehicle requirements; covering and spillage. |
| 941.03 | Collection and disposal deemed a public utility. | 941.14 | Driver to ensure load to be covered. |
| 941.04 | Storage containers for garbage and refuse. | 941.15 | Collection rates. |
| 941.05 | Prohibited wastes. | 941.16 | Billing; failure to remit fees. |
| 941.06 | Uncollected garbage or refuse declared a nuisance. | 941.17 | Dumping garbage in public receptacles prohibited. |
| 941.07 | Dumping on public places or vacant lots prohibited. | 941.18 | Unlawful periods of accumulation. |
| 941.08 | Supervision of collection and removal. | | |
| 941.09 | Garbage collection permit. | | |
| 941.10 | Permit; fee. | | |
| 941.11 | Disposal methods and permit revocation. | | |

CROSS REFERENCES

- Collection and disposal of garbage - see Ohio R.C. 715.43, 717.01
 Abandoned junk motor vehicles on private property - see TRAF. 351.15
 Vehicle loads dropping, sifting, leaking - see TRAF. 339.08
 Littering and deposit of garbage, rubbish and junk - see GEN. OFF. 521.07

941.01 SHORT TITLE.

This chapter shall be known and may be cited as the Residential, Multi-Family, Apartment and Commercial Garbage and Rubbish Collection.
 (Ord. 2010-24. Passed 2-8-11.)

941.02 DEFINITIONS.

As used in this chapter:

- (a) "Billing unit" means a room or group of rooms located within a dwelling, forming a single habitable unit with facilities used or intended to be used by a single family for living, sleeping, cooking and eating purposes.
- (b) "Subscriber" means all individuals residing and/or located within the Village of Hiram, in either a residential unit, multi-family residence or apartment, or commercial operator, who are required by the terms of this chapter to have their garbage and rubbish collected.
- (c) "Residential unit" includes a single-family dwelling, duplex, triplex, quadplex, or other building with one or more billing units grouped under a common roof and with direct access to a public street.
- (d) "Multi-family residence" or "apartment" means the grouping together of five or more billing units under a common roof.
- (e) "Solid waste" means such unwanted residual solid or semi-solid material as results from industrial, commercial, agricultural and community operations, excluding earth or material from construction, mining or demolition operations, or other waste materials of the type that would normally be included in demolition debris, non-toxic fly ash, spent non-toxic foundry sand, and slag and other substances that are not harmful or inimical to the public health, and includes, but is not limited to garbage, tires, combustible and noncombustible material, street dirt and debris. Solid waste does not include any material that is an "infectious waste", a "hazardous waste", an "asbestos waste" or material defined under "recycle material". For the purpose of this definition, "material for construction operations or demolition operations" are those items affixed to the structure being constructed or demolished, such as brick, concrete, stone, glass, wall board, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring and insulation but excludes those materials whose removal has been required prior to demolition. For purpose of this definition, semi solid material does not contain liquids which can be readily released under normal climatic conditions as determined by Methods 9095 (Paint Filter Liquids Test) in SW-846: "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods".
- (f) "Garbage" means all putrescible waste, except human excreta, sewage and other water-carried wastes, including vegetable and animal offal and carcasses of dead animals, and shall include all such substances from all public and private establishments and from all residences.
- (g) "Rubbish" means ashes, glass, crockery, tin cans, paper, boxes, rags and old clothing and all other similar nonputrescible waste. The term "rubbish" shall not include any material such as earth, sand, brick, stone, plaster, or other similar substances that may accumulate as a result of construction or demolition operations.
- (h) "Yard waste" means leaves, grass clippings, weeds, holiday trees, bushes and brush and branch clippings, when securely bound in bundles not exceeding four feet in length and eighteen inches in diameter, and weighing no more than fifty pounds, or placed in yard waste containers, as specified in the City's Contract.
- (i) "Hazardous waste" means those substances which, singularly or in combination, pose a significant present or potential threat or hazard to human health or to the environment, and which singularly or in combination, require special handling, processing, or disposal because they are or may be flammable, explosive, reactive, corrosive, toxic, carcinogenic, bioconcentrative or persistent in nature, potentially lethal or an irritant or strong sensitizer.

