

June 6, 2014

A Special Meeting of the Bay Village City Council will be held on **Monday, June 9, 2014, immediately following the Committee meeting of Council at 7:30 p.m.** in the Council Chambers of Bay Village City Hall, 350 Dover Center Road, to take action on the items listed below:

1. Pledge of Allegiance to the Flag/Mr. Henderson
2. Roll Call
3. Announcements/Audience/Miscellaneous
4. **Motion** to approve the minutes of the Regular Meeting of Council held June 2, 2014  
**\*Clark\***
5. **Motion** acknowledging receipt of City of Bay Village May, 2014 Financial Reports. **\*Clark\***

**FIRST READING AND CONSIDERATION FOR ADOPTION:**

6. **Ordinance** amending Codified Ordinance Section 129.02 regarding Division of Police; Members, and declaring an emergency. **\*Lee\***
7. **Resolution** authorizing the Mayor to enter into an amendment to the Urban County Cooperation Agreement with Cuyahoga County to receive Community Development Block Grant Funds from the United States Department of Housing and Urban Development, and declaring an emergency. **\*Lee\***
8. **Ordinance** to amend appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2014, as previously appropriated in Temporary Appropriations 13-119 and 14-01, and Annual Appropriations 14-02, 14-18, and 14-51, and declaring an emergency. **\*Clark\***
9. **Ordinance** authorizing the Mayor to execute Change Order No. 1 for CT Consultants for the Cahoon Creek Aerial Sewer Replacement Project, and declaring an emergency. **\*Clark\***
10. **Ordinance** authorizing the Mayor to execute Change Order No. 2 for CT Consultants, Inc. for the Bradley/Naigle Intersection and Widening Improvements Project, and declaring an emergency. **\*Clark\***
11. **Ordinance** authorizing Change Order No. 1 for Trax Construction Company, Inc. for the Cahoon Road Sanitary Sewer Replacement Project, and declaring an emergency. **\* Clark\***
12. **Ordinance** authorizing the Mayor to execute Change Order No. 1 for Karvo Paving Company for the 2013 Lake Road (US-6) Resurfacing Project, and declaring an emergency. **\*Clark\***

**THIRD READING:**

**13. Ordinance No. 14-60** Amending Codified Ordinance Chapter 913 Regarding Connections to Sewers and declaring an emergency. \*Tadych\* Amending by Reading (First Reading 5-19-14) (Second Reading 6-2-14)

**14. Ordinance No. 14-61** Amending Codified Ordinance 912.03 Regarding Limitations of Connection and declaring an emergency. \*Tadych\*. (First Reading 5-19-14) (Second Reading 6-2-14)

**15. Ordinance No. 14-62** Amending Codified Ordinance Chapter 921 Regarding Sewer Rental and declaring an emergency. \*Tadych\* (Amending by Reading) (First Reading 5-19-14) (Second Reading 6-2-14)

**16. Ordinance No. 14-63** Amending Codified Ordinance 901 Regarding Streets and Sidewalks, and declaring an emergency. \*Tadych\* (First Reading 5-19-14) (Second Reading 6-2-14)

**17. Ordinance No. 14-64** Amending Codified Ordinance Section 1305.02 Regarding Permit and Inspection Fees, and declaring an emergency. \*Tadych\* (First Reading 5-19-14) (Second Reading 6-2-14)

**18. Motion** to grant extension of 60 days to the Planning Commission, from August 5, 2014 to October 4, 2014, for review of plans submitted by the Bay Skate and Bike Park Foundation for an addition to the Bay Skate and Bike Park. \*Lieske\*

**19. Motion** to grant extension of 60 days to the Planning Commission, from September 5, 2014 to November 4, 2014, to review plans submitted by Bradley Center Limited for the Crestview Drive Subdivision. \*Lieske\*

**20. Motion** to recess regular meetings of Council for the months of July and August in accordance with Section 2.10 of the Bay Village City Charter subject to special meetings being called as necessary. \*Clark\*

**21. Adjournment**

Paul A. Koomar  
President of Council

Charter Reference 2.11

Agenda  
Special Meeting of Council  
June 9, 2014

Procedure

Section 2.14 - Effective Date  
C.O. 111.10 - Council Rules for Legislation

*Roll call on suspension of Charter Rules:*

Every ordinance or resolution shall be read on three different days unless two-thirds (2/3) of the total number of Council members provided for in this Charter dispense with the rules.

*Roll call on suspension of Council Rules:*

No ordinance or resolution shall be passed unless a written copy thereof is before the Council ...at least 24 hours before any meeting of Council at which action...is contemplated.

*Roll call on inclusion of the emergency clause:*

All ordinances and resolutions shall become effective forty (40) days after their passage by Council unless a later effective date is set forth or an earlier date is established. Resolutions to initiate any public improvement shall become effective immediately upon their passage and approval by the Mayor.

It is required that two-thirds (2/3) of the total number of Council members provided for by this Charter vote affirmatively to enact with the emergency provisions. This clause allows legislation to become effective immediately upon passage and approval by the Mayor.

**NOTE: Regular and Special Meetings of Council are scheduled for 8:00 p.m. However, Council generally meets informally at 7:30 p.m. prior to a Regular or Special meeting, and said portion, usually held in the conference room, is open to the public.**

CITY OF BAY VILLAGE, OHIO  
ORDINANCE NO.

By:

To amend appropriations for the current and other expenditures of the City of Bay Village for the fiscal year 2014, as previously appropriated in temporary appropriations 13-119 and 14-01 and annual appropriations 14-02, 14-18 and 14-51.

Whereas changes are needed to various funds per the attached memorandum from Director of Finance, Renee Mahoney:

NOW, THEREFORE, be it ordained by the Council of the City of Bay Village, State of Ohio:

Section 1: That to provide for the current expenses and other expenditures of the City of Bay Village during the fiscal year ending December 31, 2014, the following sums be and they are hereby set aside and appropriated from the funds herein specified as follows, to wit:

Section 2: That there be appropriated transferred and advanced from the following funds and as further detailed in the Schedules attached hereto as Exhibit "A" and Exhibit "B" and incorporated herein:

<b>General Fund - 100</b>						
Fund #	Fund Activity	Personal Service	Other	Capital Improvement	Transfers/Advances	Total
100	<b>Total General Fund</b>	\$ 6,616,426	\$ 3,423,597	\$ 36,700	\$ 568,329	\$ 10,645,052

<b>Special Revenue Fund Group - 200</b>						
Fund #	Fund Activity	Personal Service	Other	Capital Improvement	Transfers/Advances	Total
210	Emergency Paramedic	\$ 1,048,791	\$ 64,475	\$ 12,200	-	\$ 1,125,466
230	Parks and Recreation	637,390	236,360	4,500	-	878,250
231	Community Gym Capital Improvement	-	-	11,500	-	11,500
232	Youth Activities	-	-	-	20,039	20,039
234	Play in Bay	-	-	-	-	-
235	Bay Family Services	-	41,300	-	-	41,300
236	Community Diversion	-	7,000	-	-	7,000
237	Bay Bike and Skate Park	-	2,000	-	-	2,000
240	Equipment Replacement	-	-	734,000	-	734,000
245	Private Property Maintenance	3,555	28,000	-	-	31,555
250	State Highway	-	50,000	-	-	50,000
270	Street Construction	650,320	380,100	645,100	250,000	1,925,520
280	Police Pension	348,215	-	-	-	348,215
281	Fire Pension	466,503	-	-	-	466,503
282	Accrued Benefits	140,000	-	-	-	140,000
284	Endowment Trust	-	6,235	-	-	6,235
290	Senior Programs	-	38,000	-	-	38,000
291	FEMA	-	-	-	-	-
292	Law Enforcement	-	3,500	-	-	3,500
293	Drug Fine/Bail Forfeiture	-	500	-	-	500
294	Alcohol Intervention	-	1,500	-	-	1,500
295	Dare	-	-	-	-	-
296	Grant Commission Fund	-	-	-	-	-
200	<b>Total Special Revenue Funds</b>	\$ 3,294,774	\$ 858,970	\$ 1,407,300	\$ 270,039	\$ 5,831,083

<b>Debt Service Fund Group - 300</b>						
Fund #	Fund Activity	Personal Service	Other	Capital Improvement	Transfers/Advances	Total
300	General Bond Retirement	\$ -	\$ 2,788,215	\$ -	\$ -	\$ 2,788,215

<b>Capital Project Fund Group - 400</b>						
<b>Fund #</b>	<b>Fund Activity</b>	<b>Personal Service</b>	<b>Other</b>	<b>Capital Improvement</b>	<b>Transfers/Advances</b>	<b>Total</b>
400	Sidewalk Construction & Repair	\$ -	\$ -	\$ -	\$ 36,329	\$ 36,329
480	Walker Road Park	-	500	-	-	500
490	Public Improvement	-	-	344,000	-	344,000
492	Salt Garage	-	-	192,000	-	192,000
493	Bradley Road	-	-	7,539	-	7,539
494	Infrastructure Improvements	-	-	-	-	-
495	Municipal Building Improvements	-	-	-	215,000	215,000
496	Roof Repair	-	-	-	-	-
<b>400</b>	<b>Total Capital Project Fund Group</b>	<b>\$ -</b>	<b>\$ 500</b>	<b>\$ 543,539</b>	<b>\$ 251,329</b>	<b>\$ 795,368</b>

<b>Enterprise Fund Group- 500</b>						
<b>Fund #</b>	<b>Fund Activity</b>	<b>Personal Service</b>	<b>Other</b>	<b>Capital Improvement</b>	<b>Transfers/Advances</b>	<b>Total</b>
520	Pool	\$ 210,400	\$ 116,000	\$ 90,900	\$ -	\$ 417,300
580	Sewer	796,925	1,372,682	323,044	780,000	3,272,651
<b>500</b>	<b>Total Enterprise Fund Group</b>	<b>\$ 1,007,325</b>	<b>\$ 1,488,682</b>	<b>\$ 413,944</b>	<b>\$ 780,000</b>	<b>\$ 3,689,951</b>

<b>Internal Service Fund Group - 600</b>						
<b>Fund #</b>	<b>Fund Activity</b>	<b>Personal Service</b>	<b>Other</b>	<b>Capital Improvement</b>	<b>Transfers/Advances</b>	<b>Total</b>
600	Health Insurance	\$ -	\$ 1,464,752	\$ -	\$ -	\$ 1,464,752
601	General Insurance	-	195,800	-	-	195,800
602	Workers Compensation	222,860	-	-	-	222,860
<b>600</b>	<b>Total Internal Service Fund Group</b>	<b>\$ 222,860</b>	<b>\$ 1,660,552</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,883,412</b>

<b>Trust Fund Group - 800</b>						
<b>Fund #</b>	<b>Fund Activity</b>	<b>Personal Service</b>	<b>Other</b>	<b>Capital Improvement</b>	<b>Transfers/Advances</b>	<b>Total</b>
810	Cahoon Park	\$ -	\$ 83,507	\$ -	\$ -	\$ 83,507
820	Cahoon Memorial	-	3,300	-	-	3,300
830	Cahoon Library	-	8,000	-	-	8,000
840	Waldeck	-	5,500	-	-	5,500
860	Dwyer	-	5,000	-	-	5,000
861	Community Gardens	-	4,000	-	-	4,000
<b>800</b>	<b>Total Trust Fund Group</b>	<b>\$ -</b>	<b>\$ 109,307</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 109,307</b>

<b>Deposit Fund Group - 900</b>						
<b>Fund #</b>	<b>Fund Activity</b>	<b>Personal Service</b>	<b>Other</b>	<b>Capital Improvement</b>	<b>Transfers/Advances</b>	<b>Total</b>
930	Building Deposits	\$ -	\$ 42,000	\$ -	\$ -	\$ 42,000
931	Security Deposits	-	21,000	-	-	21,000
<b>900</b>	<b>Total Deposit Fund Group</b>	<b>\$ -</b>	<b>\$ 63,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 63,000</b>

<b>Grand Total All Funds</b>	<b>\$ 11,141,385</b>	<b>\$ 10,392,823</b>	<b>\$ 2,401,483</b>	<b>\$ 1,869,697</b>	<b>\$ 25,805,388</b>
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<b>Itemized list of Transfers and Advances by Fund</b>	
<b>Description</b>	<b>Amount</b>
General Fund to Parks and Recreation	\$ 403,000
General Fund to Community Gym	7,829
General Fund to Street Construction	50,000
General Fund to Cahoon Income	25,000
General Fund to Cahoon Trust	2,000
General Fund to Cahoon Library	10,000
General Fund to Bay Family Services	40,500
General Fund to Accrued Benefits	30,000
General Fund to Community Band	-
Infrastructure Improvement to Bradley Naigle	5,700
Youth Activities to Parks and Recreation	20,039
Sidewalk Fund to Private Property Maintenance	36,329
Municipal Building Improvements to Public Improvements	215,000
<b>Total Transfers</b>	<b>\$ 845,397</b>

Street Construction to Infrastructure Improvement	250,000
Sewer Maintenance to Infrastructure Improvement	780,000
<b>Total Advances and Advance Repayments</b>	<b>\$ 1,030,000</b>
<b>Total Transfers and Advances</b>	<b>\$ 1,875,397</b>

Section 3: That the City Director of Finance be and is hereby authorized and directed to draw warrants against the appropriations set forth upon presentation of proper vouchers.

