

CODIFIED ORDINANCES OF TROTWOOD

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE ONE - Street and Sidewalk Areas

- Chap. 901. Excavations.
- Chap. 903. Sidewalk Construction and Repair.
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CHAPTER 901
Excavations

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| 901.01 Permit required. | 901.04 Barriers and warning lights. |
| 901.02 Application; fee and cash deposit. | 901.99 Penalty. |
| 901.03 Restoration of pavement. | |

CROSS REFERENCES

- Liability for damage - see Ohio R.C. 723.49
 Depth of excavation allowable - see Ohio R.C. 723.50
 Digging, excavating and piling earth on street - see Ohio R.C. 5589.10
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901.01 PERMIT REQUIRED.

No person, other than the Director of Public Service or his authorized employees or agents, shall make any opening in any street, alley, sidewalk or other public way unless a permit to make such opening has been obtained prior to commencement of the work, as herein provided. (1987 Code 53.15)

901.02 APPLICATION; FEE AND CASH DEPOSIT.

(a) Each permit for making an opening shall be confined to a single project and shall be issued by the Director of Public Service or his authorized agent only.

(b) Application shall be made on the form prescribed by the Director of Public Service, giving the exact location of the excavation, name, address and telephone number of the contractor, date of work, nature of work, anticipated starting time and anticipated completion time and date. The permit fee is hereby set at five dollars (\$5.00), this fee to accompany the application and to be paid prior to commencing any excavation work.

(c) Each excavation application shall be submitted at least twenty-four hours in advance of the excavation work except in an emergency wherein, the emergency shall first be reported immediately to the Police Department and secondly, a permit shall be obtained not later than forty-eight hours after the work has been completed.

(d) In addition to the permit fee, the contractor shall deposit with the City an insurance bond in the face amount of one thousand dollars (\$1,000). Each excavation shall be inspected by the Director of Public Service or his designated representative. The bond shall be released thirty days subsequent to the expiration of a one-year period of time in the event all excavations by the contractor under the performance bond have been satisfactorily completed. Completion means a prompt and satisfactory refilling of the excavation and restoration of all services disturbed, including restoration of grasses.

(e) If the applicant is a resident of the City and the work is confined to a location abutting property owned by the applicant, the bond requirement of subsection (d) hereof may be waived at the discretion of the Direction of Public Service, and a cash sum of fifty dollars (\$50.00) shall be deposited in lieu of that bond.

(1987 Code 53.16)

901.03 RESTORATION OF PAVEMENT.

(a) The opening and restoration of a pavement or other surface shall be performed under the direction and to the satisfaction of the Director of Public Service and in accordance with the rules, regulations and specifications of the City.

(b) Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface and remove all excess materials within the time specified in the permit or, where not specified therein, within a reasonable time after commencement of the work, the City may proceed without notice to make the fill and restoration and the deposit referred to in Section 901.02 shall be deemed forfeited. Thereupon, the deposit shall be paid into the Street Repair Fund of the City, except that part demanded and paid to the permittee as the difference between the deposit and the charges of the City for restoration services performed by it. If the amount of the services performed by the City should exceed the amount of the deposit, the Municipal Clerk shall proceed to collect the remainder due from the permittee.

(c) All material removed from an excavation in a street shall be immediately removed and the excavation shall be filled with gravel and the pavement restored to the satisfaction of the Director of Public Service. The pavement shall not be restored until the fill is approved by the Director of Public Service.

(1987 Code 53.17)

901.04 BARRIERS AND WARNING LIGHTS.

(a) Any person engaged in or employing others in excavating or opening any street, sidewalk, alley or other public way, shall have that excavation or opening fully barricaded at all times to prevent injury to persons or animals.

(b) The permittee, in the course of doing the work, shall place and maintain standard signs and barricades whenever necessary to protect the public against accidents and shall place and maintain during the time of darkness, sufficient nonextinguishable lights as will effectively warn and safeguard the public against accidents. Traffic control devices shall conform to the Ohio Manual of Uniform Traffic Control Devices. All such devices shall be furnished by the permittee.