- (j) "Asbestos" means the asbestiform varieties of sepiolite (chrysotile), riebeckite, (crocidolite), cummingtonite-grunerite, anthophyllite and actinolite.
- (k) "Asbestos-containing waste materials" means those wastes identified in Chapter 3745-20-01(b)(4) of the Ohio Administrative Code (OAC).
- (l) "Infectious waste" means those wastes identified in Chapter 3745-27-01(V) of the Ohio Administrative Code (OAC).
- (m) "Premises" means land or buildings or both, occupied by a householder or a commercial operator.
- (n) "Commercial operator" means all persons, firms or corporations who own or operate stores, restaurants, industries, institutions and other similar places including multi-family dwellings, or multi-family residential structures containing four or more dwelling units.
- (o) "Village's Contract" means the actual document signed between the Village of Hiram and a single solid waste hauler, through the open competitive bidding process, for the exclusive right to collect residential, multi-family and apartment garbage and rubbish.
- (p) "Village's Contractor" or "Contractor" means the contractor authorized by the City for the collection of garbage and rubbish.
(Ord. 2010-24. Passed 2-8-11.)

941.03 COLLECTION AND DISPOSAL DEEMED A PUBLIC UTILITY.

The system of collection and disposal of garbage and rubbish by the Village is hereby declared to be a public utility. The services provided in this chapter shall be rendered to all persons upon compliance with all regulations pertaining to such utility.

- (a) Mandatory Subscriptions. All residents and commercial operators of the Village who utilize any garbage and/or rubbish collections and disposal service shall subscribe to the garbage and rubbish collection service of the Village's Contractor.
(Ord. 2010-24. Passed 2-8-11.)

941.04 STORAGE CONTAINERS FOR GARBAGE AND REFUSE.

(a) Each subscriber shall place his garbage and refuse at the curb line, alley line or regular place of pick up and shall provide for himself and at his own expense, in the following manner:

- (1) Sealed plastic bags, designed as refuse containers, with a mil thickness of at least 1.5 and a maximum capacity of 30 gallons or 50 pounds, and metal or plastic cans or barrels, with two handles and a tightly-fitting lid, as well as dumpsters approved by the Village's Contractor, are considered to be authorized containers for refuse and garbage.
- (2) Cardboard boxes will be acceptable containers for bulky or loose materials other than garbage; however, the Contractor may refuse to accept such boxes if they are overloaded or become wet. The pickup of these items is subject to the charge listed for this service in the Village's Contract.
- (3) The use of 55 gallon drums is prohibited.
- (4) The Contractor shall tag all containers which are unauthorized or unserviceable, which do not have serviceable handles for lifting and carrying, which have holes in the bottom, or which are otherwise not suitable for use. These tags shall advise the subscriber of the reason why the container may not be used.
- (5) The subscriber shall properly wrap, bag or bundle garbage before depositing it in collection containers.

- (6) Recyclable items eligible for the curbside recycling program maintained by the Village's recycling collection contract shall be placed at the curb line or alley line in such separate and distinctly marked containers as shall be provided by our Contractor or as specified by the City's Director of Public Service.

(b) Additional items not fitting within the containers named above shall be collected by the Contractor as follows:

- (1) Bulk material (boards, fencing, paneling, carpeting, etc.) shall be in four foot lengths and tied in eighteen inch bundles, weighing not more than fifty pounds. The pickup of these items is subject to the charge listed for this service in the Village's contract.
- (2) Loose material (rock, bricks, blocks, dirt, sand, cement, etc.) must be bagged, boxed or placed in trash cans and also subject to the above weight restrictions. Cardboard boxes used as receptacles will not be picked up if they have become wet. The pickup of these items is subject to the charge listed for this service in the Village's contract.
- (3) Large items (discarded furniture, Freon-free appliances, bicycles, etc.) shall be placed at the usual place of collection at the curb or alley line prior to the time of regular collection on the day of collection. The pickup of these items is subject to the charge listed for this service in the Village's contract.
- (4) Yard waste (leaves, grass clippings, weeds, shrub trimmings and tree trimmings) shall be placed in yard waste containers as specified by the Village's contractor, or shall be in four foot lengths and tied in eighteen inch bundles, weight in no more than fifty pounds. The pickup of these items is subject to the charge listed of this service in the Village's Contract.
- (5) Holiday trees and decorations shall be collected in one piece whenever placed at the point of collection by the resident. The pickup of these items is subject to the charge listed for this service in the Village's Contract.
- (6) Items containing Freon must be certified as having the gas removed, prior to being placed at the point of collection by the resident. The pickup of these items is subject to the charge listed for this service in the Village's Contract.
- (7) The Contractor shall not be required to collect animal wastes or disposable diapers unless they are wrapped in a moisture-proof material and are undetectable by odor.
- (8) Residents will be required to place all items for pickup at their regular place of pickup, unless alternative arrangements are made with the Village's Contractor.