Section 4: That all expenditures within the fiscal year ending December 31, 2014 shall be made in accordance with the code accounts set forth above, and shall be made within the appropriations herein provided ("Appropriations" as used means the total amount appropriated for an individual fund).

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6: This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City, and therefore shall take effect immediately upon its enactment and approval by the Mayor.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
MAYOR

**EXHIBIT "A"**  
**SCHEDULE OF BUDGETS BY DEPARTMENT FOR GENERAL FUND**

Department	Personal Service	Other	Equipment Replacement	Transfers	Total
Council	\$ 58,200.00	\$ 9,150.00	\$ -	\$ -	\$ 67,350.00
Clerk of Council	50,430.00	900.00	-	-	51,330.00
Mayor	127,300.00	7,400.00	1,000.00	-	135,700.00
Law	112,508.00	121,600.00	-	-	234,108.00
Finance	231,416.00	43,150.00	1,200.00	-	275,766.00
Taxation	-	180,000.00	-	-	180,000.00
General Administration	181,762.00	497,542.00	-	568,329.00	1,247,633.00
Civil Service	-	10,250.00	-	-	10,250.00
Planning Commission	-	950.00	-	-	950.00
Zoning Board of Appeals	-	900.00	-	-	900.00
Service	1,799,885.00	1,808,600.00	10,500.00	-	3,618,985.00
Fire	1,359,185.00	98,390.00	14,000.00	-	1,471,575.00
Police	2,482,260.00	289,465.00	10,000.00	-	2,781,725.00
Central Dispatch	-	125,000.00	-	-	125,000.00
Building	-	217,475.00	-	-	217,475.00
Architecture Board of Review	-	25.00	-	-	25.00
Community Services	213,480.00	12,800.00	-	-	226,280.00
<b>GRAND TOTAL</b>	<b>\$ 6,616,426.00</b>	<b>\$ 3,423,597.00</b>	<b>\$ 36,700.00</b>	<b>\$ 568,329.00</b>	<b>\$ 10,645,052.00</b>

**EXHIBIT "B"**  
**SCHEDULE OF CAPITAL PROJECTS AND EQUIPMENT APPROPRIATIONS BY FUND**

Fund	Description	Amount
Equipment Replacement (240)	Police Vehicles (2)	\$ 86,000.00
	Police Equipment (MARCS Radios)	47,000.00
	Service (#30) Super Duty	60,000.00
	Service (#116) Composter	230,000.00
	Service (#45) Utility Body	30,000.00
	Work Order System	20,000.00
	Phone System (From 2012)	50,000.00
	Fiber Optic and Computers	90,000.00
	Vehicle Community Service (From 2013)	18,000.00
	Community Service Bus	60,000.00
	Fire Equipment	43,000.00
Total Equipment Replacement (240)		734,000.00
Street Construction (270)		
	Streets TBD	525,000.00
Total Street Construction (270)		525,000.00
Public Improvement (490)	Fire Facility Improvements	15,000.00
	Hartman Field Lighting	140,000.00
	Service - Transfer Station	100,000.00
	Rose Hill Exterior	24,000.00
	City Hall Entrance	40,000.00
	Dwyer Building Improvements	25,000.00
Total Public Improvement (490)		344,000.00
Salt Garage (492)	Transfer Station	192,000.00
Pool (520)	Aquatic Repair	85,000.00
<b>GRAND TOTAL</b>		<b>\$ 1,880,000.00</b>

## CITY OF BAY VILLAGE

Council Minutes, Regular Meeting  
Council Chambers 8:20 p.m.

June 2, 2014

Paul A. Koomar, President of Council, presiding

Present: Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Mayor Sutherland

Also Present: Law Director Ebert, Finance Director Mahoney, Service Director Thomas, Fire Chief Lyons, Police Chief Spaetzel, Community Services Director Bock, Recreation Director Enovitch, Operations Manager Landers, Building Official Cheatham.

Mr. Koomar called the meeting to order at 8:20 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by Ward 3 Councilwoman Karen Lieske.

Following the roll call, Mr. Koomar called for a reading of the Minutes of the Regular Meeting of Council held May 19, 2014. Mr. Clark **MOVED** to dispense with the reading and accept the minutes as prepared and amended. Motion carried 6-0, and one abstention (Mr. Clark). Mr. Koomar called for a reading of the Minutes of the Meeting of the Cahoon Memorial Park Trustees held May 19, 2014. Mr. Clark **MOVED** to dispense with the reading and accept the minutes as prepared and distributed. Motion carried 7-0, and one abstention (Mr. Clark).

### ANNOUNCEMENTS

**Mayor Sutherland** gave a shout-out to the Bay Village Safety Forces for their response and bravery Saturday night, May 31, 2014 when there was an unfortunate incident at Huntington Beach. A 17 year-old girl got in trouble with the 7 ft. waves, 55 degree water, and rip tide. There were several people who tried to help her, one of whom lost his life in the process. The 17 year-old was eventually saved by Bay Village Firefighters Guy Snodgrass and Jason Goodwin. The Mayor thanked everyone involved, stating that it was a great example of very quick mobilization and collaboration between 11 agencies, including the Coast Guard, MetParks divers, and surrounding communities. The gentleman who succumbed to the rip tides is also the brother of a North Olmsted firefighter. They all happened to be there celebrating a birthday. Mayor Sutherland stated it was a good job, a tough situation, and Bay Village forces were wonderful, professional, and sensitive as usual.

Mr. Koomar stated that he concurred with the Mayor's comments. Fire Chief Lyons and Mr. Koomar talked earlier and Mr. Koomar noted that the training comes into play and they reacted accordingly. It is unfortunate that a life was lost. Mr. Koomar called for a moment of silence for the rescuer from Medina who lost his life.

Mr. Henderson advised that there is discussion on-line on this topic regarding people trying to organize a vigil. He asked if there is protocol to help organize, and wanted to make the Mayor aware of this effort.

Mayor Sutherland stated that her assistant informed her today that today is “National Get Out of Work Early Day.”

## **REPORTS**

**Mayor Sutherland** had no further report this evening.

**Law Director Ebert** had no report this evening.

**Finance Director Mahoney** had no report this evening.

**Recreation Director Enovitch** reported that the Hartman Field Lighting Project is complete; the lights are up and running. The first night game was held on Thursday evening, May 29, played by the Men’s Softball Team. Mr. Enovitch encouraged everyone to check out the action at the lighted Hartman Field this summer. The project for refurbishment of the slides and painting of the features of the pool is also complete. The slides are bright blue and very slick! The swimming pool opened today with abbreviated hours (3 p.m. to 7 p.m.) until Friday, June 6.

**Service Director Thomas** advised that the Osborn Road Paving Project will begin June 11, 2014. Flyers will be sent to all homeowners, and signs will be posted. Traffic will be maintained and the road will be kept open for traffic.

Two public meetings will be held the week of June 9 for city projects:

Russell/Bruce/Douglas Sewer Dye Testing Project - June 11, 2014 at 7 p.m. at the City Hall Council Chambers; Information for Property Owners.

Sunset Neighborhood Improvements - June 12, 2014 at 7 p.m. at the City Hall Council Chambers.

**Community Services Director Bock** had no report this evening.

**Police Chief Spaetzel** thanked Subway and Dairy Queen for partnering with the Police Department in a program to “catch” kids wearing their bicycle helmets. The kids are given free coupons for a cookie and a small cone for wearing their helmets as a way to encourage bicycle safety. The program has been a huge success.

Chief Spaetzel echoed the heroic work of Firefighters Snodgrass and Goodwin, noting that they put their lives on the line to save the girl at Huntington Beach.

**Fire Chief Lyons** thanked Mayor Sutherland, President of Council Koomar, and Police Chief Spaetzel for their very kind words. He stated that he is very proud of the Bay Village Firefighters. They have done a good job of demonstrating to people that they should wait for the responders because they are trained to deal with the conditions of the waters. Ironically, they do have a Rescue Swimmers’ Course the week of June 23, 2014, to handle these situations.

Chief Lyons reminded everyone of the Fire Department Open House on Saturday, June 14, from 12 Noon to 3 p.m.

## **COMMUNICATIONS**

The Clerk of Council reported receiving the following communications:

Norfolk and Southern Train Report No. 188 advising that an average of 1.3 trains per day travelled through the City of Bay Village during the month of April, 2014.

Through former Councilman Wayne Reese, Father Tim Gareau of St. Raphael's Catholic Church is reminding everyone of the Groundbreaking of the New Church to be held Sunday, June 8 at 2 p.m., with a special invitation to city officials to attend.

Registration for Project Pedal has been extended to June 10, 2014. The event will be held on Saturday, June 14, with bike rides, activities and entertainment for all age groups, and will benefit the Village Project where applications are available either in person, at 27378 W. Oviatt, or on line, our [villageproject.com](http://villageproject.com).

The reopening of the Lake Erie Nature and Science Center Planetarium will be held on Saturday, June 14, from 11:30 a.m. to 11:30 p.m. with awesome demonstrations, events, crafts, and presentations.

## **AUDIENCE**

The following audience members signed in this evening: Suzanne Graham, Kent Silverberg, Greg Schwert Russell Thompson, Tara Wendell, Conda Boyd, Jerrie Barnett, Mike O'Boyle, Lydia DeGeorge.

Mr. Greg Schwert, Cahoon Road, stated that there is a rumor that after the Cahoon Road Sewer Project is done there will be another water project. He asked if this is true or false. He was informed that it is false.

Mr. Schwert advised that there is a very important bicentennial coming up in our country this year. The National Anthem of the United States came about in September of 1814 during the war of 1812. This is a bicentennial that should be honored in some way or another. We heard it also on Memorial Day at the parade when the minister encouraged patriotism. Those who can remember our country's bicentennial in 1976 will recall all of the special events in conjunction with that celebration. It is hoped that something could be done in Bay Village for the bicentennial of the National Anthem.

Chief Lyons volunteered incorporating a ceremony with the National Anthem at the Fire Station Open House on Saturday, June 14, 2014, which is also Flag Day.

Conda Boyd asked if anything is going to be done to celebrate the fact that the Council Chambers portion of the City Hall building is 100 years old this year.

Mr. Koomar stated that there has been discussion about plans to mark the 100<sup>th</sup> anniversary of the Bay Village Council Chambers, and potentially during Bay Days or some other appropriate time it would be nice to have the Council Chambers open with Council representation during certain hours. This will be discussed further at the next Committee session of Council. On June 9, 2014.

#### **ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE**

**Mr. Lee** had no report this evening.

#### **FINANCE AND CLAIMS COMMITTEE**

**Mr. Clark** read **RESOLUTION NO. 14-52** (third reading) **ADOPTING A BUDGET FOR THE CITY OF BAY VILLAGE FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2015, SUBMITTING SAME TO THE COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.**

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Resolution No. 14-52.

Roll Call on Use of the Emergency Clause:

Yeas –Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent

Nays -None

Roll Call on Adoption:

Yeas– Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent

Nays–None.

Mr. Koomar announced adoption Resolution No. 14-52, an emergency measure, by a vote of 7-0.

**Mr. Clark** introduced **Ordinance No. 14-65** authorizing the Mayor to enter into an agreement with the McGowan Insurance Agency as agents of One Beacon Insurance Group and American Alternative Insurance Company for Public Officials' Liability, Law Enforcement Professional and Firefighters' Professional Liability, General Liability, Automobile Physical Damage and Liability, Property and Equipment, Boiler and Machinery and Crime Coverage, and Umbrella Insurance, and declaring an emergency.

There being no further discussion, Mr. Koomar called for a vote on the motion to adopt Ordinance No. 14-65.

Roll Call on Suspension of Charter Rules:

Yeas- Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Clark

Nays-None

Roll Call on Suspension of Council Rules:

Yeas –Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Clark  
Nays–None

Roll Call on Use of the Emergency Clause:

Yeas –Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Clark  
Nays -None

Roll Call on Adoption:

Yeas–Henderson, Koomar, Lee, Lieske, Tadych, Vincent, Clark  
Nays–None.

Mr. Koomar announced adoption Ordinance No. 14-65, an emergency measure, by a vote of 7-0.

**PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE**

**Mr. Tadych** announced that the Public Improvements, Streets, Sewers, Drainage Committee will have a committee meeting on Monday, June 9, 2014 at 5:45 p.m., prior to the Finance Committee Meeting

**Mr. Tadych** read, by title only, **Ordinance No. 14-60** amending Codified Ordinance Chapter 913 Regarding Connections to Sewers and declaring an emergency.

**Ordinance No. 14-60** is placed on Second Reading.

**Mr. Tadych** read, by title only, **Ordinance No. 14-61** amending Codified Ordinance 912.03 Regarding Limitations of Connection and declaring an emergency.

**Ordinance No. 14-61** is placed on Second Reading.

**Mr. Tadych** read, by title only, amending by reading to show the correct rates for sewer rental passed for 2014, **Ordinance No. 14-62** amending Codified Ordinance Chapter 921 Regarding Sewer Rental and declaring an emergency.