- (1) All protection and control devices within the areas of work shall be for the protection of the public. The area of work shall be considered any area in which work is in such a stage that safe travel of the public is affected.
- (2) The occurrence of any accident involving public use of the streets or sidewalks while the permittee has work under progress where the person involved was operating a vehicle in a prudent manner shall be considered evidence of insufficient protection as herein prescribed.
- (3) The permittee, as far as practical, shall keep the streets and grounds free of equipment, new material, rubbish, evacuated material and debris during the progress of any work required.
- (4) Temporary crossings shall be provided and maintained by the permittee for vehicular and pedestrian traffic during the construction of an improvement, including temporary roadways for the use of the public, fire, schools and hospitals, and including temporary roadways for the use of police, fire, schools, hospitals and driveways in use and alley returns. Such crossings and temporary roadways shall be provided at locations to such widths and lengths as directed by the City Engineer.
(1987 Code 53.18)

901.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. Each opening made in violation of such provisions shall constitute a separate offense. Each day of a continuing violation shall be considered and constitute a separate offense.
(1987 Code 53.99(B))

CHAPTER 903
Sidewalk Construction and Repair

903.01	Supervision; specifications.	901.04	Construction or repair time period.
903.02	Notice to construct or repair; service.	901.99	Penalty.
903.03	Remedy for noncompliance.		

CROSS REFERENCES

Construction and repair - see Ohio R.C. 729.01 et seq.
 Notice to construct and repair - see Ohio R.C. 729.03 et seq.
 Sidewalk obstructions - see GEN. OFF. 521.04
 Repair and maintenance of sidewalks - see GEN. OFF. 521.06

903.01 SUPERVISION; SPECIFICATIONS.

The Director of Public Service shall supervise construction or repair of sidewalks within the City. He shall cause specifications to be prepared for the construction of the various kinds of pavements and transmit the same to Council for approval. When approved, Council shall advertise for proposals to do all the work which may be ordered by the City in construction and repair of sidewalks, and shall contract therefor, for a period not exceeding one year, with the lowest responsible bidder, who shall furnish good and sufficient sureties for the faithful performance of the work. Council, if it deems it advisable, may make separate contracts for the different kinds of work with different parties.
 (1987 Code 53.30)

903.02 NOTICE TO CONSTRUCT OR REPAIR; SERVICE.

Council may, by resolution, declare that certain specified sidewalks, curbs or gutters shall be constructed or repaired. Upon the passage of that resolution, the City Manager shall cause written notice of the passage thereof to be served upon the owner or agent of the owner of each parcel of land abutting upon that sidewalk, who may be a resident of the City, in the manner provided by law for the service of summons in civil actions. He shall return a copy of the notice with the time and manner of services endorsed thereon, signed by the person serving it, to the Municipal Clerk, who shall file and preserve the return. For the purpose of this service, if the owner of any property is not a resident of the City, any person charged with the collection of rent or the payment of taxes on that property, or having control thereof in any way, shall be regarded as the agent of the owner, and service upon that person shall have the like force and effect as though personal

service were made upon the owner thereof. If it appears in any return, however, that the owner is a nonresident of that neither the owner or agent could be found, one publication of a copy of the resolution in a a daily newspaper of general circulation in the County shall be deemed sufficient notice to the owner.

(1987 Code 53.31)

903.03 REMEDY FOR NONCOMPLIANCE.

If sidewalks, curbings or gutters are not constructed or repaired within fifteen days from the service of the notice provided for in Section 903.02, or the completion of the publication thereof, the Director of Public Service may proceed by direct employment of labor or by contract, to carry out the construction or repair at the expense of the owner, as in the case of other improvements, and all expenses shall be reported by the City Manager to Council. Council shall thereupon, by ordinance, assess the cost and expense thereof upon the owner, or owners of all the property bounding and abutting thereon, and all assessments shall be collected in the same manner as other assessments, with a penalty of five percent (5%) and interest for failure to pay at the time fixed by the assessment resolution. This remedy shall be in addition to a prosecution under Section 903.99.

