

**CHAPTER 911  
Sewers Generally**

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**CROSS REFERENCES**

- Compulsory sewer connections - see Ohio R.C. 729.06
- Regulations to control house sewers and connections - see Ohio R.C. 29.51
- Interference with sewage flow - see Ohio R.C. 4933.24
- Household sewage disposal systems - see OAC Ch. 3701-29

**911.01 PURPOSE AND POLICY.**

- (a) Chapter 911 provisions shall apply to Chapters 911, 915, 917, and 919.
- (b) The purpose of Chapters 911, 915, 917 and 919 is to establish guidelines concerning the sanitary and storm sewers in the City. These guidelines are further needed because the City operates a sewer treatment facility and for the following additional reasons: the National Pollutant Discharge Elimination System (NPDES) permit held by the City outlines parameters regarding the characteristics of wastewater that may be introduced to the public waters which need to be embodied in the Codified Ordinances of this City; there are certain Environmental Protection Agency and certain State and Federal agency guidelines which require wastewater treatment systems to operate effectively in collecting and treating wastewater in order to meet established standards; any Federal grants supporting operations or aspects of wastewater treatment require that policy and standards be set forth in City ordinance.
- (c) This chapter further provides for the regulation of discharges into the City wastewater system through the enforcement of administrative regulations. This chapter does not provide for the recovery of operations, maintenance or replacement costs of the sewage disposal system or the costs associated with the construction of collection and treatment systems used by industrial

discharges, in proportion to their use of the sewage disposal system, which are the subject of Chapter 917.

(Ord. 84-40. Passed 4-26-84.)

**911.02 ORGANIZATION.**

Guidelines and standards required by Section 911.01 are embodied in this chapter and in Chapters 915, 917, and 919.

(Ord. 84-40. Passed 4-26-84.)

**911.03 DEFINITIONS.**

The following definitions shall apply to Chapters 911, 915, 917, and 919.

(1) "Act" means 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" means any pretreatment limit or prohibitive standard, Federal and/or local, deemed to be the most restrictive, with which nondomestic users are required to comply.

(3) "Approval authority" means the Ohio Environmental Protection Agency or the United States Environmental Protection Agency.

(4) "Assigned unit" means the measurement of a connection based on flow. One unit is equal to 1,000 cubic feet (Mcf).

(5) "Authorized representative of industrial user" means:

A. A president, secretary, treasurer or vice president of a corporation, or;

B. A general partner or proprietor if the industrial user is a partnership or proprietorship respectively, or;

C. A duly authorized representative of the above if the authorization is previously made in writing to the Superintendent by a person listed in subsections (5)A. or B. hereof.

(6) "Average monthly discharge limitation" means 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 discharge limitation" means the highest allowable average of daily discharges 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) "Beneficial uses" includes, but is not limited to, domestic, municipal, agricultural and industrial use, power 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 and Federal law.

(9) "Biochemical oxygen demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty 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 for the Examination of Water and Wastewater, as defined in subsection (83) hereof.

(10) "Building Commissioner" or "Building Administrator" means the Building Commissioner of the City, or his authorized deputy, agent or representative.

(11) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the sewer, beginning outside the inner face of the building wall.

(12) "Building sewer" means the extension from the building drain to the municipal sewer or other place of disposal.

(13) "Capital cost" means that portion of the cost of the sewage treatment system which is directly attributable to the cost of principal and interest obligations issued to finance acquisition and construction of the wastewater system.

(14) "Chemical oxygen demand" (COD) means 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 Standard Methods as defined in subsection (83) hereof.

(15) "Chlorine requirement" means 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 Standard Methods as defined in subsection (83) hereof.

(16) "City" means the City of North Olmsted, Ohio.

(17) "City Engineer" means the City Engineer of the City, or his duly authorized agent or representative.

(18) "Commercial user" for purposes of system charges, means any aggregation of space, office, laundry, restaurant, stores, shops, apartments 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 distinct 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.

(19) "Compatible pollutant" means the BOD, TSS, pH and fecal coliform bacteria, plus additional pollutants identified in the City's NPDES permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.

(20) "Composite sample" should contain a minimum of eight 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.

(21) "Control manhole" means a structure which provides access to a building sewer. A control manhole may be used as an inspection chamber and may contain a certain testing equipment.

(22) "Cooling water" means 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.

(23) "Daily discharge" means the discharge of a pollutant measured during a calendar day or any twenty-four hour period that reasonably represents the calendar for purposes of sampling.

(24) "Easement" means an acquired legal right of the specific use of land owned by others.

(25) "U.S. Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency and may also be used, where appropriate, as a designation for the administrator or other duly authorized official of such agency.

(26) "Ether-soluble matter" means 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, as defined in subsection (83) hereof.

(27) "Fecal coliform" means any number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

(28) "Floatable oil" means oil, fat or grease in a physical state, such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

(29) "Garbage" means the residue from the preparation and dispensing of food, and from the handling, storage and sale of produce.

(30) "Government user" means any user discharging wastewater from premises utilized by public political units, including Federal, State, County and City units.

(31) "Grab sample" means 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.

(32) "Grease and oil" means 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 are defined by the method of their determination in accordance with Standard Methods as explained in subsection (83) hereof.

(33) "Grease and oil of animal and vegetable origin" means substances that are of a less readily biodegradable nature such as are discharged by meatpacking, vegetable oil and fat industries, food processors, canneries and restaurants.

(34) "Grease and oil of mineral origin" means 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.

(35) "Ground garbage" means 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.

(36) "Incompatible pollutant" means any pollutant which is not a compatible pollutant as defined in subsection (19) hereof.

(37) "Industrial user" means a person who discharges to the City'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 source.

(38) "Industrial waste" means 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 as defined in subsection (49) hereof.

(39) "Industrial waste permit" means a formal permit to deposit or discharge industrial waste into any sanitary sewer, as issued by the City.

(40) "Influent" means 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.

(41) "Institutional user" means any person discharging wastewater from premises serving educational, social or eleemosynary purposes, including, but not limited to, private schools, hospitals, nursing homes and charitable organizations.

(42) "Interference" means inhibition or disruption of the sewage treatment processes or operations which contributes to a violation of any requirements of the City'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 City.