**Ordinance No. 14-62** is placed on Second Reading, as amended.

**Mr. Tadych** read, by title only, **Ordinance No. 14-63** amending Codified Ordinance 901 Regarding Streets and Sidewalks, and declaring an emergency.

**Ordinance No. 14-63** is placed on Second Reading.

**Mr. Tadych** read, by title only, amended by reading regarding the \$250 deposit for sewer service on private property, **Ordinance No. 14-64** amending Codified Ordinance Section 1305.02 Regarding Permit and Inspection Fees, and declaring an emergency.

**Ordinance No. 14-64** is placed on Second Reading, as amended.

**PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE**

Mrs. Lieske had no report this evening.

**RECREATION AND PARK IMPROVEMENTS COMMITTEE**

Mr. Henderson had no report this evening.

**SERVICES, UTILITIES & EQUIPMENT COMMITTEE**

Mr. Vincent had no report this evening.

**MISCELLANEOUS**

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Clark **MOVED** to convene to Executive Session to discuss Contracts: (Tennis Courts, Compost Agreement, Normandy Easement, Paving Contracts) Building Maintenance: Codified Ordinance Chapter 533, and Potential Litigation: Codified Ordinance Section 549.12.

**Roll Call Vote: Yeas- Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent. Nays – None. Motion passed 7-0.**

Also present in Executive Session were Mayor Sutherland, Law Director Ebert and Finance Director Mahoney.

Council reconvened in an open meeting at 9:46 p.m. Present were: Clark, Henderson, Koomar, Lee, Lieske, Tadych, Vincent.

There being no further business to discuss, the meeting adjourned at 9:50 p.m.

\_\_\_\_\_  
Paul A. Koomar, President of Council

\_\_\_\_\_  
Joan Kemper, Clerk of Council

**AN ORDINANCE**  
**AMENDING CODIFIED ORDINANCE SECTION 129.02 REGARDING**  
**DIVISION OF POLICE; MEMBERS,**  
**AND DECLARING AN EMERGENCY**

**BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** That Codified Ordinance Section 129.02 which presently reads as follows:

**129.02 MEMBERS.**

- (a) The Division of Police shall consist of:
- (1) One Chief of Police;
  - (2) Not more than five Lieutenants of Police;
  - (3) Not more than three Sergeants of Police;
  - (4) Not more than sixteen police officers;
  - (5) Not more than seven deputy police officers.  
(Ord. 10-68. Passed 6-21-10.)
- (b) A police officer shall, during his first two years of employment as such, be designated "police officer-second class", and shall, upon expiration of such two years, become and be designated "police officer-first class".
- (c) A part-time section of the Division of Police shall consist of not more than seven deputy police officers. (Ord. 85-23. Passed 12-2-85.)
- (d) The Chief of Police may appoint not more than three members from the ranks to act as Detectives of Police. (Ord. 99-32. Passed 4-19-99.)
- (e) Whenever an anticipated vacancy or vacancies occur in the ranks of Chief of Police, Lieutenants or Sergeants of Police or police officers, the authorized number of members designated in subsection (a) hereof shall be increased by the number of such anticipated vacancies for only so long as such vacancy or vacancies continue. It is the intent of this subsection to provide for a temporary increase in complement of the Division in order that a new member begin training in anticipation of a vacancy in the Division, at which time the complement shall revert back to the number provided for under subsection (a) hereof. (Ord. 88-49. Passed 4-18-88.)

**be and the same is amended to read:**

**129.02 MEMBERS.**

- (a) The Division of Police shall consist of:
- (1) One Chief of Police;
  - (2) Not more than ~~three~~ Lieutenants of Police, ~~reduced to not more than two Lieutenants of Police as of April 1, 2015;~~
  - (3) Not more than ~~four~~ Sergeants of Police;
  - (4) Not more than sixteen police officers;

(5) Not more than seven deputy police officers.

(b) A police officer shall, during his first two years of employment as such, be designated "police officer-second class", and shall, upon expiration of such two years, become and be designated "police officer-first class".

(c) A part-time section of the Division of Police shall consist of not more than seven deputy police officers. (Ord. 85-23. Passed 12-2-85.)

(d) The Chief of Police may appoint not more than three members from the ranks to act as Detectives of Police. (Ord. 99-32. Passed 4-19-99.)

(e) Whenever an anticipated vacancy or vacancies occur in the ranks of Chief of Police, Lieutenants or Sergeants of Police or police officers, the authorized number of members designated in subsection (a) hereof shall be increased by the number of such anticipated vacancies for only so long as such vacancy or vacancies continue. It is the intent of this subsection to provide for a temporary increase in complement of the Division in order that a new member begin training in anticipation of a vacancy in the Division, at which time the complement shall revert back to the number provided for under subsection (a) hereof. (Ord. 88-49. Passed 4-18-88.)

**and present Section 129.02 is hereby repealed.**

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary for the daily operation of the Finance Department, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED:

\_\_\_\_\_  
MAYOR

ORDINANCE NO.  
INTRODUCED BY:

**AN ORDINANCE**

**AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER #1 FOR CT  
CONSULTANTS, INC. FOR THE CONSTRUCTION ADMINISTRATION SERVICES  
FOR THE CAHOON CREEK AERIAL SEWER REPLACEMENT PROJECT,  
AND DECLARING AN EMERGENCY**

**WHEREAS**, the City has an agreement with CT Consultants, Inc. for construction administration for the Cahoon Creek Aerial Sewer Replacement Project in the total amount of \$62,500.00 as authorized by Ordinance No. 12-104 passed on December 17, 2012; and

**WHEREAS**, the project requires additional work and time for project administration and inspection; and

**WHEREAS**, CT Consultants, Inc. submitted Change Order #1 for approval by the City;

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Bay Village, Ohio

**SECTION 1.** That the Mayor be and she is hereby authorized to execute Change Order #1 for CT Consultants, Inc., Co., 8150 Sterling Court, Mentor, Ohio 44060, to proceed with construction administration services relative to the construction management, inspection and coordination tasks for the Cahoon Creek Aerial Sewer Replacement Project, adding the amount of \$9,450.12 to the total of said contract and bringing the final total contract price to \$71,950.12. Payment shall be made from the Sewer Improvements Fund (580.330.55410).

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, property and safety, and for the further reason to provide services so that said aerial sewer replacement project may go forward expeditiously, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED:

\_\_\_\_\_  
MAYOR

6/4/14 II

ORDINANCE NO.  
INTRODUCED BY:

**AN ORDINANCE**  
**AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER #2**  
**FOR CT CONSULTANTS, INC. FOR THE BRADLEY/NAIGLE**  
**INTERSECTION AND WIDENING IMPROVEMENTS PROJECT,**  
**AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City has an agreement with CT Consultants, Inc. for construction services for the Bradley/Naigle Road Improvement Project in the total amount of \$131,665.41 as authorized by Ordinance No. 11-45 passed on June 6, 2011 and Ordinance No. 13-39 passed on May 20, 2013; and

**WHEREAS**, the project requires additional construction administration and inspection services;

**WHEREAS**, CT Consultants, Inc. submitted Change Order #2 for approval by the City;

**NOW THEREFORE, BE IT ORDAINED** by Council of the City of Bay Village, Ohio:

**SECTION 1.** That the Mayor be and she is hereby authorized to execute Change Order #2 for CT Consultants, Inc., Corporate Plaza II, 6480 Rockside Woods Boulevard South, Suite 150, Independence, Ohio 44131 for the construction services for the Bradley/Naigle Intersection and Widening Improvements Project, adding the amount of \$7,500.00 to the total of said contract and bringing the final total contract price to \$139,165.41. The Director of Finance is hereby authorized to pay the total contract price of \$139,165.41 from the appropriation in the Bradley/Naigle Road Construction Fund (494.790.55210).

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to execute said Change Order, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED:

\_\_\_\_\_  
MAYOR  
6-6-14 II

**ORDINANCE NO.  
INTRODUCED BY:**

**AN ORDINANCE**

**AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER #1 FOR TRAX  
CONSTRUCTION COMPANY INC. FOR THE CAHOON ROAD SANITARY SEWER  
REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Bay Village has an agreement with Trax Construction Company for the Cahoon Road Sanitary Sewer Replacement Project in the total amount of \$1,405,619.00 authorized by Ordinance No. 13-74 passed on September 16, 2013; and

WHEREAS, the project requires the following additions: perform mill and fill on Cahoon Rd. at 1.5" thick and restore pavement markings; and

WHEREAS, Trax Construction Company submitted Change Order #1 for approval by the City;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** That the Mayor be and she is hereby authorized to execute Change Order #1 with Trax Construction Company, 30701 Euclid Avenue, Wickliffe, Ohio 44092, for the Cahoon Road Sanitary Sewer Replacement Project, adding the amount of \$202,226.57 to the total of said contract and bringing the total contract price to\$ 1,607,845.57. Payment shall be made from the Sewer Improvements Fund (580.330.55410).

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, property and safety, and for the further reason to provide said services so that the sanitary sewer replacement may go forward expeditiously, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

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MAYOR

6-6-14 11

ORDINANCE NO.  
INTRODUCED BY:

**AN ORDINANCE**  
**AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER #1 FOR  
KARVO PAVING COMPANY FOR THE 2013 LAKE ROAD (US-6) RESURFACING  
PROJECT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City has an agreement with Karvo Paving Company for the 2013 Lake Road (US-6) resurfacing project in the amount of \$582,593.90 as authorized by Ordinance No. 13-68 passed on August 27, 2013; and

**WHEREAS**, the project requires an adjustment of project quantities; and

**WHEREAS**, Karvo Paving Company submitted Change Order #1 for approval by the City;

**BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** That the Mayor be and she is hereby authorized to execute Change Order #1 for Karvo Paving Company, 4524 Hudson Drive, Stow, Ohio, 44224, for the 2013 Lake Road (US-6) Resurfacing LPA Project No. 95505, adding the amount of \$49,545.15 to the total of said contract and bringing the final total contract price to \$632,139.05 and payment shall be made from the Street Maintenance and Repair Fund/Capital Road Improvements (270.310.55430).

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to execute said Change Order, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED:

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MAYOR

6-6-14 II

ORDINANCE NO. 14-60  
INTRODUCED BY: Mr. Tadych

First Reading 5-19-14  
Second Reading 6-2-14  
(Amended by Reading)

**AN ORDINANCE**  
**AMENDING CODIFIED ORDINANCE CHAPTER 913 REGARDING**  
**CONNECTIONS TO SEWERS**  
**AND DECLARING AN EMERGENCY**

**BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** That Codified Ordinance Chapter 913 which presently reads as follows:

**CHAPTER 913**

**Connections to Sewers**

- |   |   |
|---|---|
| <b>913.01 Sanitary sewer line connection.</b>             | <b>913.10 Test of sewer connections authorized.</b>   |
| <b>913.02 Storm sewer line connection.</b>                | <b>913.11 Corrective order and expenses therefor.</b> |
| <b>913.03 Approval on sanitary sewer line.</b>            | <b>913.12 Certificate of occupancy.</b>               |
| <b>913.04 approval on storm sewer line.</b>               | <b>913.13 Provisions to supplement Building Code.</b> |
| <b>913.05 Cesspool or septic tank construction.</b>       | <b>913.14 Sewer service lines; fee.</b>               |
| <b>913.06 Tap-in fee in lieu of assessment.</b>           | <b>913.99 Penalty.</b>                                |
| <b>913.07 Notice to make connection.</b>                  |   |
| <b>913.08 Downspouts, roof and yard drains.</b>           |   |
| <b>913.09 Test of downspouts, yard drains authorized.</b> |   |

**CROSS REFERENCES**

Repair and maintenance of service lines - see S. & P. S. Ch. 915  
Sewer rental - see S. & P.S. Ch. 921

**913.01 SANITARY SEWER LINE CONNECTION.**

Whenever any new structure shall be hereafter constructed in the City upon a lot or parcel of land, any portion of which abuts upon a street containing a public sanitary sewer line, the sanitary disposal system of such structure shall be connected to and flow into the sewer line in such manner as may be approved by the Director of Public Service and Properties. Such service connection shall be five inches in diameter. (Ord. 75-3. Passed 1-6-75.)

**913.02 STORM SEWER LINE CONNECTION.**

Whenever any new structure shall be hereafter constructed in the City upon a lot or parcel of land, any portion of which abuts upon a street containing a public storm sewer line, the storm water disposal system of the structure shall be connected to and flow into the sewer line in such manner as may be approved by the Director of Public Service and Properties. Such service connection shall be six inches in diameter. (Ord. 75-3. Passed 1-6-75.)

**913.03 APPROVAL ON SANITARY SEWER LINE**

Whenever any structure shall have been heretofore constructed in the City upon a lot or parcel of land any portion of which abuts upon a street containing a public sanitary sewer line, the Director of Public Service and Properties may, for the protection of public health, safety and welfare, order the sanitary disposal system of the structure connected to and flow into the sewer line in such manner as may be approved by him. (Ord. 75-3. Passed 1-6-75.)

**913.04 APPROVAL ON STORM SEWER LINE.**

Whenever any structure shall have been constructed heretofore in the City upon a lot or parcel of land any portion of which abuts upon a street containing a public storm sewer line, the Director of Public Service and Properties may, for the protection of public health, safety and welfare, order the storm sewer disposal system of the structure connected to and flow into the sewer line in such manner as may be approved by him. (Ord. 75-3. Passed 1-6-75.)