(1987 Code 53.32)

903.04 CONSTRUCTION OF REPAIR TIME PERIOD.

No person shall fail to construct or repair sidewalks, curbing or gutters within fifteen days from the service of the notice provided for in Section 903.02.

(1987 Code 53.33)

903.99 PENALTY.

Whoever violates any provision of Section 903.04 is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed for each day of noncompliance.

CHAPTER 905
Weeds and Grass

905.01	Periodic cutting required.	905.04	Failure to comply with notice.
905.02	Trimming trees and shrubbery.	905.05	Collection of costs.
905.03	Notice to cut.	905.99	Penalty.

CROSS REFERENCES

Notice to cut noxious weeds - see Ohio R.C. 731.51 et seq.

Destruction of weeds - see Ohio R.C. 971.33 et seq.

Noxious weeds - see OAC Ch. 901:5-31

905.01 PERIODIC CUTTING REQUIRED.

The owner, occupant or any person, firm or corporation having charge or care of any lot or parcel of land within the City, whether the same is improved or unimproved, vacant or occupied, shall cut down and remove therefrom, all offensive or noxious weeds, vines, grasses and vegetation of a height of eight inches or greater, or any and all weeds, vines and grass constituting a threat to the public health, safety, comfort or welfare.

(1987 Code 98.01)

905.02 TRIMMING TREES AND SHRUBBERY.

The owner of every lot or parcel of land within the City upon which a tree, plant or any shrubbery stands with any part thereof upon or overhanging a public street or sidewalk, shall conform to the regulations herein provided:

- (a) The owner shall trim or cause to be trimmed, that tree, plant or shrubbery so that a clear height of twelve feet between the lowest branches and the street or sidewalk is maintained.
- (b) The owner shall trim or remove, as the case may require, every dead, decayed or broken tree, plant or shrubbery, or part thereof, so that the same shall not fall to the street or sidewalk.
- (c) The owner shall cut down and remove any tree, plant or shrubbery, or any part thereof, as may be necessary to provide a clear and unobstructed view of traffic from all directions at any street intersection, or to abate any nuisance necessary to protect the life, limb or property of persons, drivers of any vehicles or pedestrians using the street or sidewalk.

(1987 Code 98.02)

905.03 NOTICE TO CUT.

(a) Upon verification that those weeds, vegetation or grass as described in Sections 905.01 or 905.02 exists, the Code Enforcement Officer shall forthwith cause written notice to be served on the owner or the occupant or any person, firm or corporation having the care of or in charge of any lot, parcel or land within the City ordering the cutting and removal of those weeds, vegetation or grass within five days written notice to do so. The notice shall be sent to his address by certified mail; if unknown, it shall be sufficient to publish this notice once in a newspaper of general circulation in the County or by posting the notice on the property in question.

(b) The property owners shall receive only one written notice each growing season. It shall be the responsibility of each owner or the occupant or any person, firm or corporation having the care of or in charge of any lot, parcel or land within the City to maintain the property thereafter in accordance with Sections 905.01 or 905.02.
(Ord. 30-03. Passed 12-15-03.)

905.04 FAILURE TO COMPLY WITH NOTICE.

If the owner, occupant or any person, firm or corporation having charge or care of any lot or land within the City fails to comply with the notice provided for in Section 905.03, the City may cut and remove those weeds, vegetation or grasses. If the cutting is done by the City for the preceding reason or any other proper reason, all expenses and labor costs incurred shall be paid out of municipal funds not otherwise appropriated upon approval by Council. The removal shall be at the owner's expense and shall be assessed against the lot or land involved. Costs for removal shall be based on personpower and specialized equipment used as set by the Director of Public Service. The costs shall be subject to an annual review and may be adjusted by the Director of Public Service. (1987 Code 98.04)