(c) Each container placed at the curb or alley as designated above, and each other item set out for collection, shall be placed at the location no earlier than 6:00 p.m. of the day before collection, in the locality as established by the Contractor. The containers shall be removed from the required location within twenty-four hours after the collection has taken place.

(Ord. 2010-24. Passed 2-8-11.)

941.05 PROHIBITED WASTES.

No person shall deposit or cause to be deposited hazardous waste, asbestos, asbestos-containing waste material or infectious waste into any public or private garbage or rubbish receptacle. (Ord. 2010-24. Passed 2-8-11.)

941.06 UNCOLLECTED GARBAGE OR REFUSE DECLARED A NUISANCE.

Fermenting, putrefying or odoriferous garbage or refuse in containers or dumped in the open is hereby declared to be a nuisance and the person responsible therefore shall be guilty of violating this section. (Ord. 2010-24. Passed 2-8-11.)

941.07 DUMPING ON PUBLIC PLACES OR VACANT LOTS PROHIBITED.

No person shall throw or deposit or cause to be thrown or deposited, any refuse or garbage on any vacant lot, public thoroughfare or street or any public place. (Ord. 2010-24. Passed 2-8-11.)

941.08 SUPERVISION OF COLLECTION AND REMOVAL.

The collection and removal of garbage and rubbish shall be conducted under the supervision, direction and control of the Village Administrator and the Portage County Board of Health and in strict conformance with the provisions of this chapter and the rules of the Portage County Board of Health. The Village's Contractor must adhere to the specific collection logistics as agreed to within the Village's Contract. (Ord. 2010-24. Passed 2-8-11.)

941.09 GARBAGE COLLECTION PERMIT.

(a) No person shall collect or haul garbage or refuse upon the streets of the Village without first obtaining a permit from the Portage County Board of Health and complying with the provisions of this chapter, the rules of the Portage County Board of Health relative to such collection and removal.

(b) A schedule of residential rates that will be charged based upon both volume of container and frequency of collection for all solid waste collection services rendered, shall be filed with the Portage County Board of Health. Such rates shall specify within the basic monthly charge for collecting solid waste from a container of an approximate or nominal capacity of thirty gallons at least once per week, and the increased monthly charge for each additional container of the same capacity that is serviced at the same frequency as the primary container. Rates for the other solid waste collection programs, as specified in the Village's Contract, shall also be required to be on file with the Portage County Board of Health. (Ord. 2010-24. Passed 2-8-11.)

941.10 PERMIT; FEE.

No person shall collect or transport rubbish within the Village, unless possessing a valid, unrevoked permit. The permit shall be issued by the Portage County Health Inspector only upon payment of the applicable annual fee, and only after the Portage County Sanitary Inspector and the Portage County Board of Health has determined that the permittee is capable of complying with the requirements described herein. The Village's Contractor must also adhere to the performance bond specifications as set forth in the Village's Contract. (Ord. 2010-24. Passed 2-8-11.)

941.11 DISPOSAL METHODS AND PERMIT REVOCATION.

All garbage and refuse collected or transported within the Village shall be disposed of in a manner as prescribed by the Portage County Board of Health and the Village. Collection permits shall be issued only to those collectors who can provide adequate equipment, reliable service and proper disposal methods. Failure to comply with the provisions of this chapter shall be cause for revocation of the permit by the Portage County Board of Health. The Village's Contractor must also adhere to the methodology of collection and other productivity and quality standards as outlined in the Village's Contract, or the Village reserves the right to exercise its option of terminating the Contract as set forth in the Village's Contract. (Ord. 2010-24. Passed 2-8-11.)

941.12 VEHICLE INSPECTION.

All vehicles used in the collection of garbage or refuse shall be inspected by the Portage County Board of Health and the Director of Public Service of the Village to ensure compliance with the provisions of this chapter and any relative rules and regulations of the Portage County Board of Health, as well as specifications outlined in the Village's Contract. (Ord. 2010-24. Passed 2-8-11.)

941.13 VEHICLE REQUIREMENTS; COVERING AND SPILLAGE.

(a) All garbage or rubbish transported on the streets or other public thoroughfares in the City shall be in containers as specified in Section 941.04 or shall be in vehicles, the bodies of which are leak proof and of easily cleanable construction and shall be completely covered with metal.