**913.05 CESSPOOL OR SEPTIC TANK CONSTRUCTION.**

After August 19, 1957, no person owning or having in possession the charge or management of any property within the corporate limits shall construct or permit to be constructed on any such property any cesspool or septic tank. (Ord. 57-122, Passed 8-19-57.)

**913.06 TAP-IN FEE IN LIEU OF ASSESSMENT.**

Wherever public sanitary sewers, storm sewers or water lines have been constructed, and the cost thereof has been wholly or partly paid out of the funds of the City, or the cost thereof has been partially or wholly assessed against property, and the owner of any abutting property makes application for permit to tap into any such sewer or water line, no permit shall be issued to any such abutting owner if for any reason no assessment has been levied against the property for which the tap is sought, unless such person shall first pay into the City Treasury a sum equal to an amount paid by the City or assessed against similarly situated properties for the cost of constructing such sewers and/or water lines into which he desires to tap. (Ord. 62-135. Passed 9-4-62.)

**913.07 NOTICE TO MAKE CONNECTION.**

Whenever either a storm sewer or a sanitary sewer or both are available for connection to any lot or parcel of land, the Director of Public Service and Properties shall cause written notice to be given to the owner of such lot or parcel of land to which such connections are to be made, which notice shall state the number and character of the connections required. The notice under this section shall be served by the Clerk of Council upon the owners of the lots or parcels of land to which such connections are to be made, by certified mail addressed to such owner at his last known address, or to the address to which tax bills are sent. If it appears by the return of the certified mail notice, or otherwise, that one or more of such owners cannot be found, such owners shall be served by publication of the notice once in a newspaper of general circulation within the City. The returned receipt for notice forwarded by certified mail, accepted by the addressee or anyone purporting to act for him, shall be prima-facie evidence of the service of notice under this section. Such connection shall be installed within sixty days from the date of service of the notice. (Ord. 70-97. Passed 6-1-70.)

**913.08 DOWNSPOUTS, ROOF AND YARD DRAINS.**

Downspouts, roof and yard drains shall not be connected to any sanitary sewer.

(Ord. 70-42. Passed 3-10-70.)

**913.09 TEST OF DOWNSPOUTS, YARD DRAINS AUTHORIZED.**

The Director of Public Service and Properties or any employee of the City designated by him may enter upon any lot or parcel of land within the City and test any downspout or storm water drain on any building thereon to determine whether or not it discharges water into any sanitary sewer. (Ord. 70-42. Passed 3-16-70.)

**913.10 TEST OF SEWER CONNECTIONS AUTHORIZED.**

The Director of Public Service and Properties, or any employee of the City designated by him, may enter on any lot or parcel of land and open any test tee thereon to determine whether or not any sewer or sewer connection is blocked on the lot or parcel of land or in the public street in front of the same, and to determine whether the sewer lines are connected to the proper sewer. (Ord. 70-42. Passed 3-16-70.)

**913.11 CORRECTIVE ORDER AND EXPENSES THEREFOR.**

If investigations and tests reveal that downspouts, street drains or any surface waters flow into any sanitary sewer, the Director of Public Service and Properties shall order the abatement of such condition. Such order shall require connection of downspouts, yard drains and any other collectors of surface water to flow into the available storm sewer within sixty days. The Director is authorized to require immediate disconnection of any downspout which is found flowing into a sanitary sewer, and such downspout shall be discharged onto a splash box or other device, provided that no water so discharged flows onto adjoining property or over sidewalks. Such provision for splash boxes or other devices may be permanent if such discharge does not cause hardship onto adjoining properties, city sidewalks or current property. Inspection to be provided to assure proper connection. All costs involved in any necessary corrective action shall be at the sole expense of the property owner, contractor or builder involved. Failure to comply with such order shall be considered a violation of this chapter. (Ord. 07-98. Passed 11-5-07.)

**913.12 CERTIFICATE OF OCCUPANCY.**

No certificate of occupancy shall be issued pursuant to Section 1344.05 until the Director of Public Service and Properties has notified the Building Commissioner in writing that all of the provisions of Chapter 913 of the Codified Ordinances have been complied with in regard to the property for which a certificate of occupancy is sought. (Ord. 70-42. Passed 3-16-70.)

**913.13 PROVISIONS TO SUPPLEMENT BUILDING CODE.**

The provisions of this chapter are supplementary to the provisions of the City Building Code. (Ord. 70-42. Passed 3-16-70.)

**913.14 SEWER SERVICE LINES; FEE.**

Should it be necessary, the City shall provide sewer service lines for existing developed lots, when none are available by extending such sewer service line from the existing main sewer to the tree lawn area for the following set fees:

- (a) From any distance between the centerline of the street to the tree lawn: \$250.00
- (b) From any distance further than the centerline of the street to the tree lawn: \$500.00.

Such amount shall be billed to the owner.

If the owner or person having charge of such lands fails to pay the City's invoice for street work Council shall make a written return to the County Auditor of his/her action, with a statement of the charges and a proper description of the premises. Such amount, when allowed, shall be entered upon the tax duplicate, and be a lien upon such lands from and after the date of the entry, and be collected as other taxes and returned to the City with the General Fund. (Ord. 80-43. Passed 5-5-80.)

#### **913.99 PENALTY.**

Whoever violates any of the provisions of this chapter and/or fails to make a connection to the requisite sewer as directed by the Director of Public Service and Properties or by Council is guilty of a misdemeanor of the third degree. Each day's continued violation shall constitute a separate offense. (Ord. 80-43. Passed 5-5-80.)

**be and the same is amended to read:**

### **CHAPTER 913 Connections to Sewers**

- |   |  |
|---|--|
| <b>913.01 Sanitary sewer line connection.</b>             | <b>913.11 Corrective order and expenses therefor.</b>  |
| <b>913.02 Storm sewer line connection.</b>                | <b>913.12 Certificate of occupancy.</b>                |
| <b>913.03 Approval on sanitary sewer line.</b>            | <b>913.13 Provisions to supplement Building Code.</b>  |
| <b>913.04 Approval on storm sewer line.</b>               | <b>913.14 Sewer service lines.</b>                     |
| <b>913.05 Tap-In fee.</b>                                 | <b>913.15 Sewer service lines: clean out required.</b> |
| <b>913.06 Tap-in fee in lieu of assessment.</b>           | <b>913.16 Approval on sewer service line.</b>          |
| <b>913.07 Notice to make connection.</b>                  | <b>913.17 Cesspool or septic tank construction.</b>    |
| <b>913.08 Downspouts, roof and yard drains.</b>           | <b>913.99 Penalty.</b>                                 |
| <b>913.09 Test of downspouts, yard drains authorized.</b> |  |
| <b>913.10 Test of sewer connections authorized.</b>       |  |

#### **CROSS REFERENCES**

Repair and maintenance of service lines - see S. & P. S. Ch. 915

Sewer rental - see S. & P.S. Ch. 921

#### **913.01 SANITARY SEWER LINE CONNECTION.**

Whenever any new structure shall be hereafter constructed in the City upon a lot or parcel of land, any portion of which abuts upon a street containing a public sanitary sewer line, the sanitary disposal system of such structure shall be connected to and flow into the sewer line in such manner as may be approved by the Director of Public Service and Properties.

#### **913.02 STORM SEWER LINE CONNECTION.**

Whenever any new structure shall be hereafter constructed in the City upon a lot or parcel of land, any portion of which abuts upon a street containing a public storm sewer line, the storm

water disposal system of the structure shall be connected to and flow into the sewer line in such manner as may be approved by the Director of Public Service and Properties.

### **913.03 APPROVAL ON SANITARY SEWER LINE**

Whenever any structure shall have been heretofore constructed in the City upon a lot or parcel of land any portion of which abuts upon a street containing a public sanitary sewer line, the Director of Public Service and Properties may, for the protection of public health, safety and welfare, order the sanitary disposal system of the structure connected to and flow into the sewer line in such manner as may be approved by him. (Ord. 75-3. Passed 1-6-75.)

### **913.04 APPROVAL ON STORM SEWER LINE.**

Whenever any structure shall have been constructed heretofore in the City upon a lot or parcel of land any portion of which abuts upon a street containing a public storm sewer line, the Director of Public Service and Properties may, for the protection of public health, safety and welfare, order the storm sewer disposal system of the structure connected to and flow into the sewer line in such manner as may be approved by him. (Ord. 75-3. Passed 1-6-75.)

### **913.05 TAP-IN FEE.**

The charge for an initial tap-in connection to the City sanitary sewer system or for an increase of sanitary flow caused by an expansion or change of use shall be as follows:

- (a) Residential: One thousand dollars (\$1,000.00) per dwelling unit.
- (b) Restaurant: Less than 2,000 square foot, two thousand two hundred and fifty dollars (\$2,250.00); each additional square foot 0.50.
- (c) Office Buildings, Retail and Commercial and All Others: Less than 2,000 square foot, one thousand dollars (\$1,000.00); each additional square foot 0.25.

The Chief Building Official will be responsible for determination of the tap-in fee calculation and approved by the Director of Finance. Existing uses that are being demolished/removed from service due to re-development will be used in the calculation. For example, if a re-development project proposes 30 units of residential and 5 existing units are being demolished, the tap-in fee will be based on 25 units. Other re-development projects will also take into account demolition of existing buildings.

These tap-in fees are for the ability to "tap-in" to the City's sewer system. They do not cover the construction cost for the tap-in. The private sector will be solely responsible for an approved contractor installing the connections with the City Inspector reviewing and approving the implementation of the project. The Director of Public Service will oversee any and all fees involved with City crews conducting any work at the site. The tap-in fees will not cover the cost of having a City Inspector at the site reviewing and approving the connection; such fees will be billed hourly as incurred with such fees as established by the Director of Finance.

The funds received from the collection of such charges shall be kept in a separate and distinct fund which shall be known as the Sewer Fund. The Sewer Fund shall be used for the payment of the cost of management, maintenance, operation and repair of the City's sewerage systems, which includes both storm and sanitary sewers, sewage pumping stations and treatment and disposal works.

**913.06 TAP-IN FEE IN LIEU OF ASSESSMENT.**

Wherever public sanitary sewers, storm sewers or water lines have been constructed, and the cost thereof has been wholly or partly paid out of the funds of the City, or the cost thereof has been partially or wholly assessed against property, and the owner of any abutting property makes application for permit to tap into any such sewer or water line, no permit shall be issued to any such abutting owner if for any reason no assessment has been levied against the property for which the tap is sought, unless such person shall first pay into the City Treasury a sum equal to an amount paid by the City or assessed against similarly situated properties for the cost of constructing such sewers and/or water lines into which he desires to tap.  
(Ord. 62-135. Passed 9-4-62.)

**913.07 NOTICE TO MAKE CONNECTION.**

Whenever either a storm sewer or a sanitary sewer or both are available for connection to any lot or parcel of land, the Director of Public Service and Properties shall cause written notice to be given to the owner of such lot or parcel of land to which such connections are to be made, which notice shall state the number and character of the connections required. The notice under this section shall be served by the Clerk of Council upon the owners of the lots or parcels of land to which such connections are to be made, by certified mail addressed to such owner at his last known address, or to the address to which tax bills are sent. If it appears by the return of the certified mail notice, or otherwise, that one or more of such owners cannot be found, such owners shall be served by publication of the notice once in a newspaper of general circulation within the City. The returned receipt for notice forwarded by certified mail, accepted by the addressee or anyone purporting to act for him, shall be prima-facie evidence of the service of notice under this section. Such connection shall be installed within sixty days from the date of service of the notice. (Ord. 70-97. Passed 6-1-70.)

**913.08 DOWNSPOUTS, ROOF AND YARD DRAINS.**

Downspouts, roof and yard drains shall not be connected to any sanitary sewer.  
(Ord. 70-42. Passed 3-10-70.)

**913.09 TEST OF DOWNSPOUTS, YARD DRAINS AUTHORIZED.**

The Director of Public Service and Properties or any employee of the City designated by him may enter upon any lot or parcel of land within the City and test any downspout or storm water drain on any building thereon to determine whether or not it discharges water into any sanitary sewer. (Ord. 70-42. Passed 3-16-70.)

**913.10 TEST OF SEWER CONNECTIONS AUTHORIZED.**

The Director of Public Service and Properties, or any employee of the City designated by him, may enter on any lot or parcel of land and open any test tee thereon to determine whether or not any sewer or sewer connection is blocked on the lot or parcel of land or in the public street in front of the same, and to determine whether the sewer lines are connected to the proper sewer.  
(Ord. 70-42. Passed 3-16-70.)

**913.11 CORRECTIVE ORDER AND EXPENSES THEREFOR.**

If investigations and tests reveal that downspouts, street drains or any surface waters flow into any sanitary sewer, the Director of Public Service and Properties shall order the abatement of such condition. Such order shall require connection of downspouts, yard drains and any other collectors of surface water to flow into the available storm sewer within sixty days. The Director is authorized to require immediate disconnection of any downspout which is found flowing into a sanitary sewer, and such downspout shall be discharged onto a splash box or other device, provided that no water so discharged flows onto adjoining property or over sidewalks. Such provision for splash boxes or other devices may be permanent if such discharge does not cause hardship onto adjoining properties, city sidewalks or current property. Inspection to be provided to assure proper connection. All costs involved in any necessary corrective action shall be at the sole expense of the property owner, contractor or builder involved. Failure to comply with such order shall be considered a violation of this chapter. (Ord. 07-98. Passed 11-5-07.)