(43) "Maximum daily discharge limitations" means the highest allowable daily discharge.

(44) "Municipal sewer" means one in which all owners of abutting properties have equal rights, and which is controlled by the City.

(45) "National Categorical Pretreatment Standard" or "Categorical Pretreatment Standard" means national pretreatment standards as promulgated by the U.S.E.P.A. specifying quantities or concentrations of pollutants, or pollutant properties, which may be discharged or introduced into the City's wastewater disposal system by specific industrial dischargers or industrial users.

(46) "National Pollutant Discharge Elimination System (NPDES) Permit" means a permit issued by the State 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.

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

(48) "New source" means any source of wastewater from which the discharge of wastewater is commenced after the publication of regulations prescribing an applicable National Categorical Pretreatment Standard or any building, structure, facility or installation meeting the requirement for a new source of Sec. 403.3 of the "General Pretreatment Regulations for Existing and New Sources", and:

A. It is constructed at a site at which no other source of discharge to the City's wastewater disposal system is located, or

B. It totally replaces the process of production equipment that causes the discharge of pollutants at any existing source, or

C. Its processes are substantially independent of an existing source at the same site.

(49) "Normal domestic sewage" means wastewater characterized by wastes created in the preparation of foods, bathing, laundry facilities and sanitary facilities, i.e., resulting from normal living functions conducted in a domicile. Normal characteristics are considered to be a loading of 200/1 BOD and 250/1 TSS per capita.

(50) "On-site treatment facilities" means any sewage treatment facilities located at the site where wastewater is being generated, when such facilities are for the purpose of treating or pretreating the generated wastewater before it enters the public sewer.

(51) "Operation and maintenance costs" means 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 wastewater disposal system.

(52) "Parts per million (ppm)" means 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. Milligrams per liter (mg/l) is a synonymous term.

(53) "Pass through" means the discharge of pollutants through the POTW into the receiving stream in quantities or concentrations which are a cause in whole, or in part, of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(54) "Person" means any and all persons, natural or artificial, including any individual, firm, company, Municipal or private corporation, partnership, copartnership, 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 feminine, the singular shall include the plural where indicated by the context.

(55) "pH" means 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, as defined in subsection (83) hereof.

(56) "Pollutant" means the dredged spoil, solid waste, incinerator residue, wastewater, garbage, wastewater sludge, munition, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, Municipal, commercial, domestic and agricultural waste discharged into water.

(57) "Pollution" means an alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for beneficial uses or facilities which serve such

beneficial uses. Pollution is the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

(58) "Premises" means 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.

(59) "Pretreatment" means the process of reducing the amount of pollutants, eliminating pollutants or altering the nature of pollutant properties in wastewater introducing such pollutants into the City's wastewater disposal system. The reduction, elimination or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by Chapters 911 to 927.

(60) "Pretreatment Coordinator" means the person in charge of the City's industrial pretreatment program, and any other provision of Chapter 917 or responsible for other duties as assigned by the Superintendent.

(61) "Pretreatment requirements" means any substantive or procedural requirements related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(62) "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely, under the conditions normally prevailing in Municipal sewers, with no particle greater than one-half inch in any dimension.

(63) "Publicly owned treatment works" (POTW) means all publicly owned, City owned, facilities for the collection, treatment and disposal of wastewater.

(64) "Public sewers" means a sewer provided by or subject to the jurisdiction of the City. It also includes sewers within or outside the City boundaries that serve one or more persons and ultimately discharge to the City sanitary sewer system, even though these sewers may not have been constructed with City funds.

(65) "Receiving stream" means the watercourse, stream or body of water receiving the waters finally discharged from the wastewater treatment plant.

(66) "Reimbursable expenses" means those costs incurred by the City 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.

(67) "Replacement" means any expenditures 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."

(68) "Residential user" for the purposes of system charges, means 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 domicile will be considered residential users.

(69) "Sanitary sewer" means a sewer which carries wastewater and to which storm, surface and ground waters are not intentionally admitted.

(70) "Service Director" means the Director of Public Service of the City, or his authorized deputy, agent or representative.

(71) "Sewage" means the water-carried human, animal and household wastes in public or private drain, and may include ground water infiltration, surface drainage and industrial wastes.

(72) "Sewage disposal system" means all facilities for collection, pumping, treating and disposing of sewage and industrial waste, and it includes sewerage, as well as the sewage treatment facilities. This shall not include plumbing inside or in connection with building services or service sewers from a building to the street lateral.

(73) "Sewage treatment plant" means an assemblage of devices, structures and equipment for treatment of sewage and industrial waste.

- (74) "Sewer" means a pipe or conduit for carrying wastewater.
- (75) "Sewerage" means the system of sewers and appurtenances for the collection, transportation and pumping of sewage and industrial waste.
- (76) "Sewer service charge" means the charge imposed upon all users receiving services from the City's sewage disposal system in a total amount sufficient to pay the costs of the system. Sewer service charge may consist of a capital charge, a user charge and a surcharge.
- (77) "Shall" is mandatory; "may" is permissive.
- (78) "Significant industrial user" means:
  - A. Except as provided in subsection (78)B. hereof, "significant industrial user" includes:
    - 1. All industrial users subject to categorical pretreatment standards; and
    - 2. Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW; contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or has a reasonable potential, in the opinion of the Service Director, to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.
  - B. The Service Director may, at any time, on his own initiative or in response to a petition received from an industrial user, determine that a noncategorical industrial user is not a significant industrial user if the industrial user has no reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.
- (79) "Significant noncompliance" or "SNC" means a condition in which an industrial user is, at any time during a twelve-month period, in violation of one or more of the following criteria:
  - A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
  - B. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).
  - C. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Service Director has determined caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
  - D. Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge.
  - E. Failure to meet, within ninety days after a schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance.
  - F. Failure to provide, within thirty days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.
  - G. Failure to accurately report noncompliance.
  - H. Any other violation or group of violations which the Service Director determines will or has adversely affected the operation or implementation of the City's pretreatment program.
- (80) "Sludge" means any solid, semi-solid or liquid waste generated by a Municipal, 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).

