

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

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

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

(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.

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 (\$1,500.00) 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.

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

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.

(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.

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

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

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

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.

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 habitation 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

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.

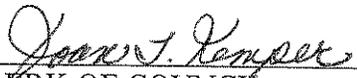
Through an Industrial Surveillance/Pretreatment Program, the City of Rocky River will identify sewer users which discharge wastewater that is higher in strength than normal wastewater concentrations, as described in this chapter. Through the collection and analysis of wastewater samples from the sewer 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.

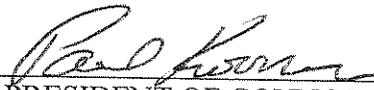
and present 921 is hereby repealed.

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: June 9, 2014


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED: June 10, 2014


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

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|---|---|
| 901.01 Permit required. | 901.04 Information to be shown on application. |
| 901.02 Deposit for restoration of surface; exception as to public utilities. | 901.05 Safety rules for excavations. |
| 901.03 Public utilities to give notice when making street 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

(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.

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

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.

| | |
|---|---------|
| 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 | |

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 |

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 | |

machines

\$30.00

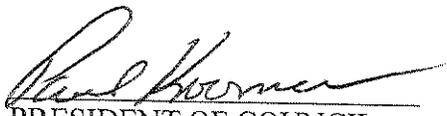
and present 921.07 is hereby repealed.

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: June 9, 2014


CLERK


PRESIDENT OF COUNCIL

APPROVED: June 10, 2014


MAYOR

5/14/14 II