(b) Spillage or drainage from vehicles shall be considered a misdemeanor, as specified in the Contract. It shall be a violation of this chapter for any person or Contractor to spill or drain garbage and/or rubbish or cause to have garbage and/or rubbish spilled or drained, anywhere within the Village. The individual or contractor responsible for the aforementioned drainage or spillage, will have full logistical and financial responsibility for the immediate cleanup of such spillage or drainage. (Ord. 2010-24. Passed 2-8-11.)

941.14 DRIVER TO ENSURE LOAD TO BE COVERED.

As set forth in the Village's Contract, no driver of any motor vehicle or truck hauling rubbish, garbage, refuse, waste products or scrap material shall fail to have the load covered with a tarpaulin, canvas or other suitable covering so as to prevent the contents of the motor vehicle or truck from blowing, spilling or scattering on the streets and alleys of the Village. (Ord. 2010-24. Passed 2-8-11.)

941.15 COLLECTION RATES.

There shall be a charge billed to each residential, multi-family or apartment unit by the Village's Contractor for garbage and rubbish collection, the fee for which is set forth in the Village's Contract. The fee for garbage and rubbish collection will be assessed for each residential, multi-family or apartment unit monthly, but will be billed to the unit quarterly. The payment for the aforementioned service shall be remitted to the Village's Contractor. (Ord. 2010-24. Passed 2-8-11.)

941.16 BILLING; FAILURE TO REMIT FEES.

The fee referenced in Section 941.15 shall be billed quarterly and shall be payable to the Contractor under terms described by them in the Village's Contract. By June 1, of each year, the Contractor will notify the Fiscal Officer of all accounts that are greater than 120 days delinquent. The Fiscal Officer may do either or both of the following:

- (a) Certify unpaid charges for trash and rubbish collection, together with any penalties and collection charges, to the County Auditor, who shall place the certified amount on the real property tax list and duplicate against the property served by the service. The amount certified shall be a lien on the property served from the date placed on the list and duplicate and shall be collected in the same manner as other taxes, except, notwithstanding Ohio R.C. 323.15, a County Treasurer shall accept payment in such amount when separately tendered a payment for associated penalties. The lien shall be released immediately upon payment in full of the certified amount. Unless the Fiscal Officer determines that the transfer of the property is about to occur, the Fiscal Officer may only make a certification under this division if the rents or charges have been due and unpaid for at least thirty days prior to the certification.

- (b) Collect unpaid charges for trash and rubbish collection by actions at law, in the name of the Village from an owner, tenant or other person who is liable to pay the rents or charges. The Fiscal Officer is hereby authorized to collect outstanding charges from any landowner whose tenant has not paid these charges within ninety days of the receipt of the bill.
(Ord. 2010-24. Passed 2-8-11.)

941.17 DUMPING GARBAGE IN PUBLIC RECEPTACLES PROHIBITED.

No person shall dump their residential garbage into the public receptacle provided on the public areas of the Village.
(Ord. 2010-24. Passed 2-8-11.)

941.18 UNLAWFUL PERIODS OF ACCUMULATION.

(a) No subscriber shall keep garbage on any premises in the Village for a longer period of time than that expiring between three consecutive collection dates when actual collections are made by the Contractor.

(b) No subscriber, commercial, industrial, governmental, or institutional establishment shall keep garbage and refuse on premises in the Village for such a period of time as to endanger the health, welfare and safety of the residents of the Village, as determined by the Portage County Health Inspector or the Village's Fire Chief.
(Ord. 2010-24. Passed 2-8-11.)

CHAPTER 945
Cemetery Rules and Regulations

945.01	Burial lot purchase.	945.05	Interment fees.
945.02	Burial regulations.	945.06	Lot prices.
945.03	Headstones.	945.07	Administration.
945.04	General rules.		

CROSS REFERENCES

Management and control - see Ohio R.C. 759.20
Burial permits - see Ohio R.C. 3705.24 et seq.
Burial of indigent persons - see Ohio R.C. 5113.15

945.01 BURIAL LOT PURCHASE.

(a) The purchase of lots by Village residents in Fairview Cemetery may be made through the Supervisor. Upon payment of the price of the lot(s), a deed will be drawn and recorded by the Fiscal Officer of the Village of Hiram. Purchase of a lot entitles the buyer to the right of burial on said lot; the real estate remains the property of the Village of Hiram.