(81) "Slug" means any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of longer duration than fifteen minutes more than five times its average hourly concentration or flow, or which would cause, in whole or in part, the POTW to violate the NPDES permit limitations.

(82) "Standard Industrial Classification (SIC)" means the classification of 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.

(83) "Standard Methods" means 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.

(84) "Storm sewer" or "storm drain" means a public sewer and public ditch which carries storm, surface and ground water drainage, but excludes sewage and industrial wastes.

(85) "Stormwater runoff" means that portion of rainfall that is drained into the sewers.

(86) "Superintendent" means the person in charge of the wastewater treatment system, or his authorized deputies, agents or representatives, as may be designated by him to supervise and enforce the provisions hereof.

(87) "Surcharge" means the assessment in addition to the service charge which is levied on those persons whose wastes are greater in strength than the concentration values established as representative of normal sewage.

(88) "Suspended Solids" (TSS) means 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 Standard Methods, as defined in subsection (83) hereof.

(89) "Total solids" means the sum of suspended and dissolved solids.

(90) "Toxic amounts" means 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.

(91) "Toxic pollutants" means those substances referred to in Section 307(a) of the Act as well as any other known potential substances capable of producing toxic effects.

(92) "Treatment plant" (See sewage treatment plant).

(93) "Unpolluted water" or "unpolluted liquid" means 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 or 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 TSS or BOD. Analytical determinations shall be made in accordance with procedures set forth in Standard Methods as defined in subsection (83) hereof.

(94) "Upset" or "operating upset" means an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this chapter 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.

(95) "User" means a person that discharges, causes or permits the discharge of wastewater into the sewerage system.

(96) "User charge" means the fee imposed upon all users serviced by the sewage disposal works of the City in a total amount sufficient to pay the costs of operation and maintenance, including the costs of replacement of equipment in the wastewater disposal system.

(97) "User class" means a group of users that discharges, causes or permits the discharge of wastewater with similar characteristics into the sewerage system. All users classified as commercial, governmental, industrial, institutional and residential users comprise, respectively, commercial user class, governmental user class, industrial user class, institutional user class and residential user class.

(98) "Volatile organic matter" means the material in the sewage solids transformed to gases or vapors when heated at 500 degrees Centigrade for fifteen to twenty minutes.

(99) "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any ground water that may be present, whether treated or untreated, which is discharged into or permitted to enter the City's wastewater disposal system.

(100) "Wastewater treatment plant" (See sewage treatment plant).

(101) "Watercourse" means a channel in which a flow of water occurs, whether continuously or intermittently.

(102) "Waters of the State" means all streams, lakes, ponds, 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.

(Ord. 91-95. Passed 8-20-91.)

**911.04 TWO SEWER SYSTEMS.**

The City operates two separate sewer systems:

(a) Storm Sewer System. This system takes stormwater, unpolluted, from the community through appropriate outlets into the public waters of the State.

(b) Sanitary Sewer System. This system carries polluted wastewater to the City wastewater treatment plant where it is processed using modern technological methods to meet State and Federal standards for quality as effluent from the City wastewater treatment plant.

(Ord. 84-40. Passed 4-26-84.)

**911.05 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 City or in any area under the jurisdiction of the City, 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 any natural outlet within the City or any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(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 any houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with 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 sanitary sewer is within

250 feet of a property line of such house, building or other property used for human occupancy and abutting on any street, alley or right of way within the City.

(Ord. 84-40. Passed 4-26-84.)

**911.06 PRIVATE SEWAGE DISPOSAL.**

(a) Where a public sanitary sewer is not available under the provisions of Section 911.05, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(b) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Public Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 12,000 square feet. No septic tank or cesspool shall be permitted to discharge into any public sewer natural outlet.

(c) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Service Director. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information deemed necessary by the Service Director. A permit and inspection fee of fifty dollars (\$50.00) shall be paid to the Service Director at the time the application is filed.

(d) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Service Director. He shall be allowed to inspect the work at any state of construction and, in any event, the applicant for the permit shall notify the Service Director twenty-four hours prior to the time when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight hours of the receipt of the notice by the Service Director.

(e) When a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 911.05 (d), the building sewer shall be connected to such sewer within 180 days of official notice in compliance with this chapter and any septic tanks, cesspools and similar private sewage disposal facilities shall be cleaned of sludge and removed or abandoned and filled with suitable material in accordance with the requirements of the State Department of Public Health.

(f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

(g) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.

(Ord. 84-40. Passed 4-26-84.)

**911.07 BUILDING SEWERS AND CONNECTIONS.**

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

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

- (1) For residential and commercial service; and
- (2) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be submitted with any plans, specifications or other information considered pertinent in the judgment of the Service Director.

(3) Permit and inspection fees for a sanitary sewer connection or building sewer shall be as follows:

- A. Each sanitary sewer connection:

1. For residential or commercial service	\$50.00
2. For service to establishments producing industrial wastes subject to the requirements of Chapter <u>917</u>	60.00
B. Each ten lineal feet or fraction thereof building sewer	10.00
C. Each manhole, inspection chamber, sampling chamber or similar structure	50.00

Such fees shall be paid to the City at the time the application is filed.

The building sewer permit shall be issued to the applicant upon approval of plans submitted for such construction. Construction involving openings or excavations in any street, boulevard, avenue or other public place in the City shall be pursuant to Chapter 901. Construction shall be made in accordance with the plans approved by the City Engineer for such construction which plans shall thereafter remain on file with the City Engineering Department as a permanent public record.

In no case shall such work be commenced and prosecuted unless such permit is issued and is on the premises of and in the possession of the person doing the work authorized by the permit. Each permit shall give the correct name and number of house, building or establishment and the lot or subplot upon which the same is located for the work provided for in the permit. Information shall be so stated on the permit as to sufficiently define by description the premises to be so served and clearly delineate the location of the premises to be so served upon the map of the City's sewage system.

(c) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) In the case of industrial waste permits, the owner shall provide at his expense a sampling manhole installed between the building and the public sewer connection and shall further provide a list of all chemicals used, manufacturing processes used and composition of the effluent to be discharged, to the Service Director. The owner shall comply with all additional requirements set forth in Chapter 917.