905.05 COLLECTION OF COSTS.

If the City cuts the weeds, vegetation or grasses as authorized in Section 905.04, the City shall give five days' notice, by regular mail, to the owner of that lot or parcel of land, at his last known address, to pay the cost of the required cutting; which notice shall be accompanied by a statement of the amount of cost incurred, and if the same is not paid within thirty days after the mailing of the notice, then the amount shall be certified to the County Auditor for collection the same as other taxes and assessments are collected.
(1987 Code 98.05)

905.99 PENALTY.

Any owner, occupant or any other person, firm or corporation having the care of any lot or land, who fails to comply with the notice referred to in Section 905.05 shall be guilty of a misdemeanor of the fourth degree and shall be subject to imprisonment for not more than thirty days, or a fine of not more than two hundred fifty dollars (\$250.00) or both. Each day of noncompliance may be treated as a separate offense.
(1987 Code 98.99)

CHAPTER 907
Streets and Sidewalks Generally

907.01 Identification of residential street addresses.

CROSS REFERENCES

- Assessments - see Ohio R.C. 701.05, Ch. 727
 Power to establish and care for streets - see Ohio R.C. 715.19, 717.01, 723.01
 Openings by the Municipality - see Ohio R.C. 723.02
 Dedication and acceptance - see Ohio R.C. 723.03
 Change of name, vacating and narrowing streets - see Ohio R.C. 723.04 et seq.
 Sprinkling - see Ohio R.C. 723.16 et seq.
 Surface treatment - see Ohio R.C. 723.23, 723.31
 Compulsory service connections - see Ohio R.C. 729.06, 743.37
 Changing established grade - see Ohio R.C. 727.07

907.01 IDENTIFICATION OF RESIDENTIAL STREET ADDRESSES.

- (a) (1) No person shall provide painted or other substances to identify residential street addresses on City streets, thoroughfares, curbs, gutters or sidewalks unless obtaining a permit from the Police Division. A permit fee of one dollar (\$1.00) shall be charged to cover the administrative cost of the enforcement of this section.
- (2) All addresses painted on the City's streets, thoroughfares, curbs, gutters or sidewalks shall be on the approach furthest away from the nearest property line. The location shall be two feet from the drive approach.
- (3) All paint shall be standardized to Pittsburgh numbered 72.45 or another durable equivalent. The colors shall be required to be red letters on a white background.
- (4) Any existing painted numbers elsewhere shall be removed from the curb prior to the painting of any residential address regarding the same property address.
- (5) All sizes of letters and background shall conform to the requirements of the Director of Public Service on file with the Police Division.
- (6) All work shall be carried out in an orderly manner with the requirements that all flow of vehicular and pedestrian traffic will not be interrupted or interfered with.

(7) Applications for a painting permit shall be obtained at the Police Division along with specifications as indicated hereinabove.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(1987 Code 72.09(F), (G))

CHAPTER 909
Street Lighting

909.01 Policy.

CROSS REFERENCES

Power to furnish lighting etc. - see Ohio R.C. 715.06, 717.01
Assessments - see Ohio R.C. Ch. 727

909.01 POLICY.

(a) The City shall pay the prospective annual operating and maintenance costs for street lights within the entire City beginning January 1, 1999.

(b) Property owners shall be responsible for the payment of all costs associated with the installation of new street lighting facilities including but not limited to, poles, fixtures, decorative lighting, and trenching.

The installation of new street lighting shall be through the establishment of lighting districts by petition of the owners of more than one-half of the feet front of the lots and lands abutting on the street or public way. Costs of installation shall be by assessment to the property owners as provided by law.

(c) Developers of any subdivision platted within the City shall be responsible for the payment of all costs associated with the installation of any street lighting within the development. (Ord. 23-98. Passed 12-7-98.)

TITLE THREE - Utilities.

Chap. 921. Water Regulations and Rates.

Chap. 923. Sewer Regulations and Rates.

Chap. 927. Garbage and Rubbish Disposal.