(b) When one or more than one burial lot is purchased, the deed to the lots will not be delivered to the purchaser until requirements 1, 2 and 3, along with the completed Village of Hiram Lot Transfer Form are delivered to the Fiscal Officer of the Village of Hiram:

- (1) The grantee shall provide to the Fiscal Officer, in Writing, a list of the names and addresses of the persons to whom the grantee's property would pass by intestate succession.
- (2) The grantee shall notify the Fiscal Officer, in writing, of any subsequent changes in the name or address of any persons to whom property would descend.
- (3) Any person who receives a Fairview Cemetery lot by gift, inheritance or any other means other than the original conveyance shall, within one year after receiving such interest, give written notice of his/her name and address to the Fiscal Officer of the Village of Hiram, and shall notify said Fiscal Officer of any subsequent changes in his/her name and address.

(c) Lots not used nor intended to be used shall be returned to the Village of Hiram and the amount paid for the lot or lots at the time of purchase shall be refunded. The lot owner (s) must produce a deed or other proof of the purchase price paid in order to receive the refund. No lot may be sold or transferred other than as above in subsection (b)(3). A \$ 25.00 Transfer Fee will be deducted from the refund.

(Ord. 2017-02. Passed 4-11-17.)

945.02 BURIAL REGULATIONS.

(a) Holders of a deed for lots acquire the right of burial only, and are subject to the rules and regulations contained herein or that might be made the future by the Council of the Village of Hiram.

(b) Lot fees and opening and closing fees shall be paid in advance of the closing. It is the obligation of the funeral director to collect and pay this money to the supervisor along with the Burial-Transit Permit.

(c) Burial is restricted to humans- not pets, etc.

(d) There will be no "stacking" of vaults or multiple burials in a single lot. Ashes of cremations may be buried in occupied grave sites, with the prior approval of the Cemetery Supervisor and in his sole discretion, when all living blood descendants of the highest living generations approve, in writing, of such burials.

(e) Ashes of cremations must be in a container, and must be buried. No ashes shall be scattered within the confines of the cemetery. Ash burials may be done not using Village interment services. Hand tools only may be used. A \$50.00 fee for locating the site and supervising the work must be paid in advance. No full size graves may be dug by anyone but the Village.

(f) All remains shall be in closed caskets and shall be placed in a concrete vault of either the "air seal" or "top seal" type. Cave proof fiberglass containers may be used for infant burials only.

(g) Lowering devices must be used and shall be furnished by the vault company or funeral director.

(h) Funeral directors are required to remain at the site until the vault is sealed and in place.

(i) Anyone wishing to backfill any grave may do so using hand tools only. This work will be supervised by a Village employee and any time required past 2:30 p.m. will be charged at \$50.00 per hour.

(j) There shall be no burials on any legal holiday as defined by Section 1.14 of the Ohio Revised Code. "Legal Holiday" as used in this section includes the following days:

(1)	First day of January	New Years' Day
(2)	Third Monday of January	Martin Luther King Day
(3)	Third Monday of February	President's Day
(4)	Last Monday of May	Memorial Day
(5)	Fourth day of July	Independence Day
(6)	First Monday of September	Labor Day
(7)	Second Monday of October	Columbus Day
(8)	Eleventh day of November	Veteran's Day
(9)	Fourth Thursday of November	Thanksgiving Day
(10)	Fourth Friday of November	Day after Thanksgiving
(11)	Twenty-fifth day of December	Christmas Day

"Legal Holiday" also includes any day appointed and recommended by the Village Council, Governor of Ohio or the President of the United States as a legal holiday. If any day designated in the section as a legal holiday falls on Saturday or Sunday, the preceding Friday or succeeding Monday is a legal holiday.

(k) There shall be no burials on the three-day holiday weekends of Memorial Day, Labor Day and Columbus Day. Additionally, if any "Holiday" falls on Friday, Saturday, Sunday or Monday creating a three-day holiday weekend, there shall be no burials over the three-day weekend without prior approval of the Cemetery Supervisor.
(Ord. 2017-02. Passed 4-11-17.)

945.03 HEADSTONES.

(a) All headstones are to be placed on the west end of the lot. There shall be a limit of one (1) above ground marker per grave site.

(b) Flush markers shall not exceed sixteen inches by twenty-four inches (16" x 24") per person.

(c) All foundations shall be placed as directed by the Supervisor. Foundations shall extend two inches (2") beyond the marker on all sides. Foundations shall be twenty-four inches (24") deep and shall be flush with the ground.