(e) A separate and independent building sewer shall be provided for each unit of a condominium building consisting of three units or less, and for every building, except that where one building stands at the rear of an existing building, other than a condominium, on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(f) Old building sewers may not be used in connection with new buildings.  
No more than one building sewer may be tied into a riser from the sewer main.

(g) The connection of the building sewer into the public sewer shall conform to the requirements as established by the County Sanitary Engineering Department, or by the ordinances of the City, whichever is more restrictive.

(h) The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench

shall all conform to the requirements as established by the County Sanitary Engineering Department, or by the ordinances of the City, whichever is more restrictive. All trenches shall include a clay or concrete collar to serve as an anti-seep cut-off wall to prevent migration of groundwater from the public sewer trench to building footer drains.

(i) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity to the public sewer, sanitary sewage carried by such building shall be lifted by an approved means and discharged to the building sewer. The basement floor of a house or building shall be not less than five feet above the top of the sanitary sewer pipe where the building sewer connects to the public sewer unless the sewage is lifted by an approved means. The basement floor of a house or building shall be not less than one foot above the top of the storm sewer pipe or other approved drainage outlet unless the storm drainage system is equipped with a sump pump with an approved surface relief valve. A surface relief valve may not be added to an existing system unless the City Engineer approves the condition of the existing storm connection to the public storms sewer.

(j) No person shall make connection of roof downspouts, exterior foundation drains, runaway drains or other sources of surface runoff or groundwater to a building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(k) The applicant for the building sewer permit shall notify the Service Director twenty- four hours before commencement of construction of the building sewer. The construction of the building sewer and the connection to the public sewer shall be made under the supervision of the Service Director or his representative.

(l) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be promptly restored in a manner satisfactory to the City.

(Ord. 97-103. Passed 12-22-97.)

**911.08 SEWER CONNECTIONS: TAP-IN FEE FOR PROPERTIES NOT PREVIOUSLY ASSESSED; PERMIT, FEE AND PENALTY.**

(a) Tap-In Charge Required. Except in the case of property owned by the City, no person, corporation, partnership or association whatsoever shall connect any building or other structure either directly or indirectly with a sewer included in the sanitary sewer system for the purpose of discharging sanitary sewage and industrial wastes therefrom, as prescribed by the Service Director, the construction of which was commenced after the dates set forth in subsection (b) hereof, without first depositing in cash, or by certified check payable to the City, a tap-in charge determined in accordance with the provisions of subsection (b) hereof.

(b) Schedule of Tap-In Charge Rates. The Service Director shall not issue a permit for the purpose described in subsection (a) hereof until the applicant for such permit shall have deposited in cash, or by certified check payable to the City, a tap-in charge to be determined in accordance with the following schedules, which are based upon standard costs of constructing a sewer designed to provide immediate local sewer service, except in the case of those sewers for the sanitary sewer system where an aggregate assessment equivalent to the cost of constructing an eight-inch sewer, less the City's portion of such cost, has been levied or will be made pursuant to appropriation proceedings.

SCHEDULE A  
(Residential)

For sanitary sewers constructed after February 8, 1965, and prior to the date established in Schedule C hereof:

Single-family residence.	\$900.00 base charge
For single-family residence location lots where the frontage exceeds sixty feet, an additional charge of \$15.00 per foot for each foot in excess of sixty feet. Multiple-family residences, including apartments	
	\$800.00 base charge for each family unit if there are not more than two family units; \$775.00 base charge for each family unit if there are more than two but not more than four family units, and \$750.00 for each family unit if there are more than four family units.
For multiple-family residences located on lots where the frontage exceeds 120 feet, an additional charge of \$15.00 per foot for each foot in excess of 120 feet.	

**SCHEDULE B**

(Commercial and Industrial Establishments)

For sanitary sewers constructed after February 8, 1965 and prior to the date established in Schedule D hereof, except as hereinafter provided, the following tap-in charges shall be applicable depending upon the size of the water meter installed or to be installed:

Water Meter Size (Inches)	Charge
5/8	\$900.00
3/4	1,350.00
1	2,025.00
1-1/2	3,600.00
2	5,400.00

However, if the water to be used on the premises is not and will not be measured by a water meter, the Service Director shall, on the basis of accepted engineering practices and, further, on the basis of requirements of similar or comparable establishments, determine the size of a water meter that would be required to serve the premises. The meter size so determined shall be used in calculating the charge under the foregoing Schedule B.

**SCHEDULE C**

(Residential)

For sanitary sewers constructed after August 1, 1968:

Single-family residence.	\$1,200.00 base charge
For single residences located on lots where the frontage exceeds sixty feet, an additional charge of \$15.00 per foot for each foot in excess of sixty feet.	

**SCHEDULE D**

(Commercial and Industrial Establishments)

For sanitary sewers constructed after August 1, 1968, except as hereinafter provided, the following tap-in charges shall be applicable, depending upon the size of the water meter installed or to be installed:

<b>Water Meter Size (Inches)</b>	<b>Charge</b>
5/8	\$1,200.00
3/4	1,800.00
1	3,000.00
1-1/2	4,800.00
2	7,200.00

However, if the water to be used on the premises is not and will not be measured by a water meter, the Service Director shall, on the basis of accepted engineering practices and, further, on the basis of requirements of similar or comparable establishments, determine the size of a water meter that would be required to serve the premises. The meter size so determined shall be used in calculating the charge under the foregoing Schedules B and D.

(c) Permit and Charges in Addition to Other Requirements. The permit and charges provided for in subsections (a) and (b) hereof shall be in addition to any other permits and charges required by any other legislation and regulations of the City.

(d) Penalty. Any person, natural or corporate, who violates any provision of subsection (a) or (b) hereof, shall be fined twenty-five dollars (\$25.00) per day for any such violation, and each day's continued violation shall constitute a separate offense.

(e) Disposition of Moneys. All charges collected pursuant to subsections (a) and (b) hereof shall be deposited in the Sewer Revenue Fund established by Section 4 of the Mortgage Revenue Bond Ordinance (Ordinance 3146, passed November 3, 1960) authorizing the issuance of one million five hundred twenty-five thousand dollars (\$1,525,000) first mortgage sewerage system revenue bonds.