#### **913.12 CERTIFICATE OF OCCUPANCY.**

No certificate of occupancy shall be issued pursuant to Section 1344.05 until the Director of Public Service and Properties has notified the Building Commissioner in writing that all of the provisions of Chapter 913 of the Codified Ordinances have been complied with in regard to the property for which a certificate of occupancy is sought. (Ord. 70-42. Passed 3-16-70.)

#### **913.13 PROVISIONS TO SUPPLEMENT BUILDING CODE.**

The provisions of this chapter are supplementary to the provisions of the City Building Code. (Ord. 70-42. Passed 3-16-70.)

#### **913.14 SEWER SERVICE LINES.**

(a) It shall be the responsibility of the owner to construct "sewer service lines" for existing developed lots, when none are available.

(b) When it is necessary to construct or replace "sewer service lines", a permit must be obtained from the Building Official.

(c) Construction of "sewer service lines" shall be done by a licensed sewer contractor, with a City Inspector reviewing and approving all work.

(d) A refundable deposit shall be submitted prior to the issuance of a permit as set forth in 1305.02 of the Codified Ordinances. The Building Official and/or Service Director shall use the deposit at their discretion for inspection fees, debris removal and/or repair or replacement of any utility, right-of-way area, or surface damaged or removed and not replaced during the construction process.

#### **913.15 SEWER SERVICE LINE; CLEAN-OUT REQUIRED.**

Whenever any structure shall have been heretofore and hereafter constructed in the City upon a lot or parcel of land which abuts upon a street containing a "sewer service line", connected to a public sewer, a clean-out shall be provided. Such clean-out and any existing clean-out shall be brought up to grade in such manner as approved by the Director of Public Service and Properties.

#### **913.16 APPROVAL ON SEWER SERVICE LINE.**

Whenever any new structure shall be hereafter constructed in the City upon a lot or parcel of land, any portion of which abuts upon a street containing a public sewer line, the Director of

Public Service and Properties shall inspect and approve the connection of a new structure to any existing "sewer service lines" which flow into a public sewer line.

**913.17 CESSPOOL OR SEPTIC TANK CONSTRUCTION.**

After August 19, 1957, no person owning or having in possession the charge or management of any property within the corporate limits shall construct or permit to be constructed on any such property any cesspool or septic tank.

**913.99 PENALTY.**

Whoever violates any of the provisions of this chapter and/or fails to make a connection to the requisite sewer as directed by the Director of Public Service and Properties or by Council is guilty of a misdemeanor of the third degree. Each day's continued violation shall constitute a separate offense. (Ord. 80-43. Passed 5-5-80.)

**and present Chapter 913 is hereby repealed.**

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reasons stated in the preamble hereof, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED:

\_\_\_\_\_  
MAYOR

05/14/14 11

**AN ORDINANCE**  
**AMENDING CODIFIED ORDINANCE 912.03 REGARDING**  
**LIMITATIONS OF CONNECTIONS**  
**AND DECLARING AN EMERGENCY**

**BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** That Codified Ordinance Section 912.03 which presently reads as follows:

**912.03 LIMITATIONS OF CONNECTIONS.**

(a) No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb public or private sanitary or storm sewer or appurtenance thereof without first obtaining a permit from the City.

(b) No sewer, or system of sewers, shall be constructed, which connects either directly or indirectly to sanitary sewerage facilities controlled by the City until the owner of the sewer, or system of sewers, can demonstrate to the City that quality of the wastewater to be conveyed by this sewer can meet the requirements of this sewer use chapter.

(c) No permit shall be issued to connect a house sewer to a public sewer if the connection or any portion thereof is in, under, or on a lot not owned by the person whose house is to be connected and if no recorded easement exists authorizing the connection on such lot.

(d) No permit to connect to or tap a public sewer shall be issued if the sewage to be discharged would, in the opinion of the Director, overload any public sewer or downstream facilities including pump stations and/or treatment plants.

(e) When, in the opinion of the Director, it is necessary to connect a house connection sewer to a public sewer at a point where no connection facility has been provided, application for the public sewer tap shall be submitted and a separate fee for each tap shall be paid by the applicant before the permit is issued for the construction of the house connection sewer.  
(Ord. 84-37. Passed 7-2-84.)

(f) All tapping of public sewers shall be made by a contractor registered per the requirement of Chapter 1310. Sewer taps shall be performed as directed by the City. All piping, fittings and connections shall be inspected and approved by the City prior to backfill. Material used as backfill and pavement replacement shall be as directed and approved by the City.

(1) Deposit Fees.

A. All excavations which require the removal of public sidewalks and/or excavating in the right-of-way area that does not contain a water, electric, communication and/or gas main shall require a five hundred dollars (\$500.00) refundable deposit at the time of permit application.

B. All excavations which require the removal of public sidewalks and/or excavating in the right-of-way area that contains a water, electric, communication and/or gas main shall require a two thousand five hundred dollar (\$2,500.00) refundable deposit at the time of permit application.

C. All excavations which require the removal of street pavement or boring beneath public streets shall require a five thousand dollar (\$5,000.00) refundable deposit at the time of permit application.

The Building Official and/or Service Director shall use the deposit at their discretion for debris removal and/or repair or replacement of any utility, right-of-way area, or surface damaged or removed and not replaced during the construction process.

If at any time the deposit balance falls below fifty percent (50%) of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

(g) No person other than an authorized employee of the City shall in any way tamper with, remove or otherwise move or disturb any manhole cover of a City sewer or sewer opening without first obtaining permission from the Director.

(h) No person, firm or corporation shall discharge or cause to be discharged to any natural outlet or storm sewer any sanitary sewage or other polluted waters. Effluent from privately owned individual household disposal devices shall not be discharged to storm sewers.

(i) The Director or any employee of the City designated by him may enter on any lot or parcel of land and open and observe the test tee thereon to determine whether or not any sewer or sewer connection is blocked on the lot, parcel of land or in the public right of way or easement in front of the same, and to determine whether the sewer connections are connected to the proper sewer.

(Ord. 12-94. Passed 11-19-12.)

**be and the same is amended to read:**

### **912.03 LIMITATIONS OF CONNECTIONS.**

(a) No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb public or private sanitary or storm sewer or appurtenance thereof without first obtaining a permit from the City.

(b) No sewer, or system of sewers, shall be constructed, which connects either directly or indirectly to sanitary sewerage facilities controlled by the City until the owner of the sewer, or system of sewers, can demonstrate to the City that quality of the wastewater to be conveyed by this sewer can meet the requirements of this sewer use chapter.

(c) No permit shall be issued to connect a sewer service line to a public sewer if the connection or any portion thereof is in, under, or on a lot not owned by the person whose house is to be connected and if no recorded easement exists authorizing the connection on such lot.

(d) No permit to connect to or tap a public sewer shall be issued if the sewage to be discharged would, in the opinion of the Director, overload any public sewer or downstream facilities including pump stations and/or treatment plants.

(e) When it is necessary to connect a sewer service line to a public sewer at a point where no connection facility has been provided, a permit must be obtained from the Building Official to complete a "tap-in" to the City's sewer system.

(f) All "tap-in" connections of a public sewer shall be made by a licensed sewer contractor, with a City Inspector reviewing and approving the implementation of the project.

(1) Deposit Fees.

A. All applicants for the permit required by C.O. 912.03 shall deposit with the Director of Finance, the appropriate amount as set forth in Section 1305.02 of the Codified Ordinances.

B. The Building Official and/or Service Director shall use the deposit at their discretion for inspection fees, debris removal and/or repair or replacement of any utility, right-of-way area, or surface damaged or removed and not replaced during the construction process.

An additional amount may be required by the Director of Public Service and Properties to be so deposited if in his opinion the amount of the above-mentioned deposit is insufficient.

If at any time the deposit balance falls below fifty percent (50%) of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

The balance of the deposit shall be returned to the permittee after completion of the work by the City and upon application from the permittee.

(g) No person other than an authorized employee of the City shall in any way tamper with, remove or otherwise move or disturb any manhole cover of a City sewer or sewer opening without first obtaining permission from the Director.

(h) No person, firm or corporation shall discharge or cause to be discharged to any natural outlet or storm sewer any sanitary sewage or other polluted waters. Effluent from privately owned individual household disposal devices shall not be discharged to storm sewers.

(i) The Director or any employee of the City designated by him may enter on any lot or parcel of land and open and observe the test tee thereon to determine whether or not any sewer or sewer connection is blocked on the lot, parcel of land or in the public right of way or easement in front of the same, and to determine whether the sewer connections are connected to the proper sewer.

**and present 912.03 is hereby repealed.**

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reasons stated in the preamble hereof, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED:

\_\_\_\_\_  
MAYOR

05/14/14 ll

ORDINANCE NO. 14-62  
INTRODUCED BY: Mr. Tadych

First Reading 5-19-14  
(Amended by Reading)  
Second Reading 6-2-14  
(Amended by Reading)

**AN ORDINANCE**  
**AMENDING CODIFIED ORDINANCE CHAPTER 921 REGARDING**  
**SEWER RENTAL**  
**AND DECLARING AN EMERGENCY**

**BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** That Codified Ordinance Chapter 921 which presently reads as follows:

**CHAPTER 921**  
**Sewer Rental**

- |   |  |
|---|--|
| <b>921.01 Definitions.</b>              | <b>921.07 Sewer maintenance deferred charge.</b> |
| <b>921.02 Rental rates.</b>             | <b>921.08 Connection charge; properties</b>      |
| <b>921.03 Dates of payment.</b>         | <b>improved prior to March 16, 1959.</b>         |
| <b>921.04 Billings.</b>                 | <b>921.09 Extra-strength surcharge system</b>    |
| <b>921.05 Penalty for late payment.</b> | <b>charges.</b>                                  |
| <b>921.06 Sewer Fund established.</b>   |  |

**CROSS REFERENCE**

Sewer connections - see S. & P.S. Ch. 913

**921.01 DEFINITIONS.**

The following definitions shall apply to all sections of this chapter:

- (a) "Sewer service charge" means the fee levied on the sewer user to fund the operation, maintenance, replacement and bond retirement costs for providing wastewater collection and treatment services.
- (b) "User charge" means a charge levied on the users of the wastewater collection and treatment facilities for the user's proportionate share of the cost of operation and maintenance (including replacement) of such facilities.
- (c) "Debt service" means the bond retirement which is incurred in the payment of capital costs for the construction of wastewater collection and treatment facilities.
- (d) "Operation and maintenance" means the costs which are incurred in providing for the operation and maintenance of wastewater collection, treatment and sewer billing services. Debt service costs are not included in operation and maintenance costs.
- (e) "Replacement" means 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.
- (f) "Normal wastewater concentrations" means, for the purposes of the extra strength surcharge system, a five-day biochemical oxygen demand of 200 milligrams per liter, suspended

solids of 200 milligrams per liter, phosphorus of 15 milligrams per liter and oil and grease of 50 milligrams per liter.

(g) "User class" means a group of sewer users which have similar magnitudes of wastewater flows and wastewater characteristics.

(h) "Residential user" means occupied premises for human inhabitation including apartments, etc., but excluding hotels and motels.

(i) "Industrial user" means discharge of a waste resulting from manufacturing activities involving the chemical or mechanical transformation of materials or substances into other products.

(j) "Commercial user" means any discharges not meeting the definitions of residential or industrial. (Ord. 85-13. Passed 2-4-85.)

### **921.02 RENTAL RATES.**

There is hereby established and imposed a charge upon all improved lots, lands and parcels of real estate within the City, except Municipal facilities, which are served by the City's water system or any other public or private water system and which are capable of being connected to the City's sewerage system by reason of the proximity of a public sewer on a street or easement abutting the lot, land or parcel to be charged, whether actually connected or not, at the following rates:

	Rates in Effect for:	1/1/2014 & Thereafter
User Class		
(a)	Single-family	\$335.00/yr
(b)	Double-family	420.00/yr
(c)	Apartments	
	2 bedroom or more	214.00/yr
	1 bedroom or less	130.00/yr
(d)	Commercial	30.03/MCF
(e)	Industrial	30.03/MCF

Commercial and industrial rate will be \$30.03 per MCF but not less than \$246.00 per year.

### **921.03 DATES OF PAYMENT.**

(a) The charges established by Section 921.02 shall be payable quarterly at the Bay Village City Hall.

Collection periods for the quarterly payments shall be:

- (1) First quarter of calendar year - January 1 through January 31;
- (2) Second quarter of calendar year - April 1 through April 30;
- (3) Third quarter of calendar year - July 1 through July 31;
- (4) Fourth quarter of calendar year - October 1 through October 31.

(b) In the event that the cutoff date should fall on a weekend or City-observed holiday, the collection period shall be extended to include the next regular business day on which the City Hall is open. (Ord. 95-145. Passed 2-5-96.)