**CHAPTER 921
Water Regulations and Rates**

921.01	Water supply subject to variable conditions.	921.16	Schedule of rates.
921.02	Turning curb stopcock, fire hydrant or valve.	921.17	Additional charge for users outside corporate limits.
921.03	Property owner responsible for leakage.	921.18	Water meters to register charges; payment required regardless of leakage.
921.04	Fire hydrants.	921.19	Bypassing meter prohibited.
921.05	Discontinuance of water use during emergency.	921.20	Collection procedure; delinquent charges.
921.06	Shutting off water supply during emergency.	921.21	Joint collection of sewer, water and refuse charges.
921.07	Water Fund.	921.22	Responsibility for unpaid rates if premises have been sold.
921.08	Endorsement of Dayton Area Facilities Plan.	921.23	Prevention procedures.
921.09	Construction, repairs, installation; requirements.	921.24	City's right to make inspections and investigations.
921.10	Permit and entry fees.	921.25	Violations; discontinuance of service.
921.11	Installation of water service lines; specifications.	921.26	Authority of Council.
921.12	Water supply during construction of building; permit.	921.27	Right of entry.
921.13	Tap-ins and connections.	921.28	Appeal procedure.
921.14	Existing structures.	921.99	Penalty.
921.15	Charges for water service to be assessed and collected by Council.		

CROSS REFERENCES

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

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

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

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

Weekly deposit of water works money collected - see Ohio R.C. 743.06

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

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

Backflow - see OAC 4101:2-51-38

921.01 WATER SUPPLY SUBJECT TO VARIABLE CONDITIONS.

The supply of water to any consumer for any purpose whatsoever is without guarantee to the consumer of a fixed quantity, quality, purity or temperature, these items being subject to the variable conditions which may arise in the operation and maintenance of the waterworks system.

(1987 Code 50.01)

921.02 TURNING CURB STOPCOCK, FIRE HYDRANT OR VALVE.

No person, other than a member of the Fire Division in the performance of his duties, or an employee of the City, shall turn a curb stopcock, fire hydrant or valve without a written permit issued by the City.

(1987 Code 50.02)

921.03 PROPERTY OWNER RESPONSIBLE FOR LEAKAGE.

That portion of the service main from the curb cock into the property shall be maintained at the sole expense of the property owner, and the property owner shall be held responsible for any leakage which may occur in that portion of the service main. The Utilities Division reserves the right to discontinue service to the property in the event a leakage develops until that time as satisfactory repair may be made by the property owner.

(1987 Code 50.03)

921.04 FIRE HYDRANTS.

No person shall operate any fire hydrant within the City unless specifically authorized by the Director of Public Service or his designee, and the drawing of water from a fire hydrant by unauthorized personnel is strictly forbidden. In the event any problem or special case shall be presented not clearly defined or classified under the terms of this chapter, the same shall be presented to the Director, who is hereby authorized to make disposition of the matter.

(1987 Code 50.04)

921.05 DISCONTINUANCE OF WATER USE DURING EMERGENCY.

No person shall disobey the orders and directions issued by Council directing the limitation or discontinuance of the use of water at the time of a serious fire or water shortage.

(1987 Code 50.05)

921.06 SHUTTING OFF WATER SUPPLY DURING EMERGENCY.

In the event of a break in mains, services, pumping machinery, reservoirs or other water works equipment, or for the purpose of tapping, extending, repairing, replacing or cleaning mains, the water supply may be shut off without notice and no responsibility for any damage resulting from that action will or can be recognized.

(1987 Code 50.06)

921.07 WATER FUND.

All income and revenue derived from or obtained in the course of the operation of the Division of Utilities of the City shall be placed to the credit of the Water Fund, out of which all the costs and expenses of the operation of the Division of Utilities shall be paid, and annually there shall be paid from the Fund into the Sinking Fund of the City, an amount sufficient to pay the interest and Sinking Fund charges on bonds which have been or may be issued under authority of ordinances which provide that the interest and Sinking Fund charges on those bonds shall be paid out of the income or revenues of the Division of Utilities. There shall also be paid out of the Funds, any other and further items as may be properly charged pursuant to law against the income and revenue of the Division of Utilities.