(Ord. 94-97. Passed 7-5-94.)

**911.09 SEWER CONNECTIONS: TAP-IN PERMIT, FEE AND PENALTY.**

(a) Tap-In Charge Required. From and after January 1, 1972, no person, corporation, public agency, partnership or association whatsoever shall connect, or cause to be connected, any building or other structure in the City either directly or indirectly with the municipal sanitary sewerage system for the purpose of discharging sanitary sewerage or industrial waste therefrom without first securing from the Service Director a permit for such purpose in a form prescribed by the Director and without first paying a tap-in charge determined in accordance with the provision of subsection (b) hereof.

(b) Schedule of Tap-In Charges Based on Benefited Units. The Service Director shall not issue a permit for the purpose described in subsection (a) hereof until the applicant therefor has paid a tap-in charge to be determined in accordance with the following:

<u>If Permit Obtained From:</u>	<u>Benefited Unit of One</u>
Property in City of	
North Olmsted or	Property in
City of Fairview Park	Olmsted Township
From September 1, 1994 to June 30, 1995	\$ 1,000.00      \$ 1,675.00
From July 1, 1995 to July 1, 1998	Tap-in charge to increase ten percent (10%) rounded to nearest dollar, on July 1 of each year to July 1, 1998.
From July 2, 1998 and thereafter	Maintain tap-in charge of July 1, 1998

Such incremental charges are designed to offset in part the interest costs incurred by the City in issuing notes and bonds and the loan from the Ohio Water Development Authority to pay the cost of construction improvements and extensions to the sewerage system which were not recovered by special assessments.

The number of benefited units for various uses shall be determined according to the following schedule:

TAP-IN SCHEDULE

USE	NO. OF UNITS
Single family residence	1.0
Two or more family dwellings	
Efficiency and one bedroom units	0.50 per unit
Two bedroom units	0.75 per unit
Three or more bedroom units	1.00 per unit
Senior residence structures (buildings designed exclusively for the elderly in accordance with the provisions of the Zoning Code for a Senior Residence District)	
Independent living dwelling units:	
Two or more bedroom units	0.35 per unit
One bedroom units	0.20 per unit
Assisted living dwelling units:	
Two or more bedroom units	0.40 per unit
One bedroom units	0.25 per unit
Assembly area (with seating)	0.10 per 100 S.F.
Beauty and barber shops	0.15 per 100 S.F.
Bowling alleys	0.25 per lane
Car washes	
Automatic	2.50 per bay
Self-serve	3.00 per bay
Churches	0.015 per seat
Dance floors and other assembly areas without seats	0.15 per 100 S.F.
Day care centers	0.10 per 100 S.F.
Drive-in theaters	0.02 per car space
Exercise rooms and areas	0.06 per 100 S.F.
Factories and laboratories	0.10 per 100 S.F.
Food service operations	
Ordinary restaurants	0.12 per seat
24-hour and drive-in restaurants	0.18 per seat
Taverns (limited meal service)	0.10 per seat
Hazardous material areas	4.00 per 100 S.F.
Hospitals	
In-patient room areas	0.80 per bed
Out-patient and treatment areas	0.60 per 100 S.F.
Other institutional use	0.30 per 100 S.F.
Laundries	2.00 per washing machine

Libraries	0.02 per 100 S.F.
Motels or hotels	0.30 per room
Nursing and rest room patient areas	0.50 per bed
Office buildings	
General	0.03 per 100 S.F.
Medical and dental	0.10 per 100 S.F.
Parking garage and automobile showroom	0.15 per 100 S.F.
Retail stores	
General merchandise less than 100,000 square feet	0.06 per 100 S.F.
Food and grocery stores less than 100,000 square feet	0.09 per 100 S.F.
Retail or wholesale stores 100,000 square feet or more	0.12 per 100 S.F.
Schools	
Elementary classrooms	0.10 per 100 S.F.
Other classrooms	0.12 per 100 S.F.
Swimming pools and deck areas	0.08 per 100 S.F.
Trailer homes	0.80 per trailer
Vehicle repair areas	
Light repairs (batteries, mufflers, tires, etc.)	1.00 per bay
Major repairs (engine rebuilding, etc.)	2.00 per bay
Paint spray areas	2.50 per bay
Warehouses or stock rooms	0.03 per 100 S.F.

Explanatory Notes:

(1) This schedule establishes a ratio to a standard unit, that of a single-family residence, for the purpose of calculating the sewer tap-in charge. The ratio multiplied by the item measured (square foot, seat bay, etc.) shall be calculated to the nearest one-tenth unit. The tap-in charge will then be calculated by multiplying the number of benefited units by the rate per unit applicable at such time.

(2) Uses not specifically listed shall be classified in accordance with the most similar listed use. No reduction in square footage shall be made for fixtures or equipment.

(3) For a building with more than one use, the sewer tap-in charge shall be calculated separately for each and summed for a total tap-in charge with the exception that:

A. For non-simultaneous main uses such as found in school and church facilities, as determined by the Service Director, each main use in the facilities shall be separately calculated and the largest individual value shall be used to calculate the fee.

B. For minor accessory uses, such areas may be omitted from the calculations if it is determined that such areas do not have an adverse impact on the volume or type of sewage flow.

C. For a shell building, a base tap-in fee shall be charged for the entire building based on the lowest tap-in ratio for a mixed use building. When a permit is issued for interior plans, if the proposed use has a higher tap-in ratio, the additional fee shall be paid at that time.

(4) When a building or portion of a building is changed from one use to another, additional tap-in fees will be charged if the new use has a higher tap-in ratio or will cause an increase in the strength or amount of pollutants in the sewage. Failure to disclose the actual use of the building or to disclose a change in use of the building will result in the levying of a twenty- five percent surcharge in addition to the normal fee.

(5) For any building subject to the provisions of the Community Reinvestment Act of the State of Ohio for which the calculated tap-in fee exceeds ten thousand dollars (\$10,000), the Mayor may negotiate a payment schedule not to exceed ten years.