#### **921.04 BILLINGS.**

Billings for each quarterly period shall be mailed as close as practical to January 1, April 1, July 1 and October 1 for the respective quarter. Such billings shall contain such information as the Director of Finance shall deem necessary. Notice of the user charge shall be given at least annually to each user through the sewer billings.(Ord. 95-145. Passed 2-5-96.)

#### **921.05 PENALTY FOR LATE PAYMENT.**

All unpaid charges for Section 921.02 and 923.01 shall be certified by the Director of Finance to the Auditor of Cuyahoga County for collection as other municipal taxes. A penalty of ten percent (10%) of the delinquent amount shall be added to delinquent accounts, but in no event shall such penalty be less than ten dollars (\$10.00). Should one or both of the charges in Section 921.01 or Section 923.01 not be paid, only one ten dollar (\$10.00) late fee shall apply. An account shall be deemed delinquent if not paid by the end of the quarterly collection periods specified in Section 921.03 and Section 923.02.(Ord. 08-52. Passed 5-19-08.)

#### **921.06 SEWER FUND ESTABLISHED.**

The funds received from the collection of such charges shall be kept in a separate and distinct fund which shall be known as the Sewer Fund. The Sewer Fund shall be used for the payment of the cost of management, maintenance, operation and repair of the City's sewerage systems, which includes both storm and sanitary sewers, sewage pumping stations and treatment and disposal works.(Ord. 85-13. Passed 2-4-85.)

#### **921.07 SEWER MAINTENANCE DEFERRED CHARGE.**

Any lot, land or parcel which is improved after the effective date of Ordinance 59-32, passed March 16, 1959, by the construction of a structure thereon, which structure is served by the City water system or any other public or private water system and which is required to be connected to the City sewage system and treatment plant shall be charged, in addition to all other fees or charges, whether now in effect or adopted hereafter, the following amount:  
(Ord. 85-13. Passed 2-4-85; Ord. 87-132. Passed 10-19-87.)

(a) Single-Family Dwellings. An amount which equals one-half of the charges which would have been made had the lot, land or parcel been improved at the time of the adoption of Ordinance 59-32, passed March 16, 1959, but not in excess of one thousand five hundred dollars (\$1,500).(Ord. 91-139. Passed 12-2-91.)

(b) Double-Family Dwellings. Same as single-family dwellings but not in excess of one thousand dollars (\$1,000).

(c) Apartment Houses. Same as single-family dwellings but not in excess of five hundred dollars (\$500.00) multiplied by the number of suites in the apartment building.

(d) Office Buildings, Retail and Commercial Structures and All Others. Fifteen dollars (\$15.00) per year multiplied by the quotient resulting from the division of 2,500 into the number of square feet of floor area of the structure, measured from the outside walls of the structure, the product of which shall further be multiplied by the number of full calendar years which have elapsed between the date of the issuance of the building permit and March 15, 1959, but in no event shall more than twenty years be considered in computing such time.

All funds which are collected through the previously described connection charges shall be used to retire debt service, and will not be applied to the operation, maintenance and replacement costs of the wastewater treatment facility or sanitary sewer system.

**921.08 CONNECTION CHARGE; PROPERTIES IMPROVED PRIOR TO MARCH 16, 1959.**

Any lot, land or parcel which is improved prior to March 16, 1959, but which did not have available to it a public sanitary sewer prior to such date shall, when such a sanitary sewer is available, be charged the following amounts:

(a) Single-Family Dwellings. An amount which equals one-half of the charges which would have been made had a sanitary sewer been available to the lot, land or parcel at the time of the adoption of Ordinance 59-32, passed March 16, 1959, but not in excess of one hundred fifty dollars (\$150.00).

(b) Two-Family Dwellings. An amount which equals one-half of the charges which would have been made had a sanitary sewer been available to the lot, land or parcel at the time of the adoption of Ordinance 59-32, passed March 16, 1959, but not in excess of three hundred dollars (\$300.00).

(c) Apartment Houses. An amount which equals one-half of the charges which would have been made had a sanitary sewer been available to the lot, land or parcel at the time of the adoption of Ordinance 59-32, passed March 16, 1959, but not in excess of one hundred fifty dollars (\$150.00) multiplied by the number of suites in the apartment building.

(d) Office Buildings, Retail Business Structures, Commercial Business Structures, and All Others. Three-fourths of the estimated annual water bill multiplied by the number of full calendar years which have elapsed between the effective date of Ordinance 59-32, passed March 16, 1959, and the date when the sanitary sewer is available, but in no event shall more than twenty years be considered in computing such time.

In arriving at the estimated water bills set forth in subsection (d) hereof, the Director of Public Service and Properties shall be guided by the known water bills of structures of comparable size and use, whether located in the City or not, but limited, however, to Cuyahoga County. The determination of the estimated water bills by the Director of Public Service and Properties shall be final.

All funds which are collected through the previously described connection charges shall be used to retire debt service, and will not be applied to the operation, maintenance and replacement costs of the wastewater treatment facility or sanitary sewer system. (Ord. 85-13. Passed 2-4-85.)

**921.09 EXTRA-STRENGTH SURCHARGE SYSTEM CHARGES.**

Through an Industrial Surveillance/Pretreatment Program, the City of Rocky River will identify sewer users which discharge wastewater that is higher in strength than normal wastewater concentrations, as described in this chapter. Through the collection and analysis of wastewater samples from the sewer user and a review of water consumption, such City will calculate the extra-strength surcharge for these sewer users, and transmit these charges to the City Finance Director. The Finance Director will add the amount of the extra-strength surcharge to the normal user charge for that sewer user. All extra-strength surcharge revenue which is collected within a given user class will be credited to that user class and not comingled among other user classes. The extra-strength surcharge revenue will be credited to its particular user class prior to calculating the user charge for that user class for the upcoming year. (Ord. 85-13. Passed 2-4-85.)

**be and the same is amended to read:**

**CHAPTER 921**  
**Sewer Rental**

**921.01 Definitions.**

**921.02 Rental rates.**

**921.03 Dates of payment.**

**921.04 Billings.**

**921.05 Penalty for late payment.**

**921.06 Sewer Fund established.**

**921.07 Extra-strength surcharge system charges.**

**CROSS REFERENCE**

Sewer connections - see S. & P.S. Ch. 913

**921.01 DEFINITIONS.**

The following definitions shall apply to all sections of this chapter:

(a) "Sewer service charge" means the fee levied on the sewer user to fund the operation, maintenance, replacement and bond retirement costs for providing wastewater collection and treatment services.

(b) "User charge" means a charge levied on the users of the wastewater collection and treatment facilities for the user's proportionate share of the cost of operation and maintenance (including replacement) of such facilities.

(c) "Debt service" means the bond retirement which is incurred in the payment of capital costs for the construction of wastewater collection and treatment facilities.

(d) "Operation and maintenance" means the costs which are incurred in providing for the operation and maintenance of wastewater collection, treatment and sewer billing services. Debt service costs are not included in operation and maintenance costs.

(e) "Replacement" means 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.

(f) "Normal wastewater concentrations" means, for the purposes of the extra strength surcharge system, a five-day biochemical oxygen demand of 200 milligrams per liter, suspended solids of 200 milligrams per liter, phosphorus of 15 milligrams per liter and oil and grease of 50 milligrams per liter.

(g) "User class" means a group of sewer users which have similar magnitudes of wastewater flows and wastewater characteristics.

(h) "Residential user" means occupied premises for human inhabitation including apartments, etc., but excluding hotels and motels.

(i) "Industrial user" means discharge of a waste resulting from manufacturing activities involving the chemical or mechanical transformation of materials or substances into other products.

(j) "Commercial user" means any discharges not meeting the definitions of residential or industrial. (Ord. 85-13. Passed 2-4-85.)

**921.02 RENTAL RATES.**

There is hereby established and imposed a charge upon all improved lots, lands and parcels of real estate within the City, except Municipal facilities, which are served by the City's water system or any other public or private water system and which are capable of being

connected to the City's sewerage system by reason of the proximity of a public sewer on a street or easement abutting the lot, land or parcel to be charged, whether actually connected or not, at the following rates:

Rates in Effect for:		1/1/2014 & Thereafter
User Class		
(a)	Single-family	\$335.00/yr
(b)	Double-family	420.00/yr
(c)	Apartments	
	2 bedroom or more	214.00/yr
	1 bedroom or less	130.00/yr
(d)	Commercial	30.03/MCF
(e)	Industrial	30.03/MCF

Commercial and industrial rate will be \$30.03 per MCF but not less than \$246.00 per year.

#### **921.03 DATES OF PAYMENT.**

(a) The charges established by Section 921.02 shall be payable quarterly at the Bay Village City Hall.

Collection periods for the quarterly payments shall be:

- (1) First quarter of calendar year - January 1 through January 31;
- (2) Second quarter of calendar year - April 1 through April 30;
- (3) Third quarter of calendar year - July 1 through July 31;
- (4) Fourth quarter of calendar year - October 1 through October 31.

(b) In the event that the cutoff date should fall on a weekend or City-observed holiday, the collection period shall be extended to include the next regular business day on which the City Hall is open. (Ord. 95-145. Passed 2-5-96.)

#### **921.04 BILLINGS.**

Billings for each quarterly period shall be mailed as close as practical to January 1, April 1, July 1 and October 1 for the respective quarter. Such billings shall contain such information as the Director of Finance shall deem necessary. Notice of the user charge shall be given at least annually to each user through the sewer billings.(Ord. 95-145. Passed 2-5-96.)

#### **921.05 PENALTY FOR LATE PAYMENT.**

All unpaid charges for Section 921.02 and 923.01 shall be certified by the Director of Finance to the Auditor of Cuyahoga County for collection as other municipal taxes. A penalty of ten percent (10%) of the delinquent amount shall be added to delinquent accounts, but in no event shall such penalty be less than ten dollars (\$10.00). Should one or both of the charges in Section 921.01 or Section 923.01 not be paid, only one ten dollar (\$10.00) late fee shall apply. An account shall be deemed delinquent if not paid by the end of the quarterly collection periods specified in Section 921.03 and Section 923.02.(Ord. 08-52. Passed 5-19-08.)

**921.06 SEWER FUND ESTABLISHED.**

The funds received from the collection of such charges shall be kept in a separate and distinct fund which shall be known as the Sewer Fund. The Sewer Fund shall be used for the payment of the cost of management, maintenance, operation and repair of the City's sewerage systems, which includes both storm and sanitary sewers, sewage pumping stations and treatment and disposal works.(Ord. 85-13. Passed 2-4-85.)

**921.07 EXTRA-STRENGTH SURCHARGE SYSTEM CHARGES.**

Through an Industrial Surveillance/Pretreatment Program, the City of Rocky River will identify sewer users which discharge wastewater that is higher in strength than normal wastewater concentrations, as described in this chapter. Through the collection and analysis of wastewater samples from the sewer user and a review of water consumption, such City will calculate the extra-strength surcharge for these sewer users, and transmit these charges to the City Finance Director. The Finance Director will add the amount of the extra-strength surcharge to the normal user charge for that sewer user. All extra-strength surcharge revenue which is collected within a given user class will be credited to that user class and not comingled among other user classes. The extra-strength surcharge revenue will be credited to its particular user class prior to calculating the user charge for that user class for the upcoming year.

and present 921 is hereby repealed.

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reasons stated in the preamble hereof, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED:

\_\_\_\_\_  
MAYOR

**AN ORDINANCE**  
**AMENDING CODIFIED ORDINANCE 901 REGARDING**  
**STREETS AND SIDEWALKS,**  
**AND DECLARING AN EMERGENCY**

**BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** That Codified Ordinance Section 901 which presently reads as follows:

**CHAPTER 901**  
**Street Excavations**

**901.01 Permit required.**

**901.02 Deposit for restoration of surface;  
exception as to public utilities.**

**901.03 Public utilities to give notice when  
making street excavations.**

**901.04 Information to be shown on  
application.**

**901.05 Safety rules for excavations.**

**901.06 Method of making backfill.**

**901.99 Penalty.**

**CROSS REFERENCES**

Authority of Director of Public Service and Properties - see CHTR. Art. IV, §6

Care of streets - see Ohio R.C. 715.19, 723.01 et seq.

Damages resulting from improvements - see Ohio R.C. 727.18 et seq.

Vacating streets - see Preliminary Unit, Tbl. E

Abandoned excavations - see GEN. OFF. 521.03

Removal of lanterns and warning barricades - see GEN. OFF. 541.04, 543.08

Occupancy on unimproved streets - see BLDG. Ch. 1353

**901.01 PERMIT REQUIRED.**

No opening through, undermining or removal of any pavement or surface in any public streets or other public grounds of the City shall be undertaken by any person until a permit therefor shall have been issued by the Director of Public Service and Properties unless otherwise hereinafter provided.

**901.02 DEPOSIT FOR RESTORATION OF SURFACE; EXCEPTION AS TO PUBLIC UTILITIES.**

All applicants for the permit required by C.O. 901.01 shall deposit with the City Treasurer a minimum fee of fifty dollars (\$50.00) to cover the cost of any opening in the street area up to the center line, or a minimum fee of one hundred dollars (\$100.00) for any opening in the street area extending beyond the center line.