(1987 Code 50.08)

921.08 ENDORSEMENT OF DAYTON AREA FACILITIES PLAN.

Endorsement of the findings set forth in the Dayton Area Facilities Plan, and the pledged support in implementing the program for water pollution control as addressed in the Plan, is hereby rendered.

(1987 Code 50.15)

921.09 CONSTRUCTION, REPAIRS, INSTALLATION; REQUIREMENTS.

(a) All persons, before commencing or proceeding with the installation, construction, alteration, repair or addition to the water system in any of the streets and alleys in the City, shall first obtain a permit from the Service Department and shall post a bond in the sum of one hundred percent (100%) of the estimated cost of construction as approved by the Director of Public Service before a permit will be issued.

(b) Prior to commencing construction of any work on water line, sewer mains, lift stations or appurtenances, the owner, whether an individual, corporation, partnership or otherwise, shall furnish to the City Engineer two complete sets of plans of the proposed development or construction. Application for water service, accompanied by drawings showing points of entry to each system, shall be made upon the form authorized by the City. Applications shall be directed to the City Engineer.

(c) Any applicant, before making application to the City for water service, shall obtain approval by the City Engineer of the plans and specifications of any appropriate board or agency having jurisdiction thereof. The approval shall be evidenced by writing, signed by an authorized representative thereof. All water line construction and installation of service lines and taps are subject to the rules and regulations of the City of Dayton Water Department, effective July 1, 1959, as amended.

(d) All persons, before commencing or proceeding with the installation of any water service improvements, shall obtain all permits as applicable from the City of Trotwood, City of Dayton and Montgomery County.
(1987 Code 50.25)

921.10 PERMIT AND ENTRY FEES.

(a) Permit and entry fees shall be as follows:

<u>Type of Building</u>	<u>Tap Fees</u>
Average residence	\$ 100.00
Apartments, per unit	
(one bedroom)	29.63
(two bedrooms)	59.26
(three bedrooms)	88.89
Assembly halls, per seat	.35
Barber halls, per chair	50.00
Beauty shops, per sink	28.20
Bowling lanes, per lane	70.37
Churches	
(small) per seat	.13
(large with kitchen) per seat	.19
Country clubs, per member	5.33
Drive-ins, per space	1.07
Food service operations	
restaurant (AC) return, per seat	3.81
(AC) nonreturn, per seat	7.81
(AC) air, per seat	2.59
curb service, per space	39.86
tavern (AC) per seat	7.48
Grocery store, per square foot	.16
Hospital	
(nonresident), per bed	53.22
(resident), per bed	153.15
Industries	
(light) per employee	3.20
(heavy) per employee	21.48
Laundries (coin-operated) per unit	70.44
Medical buildings, per doctor	204.40
Nursing and rest homes, per bed	25.00
Office buildings, per square foot	.07
Schools	
(elementary) per student	2.93
(high) per student	3.33
Service station, per bay	39.26
Shopping center, per square foot	.08
This classification is applicable for retail merchandising uses in all instances not herein otherwise specified.	
Trailer park, per space	41.11
Veterinarians, per square foot	.37

(b) The fees set forth in subsection (a) hereof have been determined and established on the basis of engineering surveys of the history of the City, to provide a basis for main construction and extension, and have been established to promote the orderly and economic growth of the City.

- (1) The fees set forth in subsection (a) hereof have been computed on a single-family residence being established as the basic unit for permit and entry fees.
- (2) The minimum charge for any single permit and entry fee shall be that sum set forth in subsection (a) hereof for single-family residences, which amount is likewise hereby established as the minimum payment required to be made at the time of the actual tap. For all uses other than and including a single-family residence, the minimum fee shall be applicable. For any permit and entry fee costing in excess of the minimum, the applicant shall not be required to pay the fee in full at the time application is made.
- (3) The minimum payment may be made and, upon written request, the applicant may, by entering into a contract with the City, which will include any and all applicable current interest and administrative fees, pay the fee in excess of the minimum on an extended payment plan over a period of not more than five years. The extended payment plan shall be applicable as follows:

<u>Amount</u>	<u>Months</u>
\$ 325.01 through \$ 650.00	12
650.01 through 1,300	24
1,300.01 through 2,600	36
2,600.01 through 5,200	48
Any amount in excess of \$5,200.01	60

(c) The City may, in addition to other remedies provided herein or permitted by law, discontinue the service to the property served by a connection or tap-in in the event of failure to pay. The contract referred to in subsection (b)(3) hereof provides, among other things, that the permit and entry fees herein established shall constitute a lien upon the corresponding lot, land or premises served by the connection to the water system of the City. In the event the owner becomes in default for payment, the charge shall be certified to the County Auditor wherein the real estate is situated, who shall place the same on the tax duplicate of the county with the interest and penalties allowed by law, to be collected as other taxes are collected. In lieu of those lien rights, the owner may post adequate and sufficient surety bond with the City to secure payment. (1987 Code 50.26)

921.11 INSTALLATION OF WATER SERVICE LINES; SPECIFICATIONS.

(a) All water service shall be no less than three and one-half feet below the finished grade at any point. Sanitary sewer ditches may be used for installation of water service lines provided that at least a distance of one and one-half feet above and ten feet to either side of the sanitary sewer line is maintained at all points of installation. If the distance cannot be met, the water service line shall be installed in a separate ditch or trench, not less than three and one-half feet deep at all points from the finished grade, and a distance of not less than two feet from any other

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ditch or trench which has been used for any other purpose. All line material shall be copper or material equal to copper, approved by the City Engineer. All service pipes, including replacements, shall be provided with stopcocks. Provisions shall be made for meter installation. Stopcocks shall be placed ahead of the meter, and water use branches or connections shall be beyond or on the consumer's side of the meter. Consumers shall provide frost protection for incoming service lines and meters. All installations shall be approved by an authorized inspector or the City Engineer before filling excavations and turning on water service. Any excavations made on public thoroughfares shall have the dirt taken out, the same removed from the site and the trenches filled with crusher-run gravel, or as approved by the City Engineer. The expenses thereof shall be the sole obligation of the consumer.

(b) In the case of new plats being constructed by a subdivider, a bond shall be posted with the City and shall be conditioned upon satisfactory completion and acceptance of all water utility improvements and any restoration thereof. The amount of the bond heretofore referred to shall be determined by the Director of Public Service.
(1987 Code 50.27)

921.12 WATER SUPPLY DURING CONSTRUCTION OF BUILDING; PERMIT.

In building work, the owner or general contractor as his agent, shall apply for a construction water permit at the same time application is made to the City of Dayton for a water tap-in permit. Charges for this service shall be in accordance with the rules and regulations of the City of Dayton Water Department.
(1987 Code 50.28)

921.13 TAP-INS AND CONNECTIONS.

(a) No person shall tap into or connect a pipe with any water line or main belonging to the City unless the tap or connection is made in accordance with the rules of the City.

(b) No tap to the water service shall be made without at least twenty-four hours' notice to the City or its authorized agents, prior to the date on which the tap is to be made. The permit and entrance fee for water permits shall cover the costs of all inspections by authorized personnel of the City. The cost of entrance installation and furnishing of meters is set by contract with the City of Dayton, and governed by the rules and regulations of the City of Dayton Water Department, effective July 1, 1959, and as amended. These rules and regulations are incorporated herein by reference as fully as if herein specifically set forth. A copy of the rules and regulations are on file with the City. The permit and entrance fee for sewer service shall cover the cost of all inspection by authorized personnel of the City. Saddle and sealing material, in addition to all other material required, shall be furnished by the contractor.
(1987 Code 50.29)

921.14 EXISTING STRUCTURES.

(a) This subchapter and its provisions relating to charges for entry to the water system of the City shall also apply to reconstruction, alteration or conversion of any existing structure in the City, wherein the use of an existing water service is altered by the reconstruction, alteration or conversion.