A. Charges Are Additional. The permits and charges provided for in this section shall not be deemed to preclude the subsequent levy of assessments against benefited properties to provide funds for the construction of sanitary sewers required to provide local sewer service to such properties, and the permit and charges provided for by this section shall be in addition to any other permits and charges required by any other legislation and regulations of the City, including but not limited to the tap-in charge imposed by Section 911.08 for local sewer service for a connection to a sewer for which the property served by such connection was not specially assessed for local sewer service.

B. Disconnection for Violation. In the event that the Service Director ascertains that any property has been connected directly or indirectly to the municipal sewerage system in violation of the provisions of this section, the Director is authorized to disconnect such property, or have the same disconnected, until such violation ceases. The City shall be reimbursed by the violator for expenses incurred by the City in making such disconnection.

C. Penalty. Whoever violates any provision of this section shall be fined not more than one hundred dollars (\$100.00) a day for any such violation and each day during or on which such violation continues shall be a separate offense.

D. Disposition of Moneys. All charges collected pursuant to the provisions of this section shall be paid over as received to the Director of Finance for deposit in the Sewer Revenue Fund. Subject to the provisions of any ordinance or indenture of mortgage authorizing the issuance of and securing mortgage revenue bonds for the sanitary sewer system, moneys in such Fund shall be used for the payment of the cost and expense of operation, maintenance, repair and management of the system and for the payment of debt and other charges on bonds, notes and other obligations issued or incurred for the construction of or improvements to the system, and any surplus in the Fund, over and above the requirements hereinbefore mentioned, may be used for enlargements of and replacements to the system and parts thereof.

(Ord. 98-29. Passed 6-16-98.)

#### **911.10 SEWER CONNECTIONS: TAP-IN PERMIT, FOR OLMSTED TOWNSHIP.**

No person, corporation, public agency, partnership or association whatsoever shall connect, or cause to be connected, any building or other structure, located in any area of Olmsted Township in which the City, by agreement with Cuyahoga County or otherwise provides sanitary sewer services, either directly or indirectly, with the Municipal sanitary sewerage system for the purpose of discharging sanitary sewage or industrial waste therefrom, without first securing a permit for such purpose in a form prescribed by the Director and without first paying a tap-in charge determined in accordance with the provisions of Section 911.09(b). In addition, all such owners of property located in Olmsted Township shall comply with all other provisions of Chapter 911 and any other City ordinances governing the use, operation and maintenance of the City's sanitary sewer system.

(Ord. 88-89. Passed 8-11-88.)

#### **911.11 LIMITING SEWER CONNECTIONS.**

The Service Director 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 such building sewer permit, sufficient data, as required by the Service Director, regarding the location and amount of flow to be conveyed to the public sewer.

(b) Any costs associated with subsection (a) hereof shall be borne by the person applying for the building sewer permit.

(Ord. 84-40. Passed 4-26-84.)

#### **911.12 USE OF PUBLIC SEWERS.**

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

(b) Stormwater, 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 City Engineer. No persons shall use any such sewers without first having obtained the consent and permits from the City Engineer.

(1) Industrial cooling water or unpolluted processed waters may be discharged, on approval of the City Engineer, to a storm sewer or natural outlet.

(2) Roof runoff is required to be directed by a downspout or roof drain away from a building by means of underground storm sewer piping. Such storm sewer piping shall be constructed in accordance with standards set by the City Engineer and shall discharge to a storm sewer. In the event that a storm sewer is not readily available, as determined by the City Engineer, to serve storm sewer piping for roof runoff, then such roof runoff may be discharged by underground storm sewer piping to a ditch or stream or to a leaching bed designed and constructed in accordance with standards set by the City Engineer. Splash blocks may only be used when authorized under the provisions of Section 911.19, or for small roof areas such as sheds or garages accessory to existing single family residences when approved by the City Engineer, and no water is allowed to drain onto adjacent property, accumulate in depressions or otherwise become a public hazard or nuisance.

(c) 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 the POTW which exceeds forty degrees Centigrade, 104 degrees Fahrenheit.

(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. Under no circumstances shall the flashpoint of any discharge be less than 140 degrees Fahrenheit or sixty degrees Centigrade as measured using the closed cup test method specified in 40 CFR 261.21.

(3) Any discharge of petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that can cause interference or pass through; but in no case, water or wastes containing free oils, emulsified oils and grease exceeding an average of 100 parts per million or 833 pounds per million gallons, of ether soluble matter.

(4) Any waters or wastes 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. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower, 0.76 hp metric, or greater shall be subject to the review and approval of the Building Commissioner.

(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 wastes containing TSS 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 or substance capable of creating a public nuisance, or substances causing the release of noxious or poisonous gases after discharge into the public sewer system, or which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(9) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.

(10) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Service Director as authorized in Chapter 917 for such materials, and which might cause the POTW to violate its NPDES and/or other disposal system permits.

(11) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Service Director 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 Service Director in compliance with applicable State or Federal regulations.

(13) Any waters or wastes having a pH of less than 5.5 or in excess of 9.0.

(14) Materials which exert or cause:

A. Unusual concentrations of inert TSS 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. Unusual biochemical oxygen demand, TSS, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

D. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in Section 911.03(81).

(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.

(16) Any water or waste that for a duration of fifteen minutes has a concentration greater than three times that which is specified for TSS and BOD under Section 911.14 and/or which is discharged continuously at a rate exceeding 200 gallons per minute, will be unacceptable.

(d) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substance or possess the characteristics enumerated in subsection (c) hereof, and which, in the judgment of the Service Director may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Service Director may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition in accordance with guidelines adopted in the ordinances of this City 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 subsection (i) hereof.

If the Service Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City Engineer and subject to the requirements of all applicable codes, ordinances and laws.

(e) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense to the approval of the Service Director.

(f) Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of his wastes, including domestic sewage.

(1) Control manholes or access facilities shall be located and built in a manner acceptable to the Service Director. If measuring devices are to be permanently installed they shall be of a type acceptable to the Service Director.

(2) Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, accessible and in proper operating condition at all times. Plans for the installation of the control manholes or access facilities and related equipment shall be approved by the City Engineer prior to the beginning of construction.

(g) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with "Standard Methods", as defined in Section 911.03(83), 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. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. 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 TSS analyses are obtained from twenty-four hour composites of all outfalls, whereas pHs are determined from periodic grab samples.