An additional amount may be required by the Director of Public Service and Properties to be so deposited if in his opinion the amount of the above-mentioned deposit is insufficient. Any amount so deposited shall be applied to the actual cost of restoring the pavement or surface of

such street. In the event the actual cost of restoring the pavement or surface shall exceed the amount of deposit, then the applicant shall pay to the City Treasurer the excess cost over and above the amount of the deposit within ten days after being notified thereof.

Public utilities which occupy streets or public grounds under franchise with the City shall not be required to obtain the permits hereinbefore specified or to make the deposits hereinbefore set forth but shall pay all costs of restoring such pavement or surface within a reasonable time after the work has been completed.

#### **901.03 PUBLIC UTILITIES TO GIVE NOTICE WHEN MAKING STREET EXCAVATIONS.**

Public utilities which occupy streets or other public grounds under franchise with the City shall be required to notify the office of the Director of Public Service and Properties, in writing, stating the exact location and estimated duration of any excavation prior to making same in a public street or other public ground, except in the event of an emergency in which case such notice shall be given the next regular business day.

#### **901.04 INFORMATION TO BE SHOWN ON APPLICATION.**

The application for a permit under the provisions of this chapter shall state the exact time when the opening is to be made, the probable length of time required for making the repair, location, sizes of the openings to be made, the purpose of the excavation and such other information as the Director of Public Service and Properties may deem necessary.

#### **901.05 SAFETY RULES FOR EXCAVATIONS.**

(a) Excavations on the paved or improved portion of any public street shall be made in such a manner as not to block or substantially interfere with the free and unrestricted use of the street for pedestrian or vehicular traffic.

(b) Equipment, materials and earth necessary in making such excavations shall be so used or placed as not to block or substantially interfere with the free and unrestricted use of the street for pedestrian or vehicular traffic.

(c) No excavation in the paved or improved portion of any public street shall remain for a period in excess of seventy-two hours.

(d) When, in the opinion of the Director of Public Service and Properties, it is necessary for the public safety, suitable covering shall be placed over any such excavations. If deemed necessary, in his opinion, the Director of Public Service and Properties may also require the placing of hand rails in order to protect pedestrian traffic.

(e) All such excavations, whether covered or not, shall be suitably barricaded and warning lights put in place.

(f) If the excavation in any paved or improved portion of a street is of such a size, length or depth as to be a substantial obstruction to vehicular traffic, the Director of Public Service and Properties may require that:

(1) The excavation be done in sections, or all or a portion of the necessary work be done by tunneling and boring.

(2) Suitable detour signs be erected at such places as the Police Division shall direct.

(g) The Director of Public Service and Properties shall, from time to time, make such additional rules and regulations governing the opening of public streets, public grounds, and the materials to be used in relaying or repairing the various kinds of pavements or surfaces so opened. The Director of Public Service and Properties shall also prepare a schedule of prices to be charged for the repaving and repairing of all openings made by applicants under the provisions of this chapter, which work shall be done under his supervision, exclusively, upon due notice given by the Director of Public Service and Properties.

(Ord. 59-91. Passed 9-21-59.)

#### **901.06 METHOD OF MAKING BACKFILL.**

The method of making the necessary backfill where excavation has been made shall be performed as follows: If it is a sewer that is to be covered, stone sand shall be tamped solidly under and around the sewer, with proper tools for that purpose, to a depth of twelve inches. The remainder of the backfill shall be deposited in layers not exceeding four inches in thickness, each of which shall be well-pounded and rammed with a rammer of suitable weight, or an approved pneumatic tamper.

In case of excavations other than sewers, the earth backfill must be compacted in four-inch layers the same as stone backfill, but at all times it must be compact to a density of not less than ninety per cent of the maximum density as per Ohio State Highway Specifications. Care must be exercised at all times to have the backfill material contain the proper amount of moisture so as to obtain the maximum compaction.

#### **901.99 PENALTY.**

Whoever violates this chapter shall be deemed guilty of a misdemeanor and fined not exceeding fifty dollars (\$50.00). Each day's continued violation shall be deemed a separate offense.

**be and the same is amended to read:**

### **CHAPTER 901 Street Excavations**

**901.01 Permit required.**

**901.02 Deposit for restoration of surface;  
exception as to public utilities.**

**901.03 Public utilities to give notice when  
making street excavations.**

~~**901.04 Liability for damages.**~~

**901.05 Safety rules for excavations.**

**901.06 Method of making backfill.**

**901.99 Penalty.**

## CROSS REFERENCES

Authority of Director of Public Service and Properties - see CHTR. Art. IV, §6  
Care of streets - see Ohio R.C. 715.19, 723.01 et seq.  
Damages resulting from improvements - see Ohio R.C. 727.18 et seq.  
Vacating streets - see Preliminary Unit, Tbl. E  
Abandoned excavations - see GEN. OFF. 521.03  
Removal of lanterns and warning barricades - see GEN. OFF. 541.04, 543.08  
Occupancy on unimproved streets - see BLDG. Ch. 1353

### **901.01 PERMIT REQUIRED.**

No opening through, undermining or removal of any pavement or surface in any public streets or other public grounds of the City shall be undertaken by any person until a permit therefor shall have been issued by the Building Official unless otherwise hereinafter provided. Permit fees and required deposit amounts shall be set forth in Section 1305.02 of the Codified Ordinances.

### **901.02 DEPOSIT FOR RESTORATION OF SURFACE; EXCEPTION AS TO PUBLIC UTILITIES.**

All applicants for the permit required by C.O. 901.01 shall deposit with the Director of Finance, the appropriate amount as set forth in Section 1305.02 of the Codified Ordinances.

The Building Official and/or Service Director shall use the deposit at their discretion for inspection fees, debris removal and/or repair or replacement of any utility, right-of way area, or surface damaged or removed and not replaced during the construction process.

An additional amount may be required by the Director of Public Service and Properties to be so deposited if in his opinion the amount of the above-mentioned deposit is insufficient.

If at any time the deposit balance falls below fifty percent (50%) of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

The balance of the deposit shall be returned to the permittee after completion of the work by the City and upon application from the permittee.

Public utilities which occupy streets or public grounds under franchise with the City shall not be required to obtain the permits hereinbefore specified, or to make the deposits hereinbefore set forth but shall pay all costs of restoring such pavement or surface within a reasonable time after the work has been completed.

### **901.03 PUBLIC UTILITIES TO GIVE NOTICE WHEN MAKING STREET EXCAVATIONS.**

Public utilities which occupy streets or other public grounds under franchise with the City shall be required to notify the office of the Director of Public Service and Properties, in writing, stating the exact location and estimated duration of any excavation prior to making same in a public street or other public ground, except in the event of an emergency in which case such notice shall be given the next regular business day.

#### **901.04 LIABILITY FOR DAMAGES.**

The full primary responsibility of any excavation, trench or other street opening shall be that of the permit applicant who shall at all times keep the same properly guarded and enclosed so that the safety of persons and vehicles using the street, alley or roadway will be assured. This responsibility shall continue until permanent replacement of the pavement or the roadway surface to its original status is completed as specified and approved by the Director of Public Service and Properties, and shall include the defense, settlement and payment of any and all claims, actions or court judgments for the damages or injuries to anyone, arising in any way, out of the creation or maintenance of the excavation, trench or other street opening by the permit holder.

#### **901.05 SAFETY RULES FOR EXCAVATIONS.**

(a) Excavations on the paved or improved portion of any public street shall be made in such a manner as not to block or substantially interfere with the free and unrestricted use of the street for pedestrian or vehicular traffic.

(b) Equipment, materials and earth necessary in making such excavations shall be so used or placed as not to block or substantially interfere with the free and unrestricted use of the street for pedestrian or vehicular traffic.

(c) No excavation in the paved or improved portion of any public street shall remain for a period in excess of seventy-two hours.

(d) When, in the opinion of the Director of Public Service and Properties, it is necessary for the public safety, suitable covering shall be placed over any such excavations. If deemed necessary, in his opinion, the Director of Public Service and Properties may also require the placing of hand rails in order to protect pedestrian traffic.

(e) All such excavations, whether covered or not, shall be suitably barricaded and warning lights put in place.

(f) If the excavation in any paved or improved portion of a street is of such a size, length or depth as to be a substantial obstruction to vehicular traffic, the Director of Public Service and Properties may require that:

(1) The excavation be done in sections, or all or a portion of the necessary work be done by tunneling and boring.

(2) Suitable detour signs be erected at such places as the Police Division shall direct.

(g) The Director of Public Service and Properties shall, from time to time, make such additional rules and regulations governing the opening of public streets, public grounds, and the materials to be used in relaying or repairing the various kinds of pavements or surfaces so opened. The Director of Public Service and Properties shall also prepare a schedule of prices to be charged for the repaving and repairing of all openings made by applicants under the

provisions of this chapter, which work shall be done under his supervision, exclusively, upon due notice given by the Director of Public Service and Properties.  
(Ord. 59-91. Passed 9-21-59.)

**901.06 METHOD OF MAKING BACKFILL.**

The method of making the necessary backfill where excavation has been made shall be performed as follows: If it is a sewer that is to be covered, stone sand shall be tamped solidly under and around the sewer, with proper tools for that purpose, to a depth of twelve inches. The remainder of the backfill shall be deposited in layers not exceeding four inches in thickness, each of which shall be well-pounded and rammed with a rammer of suitable weight, or an approved pneumatic tamper.

In case of excavations other than sewers, the earth backfill must be compacted in four-inch layers the same as stone backfill, but at all times it must be compact to a density of not less than ninety per cent of the maximum density as per Ohio State Highway Specifications. Care must be exercised at all times to have the backfill material contain the proper amount of moisture so as to obtain the maximum compaction.

**901.99 PENALTY.**

Whoever violates this chapter shall be deemed guilty of a misdemeanor and fined not exceeding fifty dollars (\$50.00). Each day's continued violation shall be deemed a separate offense.

**and present 901 is hereby repealed.**

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reasons stated in the preamble hereof, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED:

\_\_\_\_\_  
MAYOR

4/30/14 ll

**AN ORDINANCE**  
**AMENDING CODIFIED ORDINANCE SECTION 1305.02 REGARDING PERMIT AND INSPECTION FEES, AND DECLARING AN EMERGENCY**

**BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** That Codified Ordinance Section 1305.02 which presently reads as follows:

**“1305.02 FEES FOR BUILDING PERMITS.**

Fees for building permits shall be:

A Building Permits	<u>Base Fee</u>	<u>Fee per square foot</u>
(1) New Construction		
(a) 1, 2 or 3 family residential building	\$180.00	.09
Foundation only	\$180.00	
(b) Commercial building	\$250.00	.10

A \$500.00 refundable deposit shall be submitted prior to the issuance of the permit for a new dwelling unit.

A \$1,000.00 refundable deposit shall be submitted prior to the issuance of a permit for a new commercial building.

The Building Director and/or Service Director shall use the deposit, at their discretion, for debris removal and/or repair or replacement of any right-of-way area or surface damage or removed, and not replaced, during the construction process.

If at any time the deposit balance falls below 50% of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

Engineer’s and Horticulturist Fees, Commercial Project and Residential Developments with more than 1 Dwelling. A deposit of \$2,500.00 is required prior to review of topographic, site improvement plans and/or landscape plans. Preliminary review, additional submittals requested and review of amended submittals shall be charged against the deposit. Additional funds shall be submitted to maintain the deposit balance at \$2,500.00 when the balance becomes \$500.00 or less. The balance, after deductions, will be refunded following the completion of the project.

Engineer and Horticulturist Fees, Residential Projects. A deposit of \$800.00 is required prior to review of topographic, site improvement plans and/or landscape plans. Preliminary review, additional submittals requested and review of amended submittals shall be charged against the deposit. Additional funds shall be submitted to maintain the deposit balance of \$800.00 when the balance becomes \$250.00 or less. The balance, after deductions, will be refunded following the completion of the project.

Rates for such services shall be determined from the fee schedule of the City Engineer and City Horticulturist.

The Building Director and/or Service Director shall, at their discretion, require the services of the City Engineer and City Horticulturist.

	<u>Base Fee</u>
(2) Demolition or raze accessory building	\$50.00
Demolition or raze dwelling	\$100.00
Demolition or raze commercial building	\$200.00

A \$500.00 refundable deposit shall be submitted for dwelling unit demolition permits.

A \$750.00 refundable deposit shall be submitted for commercial building demolition permits. The Building Director and/or Service Director shall use the deposit, at their discretion, for debris removal and/or repair any right-of-way area or surface damaged during the demolition process.