(d) No footstones will be allowed unless they are placed flush with the surface of the grave.

(e) There shall be no mausoleum structures erected within the Village of Hiram Fairview Cemetery.
(Ord. 2017-02. Passed 4-11-17.)

945.04 GENERAL RULES.

(a) Winter decorations may be left in place until April 1st. Any plants not removed by November 1st may be removed by Village employees.

(b) The Village has the right to remove any shrub or shrubs, flowers, urns, etc. that interfere with the normal operations of cemetery maintenance or which do not lend themselves to the proper appearance of the cemetery.

(c) All funeral processions shall be under the direction and control of the cemetery Supervisor or their designee while they are on cemetery grounds.

(d) No children shall be admitted to the cemetery grounds, without the permission of the Supervisor, unless they are accompanied by a parent or other adult who shall be responsible for their conduct.

(e) No firearms shall be permitted in the cemetery except those used in a military funeral or the Memorial Day services.

(f) Charity burials shall be made only through the direction of the Council of the Village of Hiram.

(g) Motor vehicles shall be operated and parked only on marked driveways, except Village cemetery equipment necessary for carrying on the work of the employee of the Village.

(h) The Supervisor shall have the power to enforce all of the Village of Hiram Fairview Cemetery rules and regulations and to exclude any person or persons who are violating same.

(i) The Supervisor or their designee shall be in charge of the cemetery grounds and buildings and, at all times, shall be responsible for the supervision and control of all persons within the cemetery, including, but not limited to, the conduct of funerals, traffic, employees, plot owners, and visitors.

(j) In unusual circumstances, the Supervisor has the right and obligation to defer or delay burial proceedings until a decision can be made by the Council of the Village of Hiram.

(k) The Village of Hiram Cemetery is open to visitors daily from sun rise to sun set. (Ord. 2017-02. Passed 4-11-17.)

945.05 INTERMENT FEES.

(a)

	Weekday	Saturday	No Sunday Interments
Adult Graves	\$350.00	\$650.00	
Infants	\$100.00	\$200.00	
*Ashes	\$150.00	\$350.00	
Transfer Fee	\$25.00		

* Burial of ashes not under the direction of a funeral director will be charged a permit fee of \$50.00. Weekend burial of ashes may be dug in advance with appropriate hand tools available on loan from the Supervisor and the site covered and marked until interment.

(b) The existing interment fees quoted above shall be increased to cover the actual costs involved in removing and replacing any previously set grave markers. These additional costs shall be charged in addition to the existing flat rate costs.

(c) An additional fee of \$50.00 per hour will be charged for funerals which arrive at the cemetery after 2:30 p.m.

(d) The fee for disinterment shall be \$1,000.00, because of extra labor required. This fee does not include cost of new grave site, regular interment fee (if any) nor any fees due to a vault company. Village of Hiram and applicant or applicants for disinterment shall act in full compliance with the Ohio Revised Code, including Sections 517.23-24.

(e) The day of disinterment is at the discretion of the Supervisor. Applicant or applicants must sign a "waiver of liability" form before disinterment can take place.
(Ord. 2017-02. Passed 4-11-17.)

945.06 LOT PRICES.

(a) Lot prices in Fairview Cemetery are \$300.00 for residents of the Village of Hiram and for Military Veterans providing documentation, \$350.00 for residents of the Township of Hiram, and \$600.00 for all others. The Village of Hiram reserves the right to provide a single grave site to Village of Hiram employees and retirees at a reduced price of \$100.00.

(b) A resident of the Village/Township is defined as one who owns real property within the Village/Township, or one who lives within the Village/Township, or one who has lived within the Village/Township within the five years immediately preceding the date of lot purchase, or one who has left a residence within the Village of Hiram/Township of Hiram in order to enter a nursing home or similar assisted living facility.

(c) This Section does not affect the right of burial to persons who purchased a lot (s) prior to the enactment of these Rules and Regulations.
(Ord. 2017-02. Passed 4-11-17.)

945.07 ADMINISTRATION.

(a) The Village of Hiram Village Administrator shall be the Superintendent of the Fairview Cemetery and shall report to the Village of Hiram Council at least once annually.

(b) The Fiscal Officer of the Village of Hiram has the authority, with approval of the State Auditor and Village Council to set up the appropriate accounts for Fairview Cemetery.
(Ord. 2017-02. Passed 4-11-17.)