Within ninety days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the treatment facility, any industrial user subject to pretreatment standards and requirements shall submit to the City a report containing the information described in 40 CFR 403.1 (b)(4) - (6).

(h) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the industrial concern in proportion to cost and consistent with the user charge system in Chapter 915. No special agreement shall be in violation of any federal or state standards.

(i) No person shall cause the discharge of slugs of water or wastes. Each person producing a discharge into the public sewers in excess of 100,000 gallons in any one day, shall construct and maintain at his own expense, a suitable storage and flow-control facility to insure equalization of discharge over a twenty-four hour period. This facility shall have a capacity of at least fifty percent (50%) of the total normal volume of a twenty-four hour production period, and the outlet

to the sewer shall be equipped with a rate-discharge controller or other approved device, the regulation of which shall be directed by the Service Director.

(Ord. 2007-38. Passed 6-19-07.)

**911.13 STORM SEWER CONNECTION AND APPURTENANCES; FEES.**

(a) No person shall connect to the public storm sewer system without first obtaining a permit and paying the fee therefor in accordance with Chapter 901.

(b) Wherever public sewers have been constructed within the Municipality and the cost thereof has been wholly or partly paid out of the funds of the City, or financed through the issuance of bonds, and the owners of any property abutting upon or benefiting from such storm sewers make application to tap such storm sewer, no permit shall be issued to make such connection or connections, nor shall such property owner make such connection or connections, unless he shall have first paid into the City treasury or given security for such payment, satisfactory to the fiscal officer of the City, that portion of the cost of such storm sewer which the property was formerly charged in the form of an assessment, but which assessment the City has been unable to collect due to defects in procedure; the failure to obtain an assessment lien; the setting aside of the assessment lien by any court; or the failure to collect such assessment for any reason. Where a portion of the cost of the sewer to which connections are desired to be made has been assessed against such property and a valid assessment lien continues to be imposed thereon for such cost, or where in the case of an invalid assessment, a valid reassessment for such cost has been levied, such permit shall be issued provided the tap-in connection conforms with other regulations of the City.

(c) No permit to construct any improvements upon the property which is subject to subsection (b) hereof shall be issued until such time as the property owner makes the necessary deposit into the City treasury or gives security for such payment satisfactory to the fiscal officer of the City.

(d) Permit and inspection fees for a storm sewer connection, storm sewer and appurtenances shall be as follows:

(1) Each storm sewer connection	\$30.00
(2) Each 100 lineal feet or fraction thereof storm sewer pipe	25.00
(3) Each catch basin, manhole, yard drain, drive drain, head wall, end wall, junction chamber or similar structure	10.00

(Ord. 92-3. Passed 2-18-92.)

**911.14 PRETREATMENT OF WASTES FOR PUBLIC SEWERS.**

Where required, in the opinion of the Service Director, to modify or eliminate wastes that are harmful to the structures, processes or operation of the sewage disposal works, the person shall provide at his expense such preliminary treatment or processing facilities as may be determined necessary to render his wastes acceptable for admission to the public sewers.

Applicable concentrations shall be based upon average concentrations weighted in proportion to volume of flow, determined during each billing revised by the most practicable method possible.

Review and acceptance of the Service Director shall be obtained prior to the discharge into the public sewers of any waters or wastes having:

- (a) A five-day twenty-degree Centigrade BOD greater than 200 ppm;
- (b) A TSS content greater than 250 ppm;
- (c) An ether-soluble matter, oil and grease content greater than 100 ppm; or
- (d) A chlorine requirement greater than fifty ppm, or

(Ord. 84-40. Passed 4-26-84.)

(e) Any substance having a quantity greater than the characteristics described in Section 917.02 (f), or any unlisted material with pretreatment limits (state or federal) at a quantity greater than those limits.

(Ord. 90-121. Passed 10-16-90.)

#### **911.15 INJURY 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.

No person shall access the sewer system or POTW for any activity including discharge of trucked or hauled septic or industrial wastes except at locations and at times as designated by the Service Director in writing. Any removal of manhole lids, or other access to the sewer system for the purpose of discharging wastes at times and/or locations other than these designated by the Service Director, or without the expressed written permission by the Service Director, shall be considered a violation and shall be subject to enforcement action including fines and penalties allowed under this chapter.

(Ord. 91-95. Passed 8-20-91.)

#### **911.16 POWERS AND AUTHORITY OF INSPECTORS.**

(a) The discharger shall allow the Service Director or his duly authorized employees bearing proper credentials and identification to enter upon the premises of the discharger during any reasonable hour for the purposes of inspection, sampling and records examinations and copying to determine compliance with the requirements of this chapter. Where the industry has security measures in force which require proper identification and clearance before entry, the discharger shall make necessary arrangements so that the Service Director or his representative will be permitted entry without delay. The City shall have the right to set up on the discharger's property necessary devices to conduct sampling, inspection, compliance monitoring, metering operations or all of these. (Ord. 91-152. Passed 12-3-91.)

(b) While performing the necessary work on private properties referred to in subsection (a) hereof, the Service Director, Building Commissioner and City Engineer or duly authorized employee of the City shall observe all safety rules applicable to the premises established by the owner, and the owner shall be held harmless for injury or death to the City employees and the City shall indemnify the owner against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 911.12 (g).

(c) The Service Director, Building Commissioner and City Engineer and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, 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. (Ord. 84-40. Passed 4-26-84.)

#### **911.17 FEES CREDITED TO SEWER REVENUE FUND OR BUILDING DEPARTMENT FUND.**

All moneys received from licenses and permit fees under the provisions of this chapter shall be credited to the Sewer Revenue Fund or Building Department Fund in accordance with the ordinances of the City. (Ord. 84-40. Passed 4-26-84.)

#### **911.18 GRIEVANCES AND APPEALS.**

Users connected to public sewers or to a private sewage disposal system will have an opportunity to express complaints and grievances to the Service Director, who shall investigate

such complaints and grievances. Where a user requests an adjustment in an extraordinary sewer bill caused by an accident or emergency at the user's property, the Service Director shall conduct an investigation of the accident or emergency, and may make an equitable adjustment to the user's sewer bill where the accident or emergency caused the user to use an extraordinary amount of water and the extraordinary amount of water did not directly enter into the City's public sewers. If the user is dissatisfied with the decision of the Service Director, he or she may appeal the decision of the Service Director to an appeals board consisting of the members of the Environmental Committee of Council, and the Building Commissioner and Finance Director. The Board, upon review of the record of the investigation conducted by the Service Director, may affirm, reverse or modify any decision of the Service Director. (Ord. 2009-112. Passed 10-20-09.)