If at any time the deposit balance falls below 50% of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

3) Alterations and Additions		
A    1, 2 or 3 family residential building	<u>Base Fee</u>	<u>Fee per square foot</u>
	\$60.00	.09
B    Commercial Building	<u>Base Fee</u>	<u>Fee per square foot</u>
Electrical Installations	\$125.00	.10
(1) 1, 2 or 3 family residential	<u>Base Fee</u>	<u>Fee per square foot</u>
a) New construction and additions	\$75.00	.05
b) Remodeling/alterations	\$30.00	
Hot Water Heater	\$25.00	
<u>Separate Permits:</u>		
Temporary Service Permit	\$75.00	
New Service Permit	\$75.00	
Generator Permit	\$75.00	
(2) Commercial Buildings	<u>Base fee</u>	<u>Fee per square foot</u>
(a) New Construction and Additions	\$125.00	.10
(b) Remodeling/alterations/interior	\$75.00	.10
demolition		
Transformers, heaters, etc.	\$24.00	
Communication system/intercom	\$75.00	
Temporary Service Permit	\$75.00	
New Service Permit	\$75.00	
C) Plumbing, Sewers, Underground Utilities	<u>Base fee</u>	<u>Fee per square foot</u>
(1) 1, 2 or 3 family residential		
(a) New construction and additions	\$60.00	.03
(b) Remodeling/alterations	\$30.00	.03
Each plumbing fixture	\$25.00	
Hot water tank	\$25.00	
Water service, sanitary and storm		
laterals (each) including repairs	\$30.00	
Gas lines, new	\$30.00	
Exterior storm water basins (each)		
includes piping	\$30.00	
(2) Commercial Buildings		
(a) New construction and additions	\$125.00	.10
(b) Remodeling/alterations	\$75.00	.10
Each plumbing fixture	\$25.00	
Hot water tank	\$25.00	
Water service, sanitary and		
storm laterals (each) including		
repairs	\$60.00	

Gas line, new	\$60.00
Exterior storm water basins (each) includes piping	\$30.00

All excavations, which require the removal of public sidewalks and/or excavating in the right-of-way area, shall require a \$500.00 refundable deposit at the time of permit application.

All excavations, which require the removal of street pavement or boring beneath public streets, shall require a \$1,000.00 refundable deposit at the time of permit application.

The Building Director and/or Service Director shall use the deposit, at the discretion, for debris removal and/or repair or replacement of any right-of-way area or surface damaged or removed and not replaced during the construction process.

If at any time the deposit balance falls below 50% of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

D Heating and Air Conditioning	<u>Base Fee</u>	<u>Fee per square foot</u>
(1) New Dwelling	\$60.00	.03
Each heating unit and/or a/c unit	\$30.00	
Alterations and/or additions to existing residential duct work	\$30.00	.03
(2) New Commercial	\$125.00	.07
Each heating unit and/or a/c unit	\$60.00	
Alterations and/or Additions to existing commercial duct work	\$50.00	.07
Commercial or Industrial conversion or replacement, per unit	\$60.00	
(3) Solar Heat/Geothermal System		
A. Residential	\$125.00	
B. Commercial	\$250.00	
E Miscellaneous Fees/Permits/ Boards/Commissions	<u>Base Fee</u>	<u>Fee per square foot</u>
Roofing and siding jobs	\$50.00	
Window and door replacement	\$50.00	
Garages, accessory buildings and structures	\$30.00	.09
Garage pad/floor	\$30.00	
Swimming pools	\$60.00	
Grade Setting	\$75.00	
Concrete, asphalt, or other improved driveway surface	\$60.00	
Apron	\$30.00	
Commercial parking lots, per 5000 sq. ft. or part thereof	\$75.00	
Sidewalk/patio	\$30.00	
Grading permit fee:		
Residential	\$60.00	
Commercial	\$125.00	
Fireplaces (each)	\$60.00	

Fences	\$30.00
Retaining walls	\$60.00
Elevators	\$125.00
plus per floor	\$30.00
Security system	\$60.00
Fire alarm system	\$90.00
plus per device	\$.20
Fire suppression system	\$90.00
plus per head	\$.20
Commercial kitchen hood and hood suppression	\$100.00
Communication tower	\$300.00
Water proofing	\$60.00
Lawn sprinkler system	\$50.00

Any damage done by City employees to sprinkler systems installed in City right-of-way areas shall be the sole expense and responsibility of the property owner.

Any miscellaneous permit not heretofore listed shall have a fee charged per the most similar listed permit as determined by the Building Department.

F Sign Permit

Signs not in excess of 24 sq. ft.	\$30.00
Signs between 24 and 48 sq. ft.	\$60.00
Signs over 48 sq. ft.	\$125.00

G Planning Commission Application

Residential	\$75.00
Commercial	\$100.00

H Architectural Board of Review Application \$100.00

I Board of Zoning Appeals Application \$50.00

J Lot Splits (payable upon approval by Planning Commission.)

(1) Major/minor subdivision-per lot	\$50.00
(2) Lot split	\$75.00
(3) Re-division	\$75.00

K Housing License Fee \$75.00

L Residential Occupancy and Use Permit

New dwelling	\$100.00
Addition 750 sq. ft. or larger	\$50.00

M Commercial Occupancy and Use Permit \$150.00

N Coin Operated machines

(1 for machine)	\$60.00
(1) Replacement fee coin operated machines	\$30.00

be and the same is hereby amended to read:

“1305.02 FEES FOR BUILDING PERMITS.

Fees for building permits shall be:

A Building Permits	<u>Base Fee</u>	<u>Fee per square foot</u>
(1) New Construction		
(a) 1, 2 or 3 family residential building	\$180.00	.09
Foundation only	\$180.00	
(b) Commercial building	\$250.00	.10

A \$500.00 refundable deposit shall be submitted prior to the issuance of the permit for a new dwelling unit.

A \$1,000.00 refundable deposit shall be submitted prior to the issuance of a permit for a new commercial building.

The Building Director and/or Service Director shall use the deposit, at their discretion, for inspection fees, debris removal and/or repair or replacement of any right-of-way area or surface damage or removed, and not replaced, during the construction process.

If at any time the deposit balance falls below 50% of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

Engineer's and Horticulturist Fees, Commercial Project and Residential Developments with more than 1 Dwelling. A deposit of \$2,500.00 is required prior to review of topographic, site improvement plans and/or landscape plans. Preliminary review, additional submittals requested and review of amended submittals shall be charged against the deposit. Additional funds shall be submitted to maintain the deposit balance at \$2,500.00 when the balance becomes \$500.00 or less. The balance, after deductions, will be refunded following the completion of the project.

Engineer and Horticulturist Fees, Residential Projects. A deposit of \$800.00 is required prior to review of topographic, site improvement plans and/or landscape plans. Preliminary review, additional submittals requested and review of amended submittals shall be charged against the deposit. Additional funds shall be submitted to maintain the deposit balance of \$800.00 when the balance becomes \$250.00 or less. The balance, after deductions, will be refunded following the completion of the project.

Rates for such services shall be determined from the fee schedule of the City Engineer and City Horticulturist.

The Building Director and/or Service Director shall, at their discretion, require the services of the City Engineer and City Horticulturist.

	<u>Base Fee</u>
(2) Demolition or raze accessory building	\$50.00
Demolition or raze dwelling	\$100.00
Demolition or raze commercial building	\$200.00

A \$500.00 refundable deposit shall be submitted for dwelling unit demolition permits.

A \$750.00 refundable deposit shall be submitted for commercial building demolition permits.

The Building Director and/or Service Director shall use the deposit, at their discretion, for inspection fees, debris removal and/or repair any right-of-way area or surface damaged during the demolition process.

If at any time the deposit balance falls below 50% of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

3) Alterations and Additions	<u>Base Fee</u>	<u>Fee per square foot</u>
A 1, 2 or 3 family residential building	\$60.00	.09

B	Commercial Building	Base Fee	<u>Fee per square foot</u>
	Electrical Installations	\$125.00	.10
	(1) 1, 2 or 3 family residential	<u>Base Fee</u>	<u>Fee per square foot</u>
	a) New construction and additions	\$75.00	.05
	b) Remodeling/alterations	\$30.00	
	Hot Water Heater	\$25.00	
	<u>Separate Permits:</u>		
	Temporary Service Permit	\$75.00	
	New Service Permit	\$75.00	
	Generator Permit	\$75.00	
	(2) Commercial Buildings	<u>Base fee</u>	<u>Fee per square foot</u>
	(a) New Construction and Additions	\$125.00	.10
	(b) Remodeling/alterations/interior	\$75.00	.10
	demolition		
	Transformers, heaters, etc.	\$24.00	
	Communication system/intercom	\$75.00	
	Temporary Service Permit	\$75.00	
	New Service Permit	\$75.00	
C)	Plumbing, Sewers, Underground Utilities	<u>Base fee</u>	<u>Fee per square foot</u>
	(1) 1, 2 or 3 family residential		
	(a) New construction and additions	\$60.00	.03
	(b) Remodeling/alterations	\$30.00	.03
	Each plumbing fixture	\$25.00	
	Hot water tank	\$25.00	
	Water service, sanitary and storm		
	<u>connections and laterals (each)</u>		
	including repairs	\$30.00	
	Gas lines, new	\$30.00	
	Exterior storm water basins (each)		
	includes piping	\$30.00	
	(2) Commercial Buildings		
	(a) New construction and additions	\$125.00	.10
	(b) Remodeling/alterations	\$75.00	.10
	Each plumbing fixture	\$25.00	
	Hot water tank	\$25.00	
	Water service, sanitary and storm		
	<u>connections and laterals (each)</u>		
	including repairs	\$60.00	
	Gas line, new	\$60.00	
	Exterior storm water basins (each)		
	includes piping	\$30.00	

A deposit of \$250.00 shall be submitted prior to the issuance of a permit for sewer service line work completed on private property, not including any work completed in a dwelling unit or commercial building, or any excavations which require the removal of public sidewalks and/or excavating in the right-of-way area. The Building Official and/or Service Director shall use the deposit, at their discretion, for inspection fees, debris

removal and/or repair or replacement of any right-of-way area or surface damaged during the construction process.

If at any time the deposit balance falls below 50% of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

All excavations, which require the removal of public sidewalks and/or excavating in the right-of-way area, shall require a \$500.00 refundable deposit at the time of permit application.

All excavations, which require the removal of street pavement or boring beneath public streets, shall require a \$1,000.00 refundable deposit at the time of permit application.

The Building Director and/or Service Director shall use the deposit, at the discretion, for inspection fees, debris removal and/or repair or replacement of any right-of-way area or surface damaged or removed and not replaced during the construction process.

If at any time the deposit balance falls below 50% of the initial refundable deposit, additional funds shall be submitted immediately upon receipt of written notice from the City to bring the balance to the original required amount.

D	Heating and Air Conditioning	<u>Base Fee</u>	<u>Fee per square foot</u>
(4)	New Dwelling	\$60.00	.03
	Each heating unit and/or a/c unit	\$30.00	
	Alterations and/or additions to existing residential duct work	\$30.00	.03
(5)	New Commercial	\$125.00	.07
	Each heating unit and/or a/c unit	\$60.00	
	Alterations and/or Additions to existing commercial duct work	\$50.00	.07
	Commercial or Industrial conversion or replacement, per unit	\$60.00	
(6)	Solar Heat/Geothermal System		
	C. Residential	\$125.00	
	D. Commercial	\$250.00	
E	Miscellaneous Fees/Permits/ Boards/Commissions	<u>Base Fee</u>	<u>Fee per square foot</u>
	Roofing and siding jobs	\$50.00	
	Window and door replacement	\$50.00	
	Garages, accessory buildings and structures	\$30.00	.09
	Garage pad/floor	\$30.00	
	Swimming pools	\$60.00	
	Grade Setting	\$75.00	
	Concrete, asphalt, or other improved driveway surface	\$60.00	
	Apron	\$30.00	
	Commercial parking lots, per 5000 sq. ft. or part thereof	\$75.00	
	Sidewalk/patio	\$30.00	
	Grading permit fee:		
	Residential	\$60.00	

Commercial	\$125.00
Fireplaces (each)	\$60.00
Fences	\$30.00
Retaining walls	\$60.00
Elevators	\$125.00
plus per floor	\$30.00
Security system	\$60.00
Fire alarm system	\$90.00
plus per device	\$.20
Fire suppression system	\$90.00
plus per head	\$.20
Commercial kitchen hood and hood suppression	\$100.00
Communication tower	\$300.00
Water proofing	\$60.00
Lawn sprinkler system	\$50.00

Any damage done by City employees to sprinkler systems installed in City right-of-way areas shall be the sole expense and responsibility of the property owner.

Any miscellaneous permit not heretofore listed shall have a fee charged per the most similar listed permit as determined by the Building Department.

F Sign Permit

Signs not in excess of 24 sq. ft.	\$30.00
Signs between 24 and 48 sq. ft.	\$60.00
Signs over 48 sq. ft.	\$125.00

G Planning Commission Application

Residential	\$75.00
Commercial	\$100.00

H Architectural Board of Review Application \$100.00

I Board of Zoning Appeals Application \$50.00

J Lot Splits (payable upon approval by  
Planning Commission.)

(4) Major/minor subdivision-per lot	\$50.00
(5) Lot split	\$75.00
(6) Re-division	\$75.00

K Housing License Fee \$75.00

L Residential Occupancy and Use Permit

New dwelling	\$100.00
Addition 750 sq. ft. or larger	\$50.00

M Commercial Occupancy and Use Permit \$150.00

N Coin Operated machines

(2 for machine)	\$60.00
(1) Replacement fee coin operated	

machines

\$30.00

**and present 921.07 is hereby repealed.**

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reasons stated in the preamble hereof, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK

APPROVED:

\_\_\_\_\_  
MAYOR

5/14/14 II