#### **911.19 DISCONNECTION OF DOWNSPOUTS OR YARD DRAINS TO SANITARY SEWERS.**

(a) The City Engineer and/or the Building Commissioner is hereby authorized to grant permission to the owner of property having roof downspouts connected to the sanitary sewer system to disconnect such downspouts, and permit splashdown of roof water directly upon the ground, or to require that such downspouts, yard drains or similar drains be connected to a storm sewer or to a natural outlet approved by the City Engineer.

(b) Splashdown of any roof water directly upon the ground shall not be permitted if not approved by the City Engineer.

(c) In the event that inspection indicates that certain downspouts, yard drains or similar drains have not been correctly disconnected from the sanitary sewer, and after the expiration of the time limit in the notice for disconnection, the names of the owners then in violation of Section 911.12 and/or Section 911.19 shall be forwarded to the City Prosecutor for appropriate action.

(d) In the event the owner of such premises fails to comply with the requirements of the notice from the City Engineer or Building Commissioner, the City or its authorized agent may enter upon such premises and cause the violations to be corrected.

(e) In the event the City deems it necessary to enter such premises to perform the work required to correct the violation, as per the notice from the City Engineer or Building Commissioner, the City shall first give written notice of such intent by certified mail to the owner or by posting a copy of the notice on the premises to comply with the requirements of this chapter within the time specified in such notice.

In case of failure or refusal of such owner to comply with the notice and the requirements of this chapter, the work required thereby may be done at the expense of the owner by the City. The City shall determine the amount paid for such work and shall ascertain the description of the property on which the work was done. The amount paid for such work and the description of the property shall be certified to the Auditor and shall be entered upon the tax duplicate, become a lien upon such lands from the date of entry, and shall be collected as other taxes and returned to the City for deposit in the General Fund. In the alternative, the City may recover the amount of money so expended for such work from the owner before any court of competent jurisdiction. (Ord. 92-14. Passed 3-17-92.)

#### **911.20 SEWER CONNECTIONS: TAP-IN DEPOSIT.**

The provisions of this section shall apply to all applicants for a tap-in permit to discharge to the municipal sanitary sewerage system and which are in that portion of the system for which sewer user charges are based on water consumption as per Section 915.07. These provisions do not

apply to tap-in permits for an addition or change in use to a building already served by the municipal sanitary sewerage system.

(a) In addition to the tap-in charge required in accordance with the provisions of Section 911.09(b), the applicant shall deposit with the City seven hundred fifty dollars (\$750.00) per dwelling unit or three thousand dollars (\$3,000) per commercial structure for each tap-in permit for which the applicant has applied. This tap-in deposit shall cover the cost of any sewer user charges, as per Section 915.04, that are due the City after the installation of the sanitary sewer connection which were not billed by the Cleveland Water Department, hereinafter referred to as delinquent sewer user charges.

(b) Delinquent sewer charges shall be calculated at the current rate per 1,000 cubic feet (1 MCF) in Section 915.04 times 2 MCF per dwelling unit, or for a multi-family dwelling or commercial structure 2 MCF per benefitted unit as listed in Section 911.09, per calendar month or fraction thereof that such charges are delinquent. Delinquency shall be measured from the date of installation of the sewer connection in the case of an existing structure, or from the date of the issuance of an occupancy permit for a new structure, to the date of initial sewer service as shown on the bill from the Cleveland Water Department.

(c) The applicant must comply with the following requirements:

(1) The applicant must call the North Olmsted Engineering Department for inspection, if in the City of North Olmsted or verification if in Olmsted Township, of the sewer tap-in and connection upon completion of the installation of the piping.

(2) If a new dwelling or building in Olmsted Township, the applicant must provide the North Olmsted Engineering Department with a copy of the occupancy permit issued by Olmsted Township.

(3) The applicant must furnish the North Olmsted Engineering Department with a copy of the first bill from the Cleveland Water Department showing the sewer user charge for the address for which the tap-in permit was issued.

(d) Failure to comply with any of the above requirements shall result in forfeiture of the deposit. Upon compliance with all of the above requirements, the City shall refund to the applicant the deposit minus any applicable delinquent charges. The deposit shall apply to all tap-in permits that have been prepaid but for which the permit has not yet been issued.

(e) For an existing dwelling unit proposed to be connected to the sanitary sewer system, an applicant may file a request with the Service Director for a hardship waiver of the seven hundred fifty dollar (\$750.00) deposit required for a dwelling unit. If a waiver is granted, and the applicant subsequently is delinquent with respect to sewer charges, the waiver shall not prevent the City from using other available remedies for collecting delinquent charges.

(Ord. 99-63. Passed 6-15-99.)

#### **911.99 PENALTY.**

(a) Whoever violates any of the provisions of this chapter, except Section 911.15, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

In addition, whoever violates any provision of this chapter or Chapter 917 may be assessed or penalized in the amount of one thousand dollars (\$1,000) per day for each violation.

(b) If any construction of a building sewer or connection as per Section 911.07 or a storm sewer connection or appurtenance as per Section 911.13 is commenced prior to obtaining the necessary permits under Section 911.07 or 911.13, then the applicant shall pay a fee of fifty dollars (\$50.00) as a surcharge in addition the fees otherwise required as per Sections 911.07 or

**911.13.** The Service Director may waive the surcharge if the work is being done by the homeowner.

(c) Whoever continues any violation beyond the time limit provided for in subsection (a) hereof except as otherwise provided, is guilty of a misdemeanor of the third degree for each violation. Each day during which any such violation continues shall constitute a separate offense.

(d) In addition to the foregoing penalty, whoever violates any provision of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

(e) Whoever violates Section **911.15** is guilty of a misdemeanor of the third degree.  
(Ord. 94-61. Passed 4-19-94.)