1995 Replacement

2004-1 Replacement

(b) The additional tap-in charge shall be based upon the fee schedule set forth in Section 921.10(a), subject to terms and conditions of Section 921.10(b) and (c). A credit based upon the schedule of fees in Section 921.10 (b) and (c) for the existing service as previously paid prior to such reconstruction, alteration or conversion shall be allowed; however, the credit shall not exceed the actual tap-in charge due to the reconstruction, alteration or conversion thereof.

(c) This section shall apply whether or not reconstruction, alteration or conversion involves a new water service.
(1987 Code 50.30)

**921.15 CHARGES FOR WATER SERVICE TO BE ASSESSED
AND COLLECTED BY COUNCIL.**

Council shall assess and collect proper charges for water, material supplied and work performed. Any owner of real estate installing or maintaining water service connections shall be considered as accepting provisions of all lawful rules and regulations of the City and as agreeing, in particular, to be liable for all water and service charges for those premises, whether the accounts for those premises are carried in the name of tenants or other persons.
(1987 Code 50.40)

921.16 SCHEDULE OF RATES.

The schedule of rates to be charged quarterly to all consumers using the water provided by the Division of Utilities of the Municipality, shall be as set forth in Exhibit "A", attached to original Ordinance 50-01, and incorporated by reference herein as if fully rewritten herein.
(Ord. 50-01. Passed 9-17-01.)

921.17 ADDITIONAL CHARGE FOR USERS OUTSIDE CORPORATE LIMITS.

An additional twenty-five percent (25%) shall be added to the rates and any and all fees, including those fees for water, shown in Section 921.10, served to customers outside the corporate limits of the City.
(1987 Code 50.42)

921.18 WATER METERS TO REGISTER CHARGES; PAYMENT REQUIRED REGARDLESS OF LEAKAGE.

(a) If a meter stops or fails to register or has become out of order between meter reading dates, an estimate of water consumed for the period shall be made by the City, the estimate to be based on the corresponding period of the preceding year or on the average established for that period. Meters damaged by misuse, frost, accident or any act of the consumer shall be repaired or replaced by the City at the expense of the consumer. Meters shall be removed only by authorized personnel of the City and no unauthorized person shall remove or tamper with water meters.

(b) The City may remove a meter from a consumer's premises at any time and may substitute the same for the purpose of testing or repairing meters. The City shall test any meter which, in the opinion of the consumer, is registering incorrectly. If the meter, upon being tested, proves to be registering correctly, the consumer shall pay the current charge for the test.

(c) Meters are to be kept easily accessible to meter readers and other authorized personnel of the City and no person shall permit meters to become covered or obstructed by rubbish or other material. No person shall install a water meter in a coal cellar.

(d) Multiple service shall not be permitted unless specifically authorized by Council. Water service provided by the City shall not be resold by any consumer.

(e) The City shall have no authority to make reductions or corrections in water bills where leakage or alleged leakage has occurred in any water pipe, tank or other apparatus or device. The amount of water registered by the meter serving the property shall be charged and paid for in full, irrespective of whether the water, after having been registered, was lost by leakage, accident or open faucets or otherwise. No rebate or discount shall be allowed because of leaks, open faucets or otherwise.
(1987 Code 50.43)

921.19 BYPASSING METER PROHIBITED.

(a) No person shall connect a pipe or other appliance to a water line which carries water to a meter so that the water may be obtained without its passing through the meter.

(b) No person shall knowingly use any water which has not passed through the meter when the premises where the water is used purchases its water by meter measure.
(1987 Code 50.44)

921.20 COLLECTION PROCEDURE; DELINQUENT CHARGES.

(a) The charge levied by or pursuant to this chapter shall be billed quarterly and shall be payable at any place officially designated by Council, and all checks, money orders and so forth, shall be payable to the Municipality.

(b) Delinquent bills shall be those bills not paid within twenty-five days after the date of billing. A final notice shall be sent to those residents, users or property owners whose bills are delinquent notifying those residents, users or property owners that their water service shall be disconnected if the final bill is not paid within ten days after the mailing date.

(1) Those residents, users or property owners whose accounts remain delinquent after this ten-day period shall have their water service discontinued, the service not being restored until the delinquent account has been remitted to the City Manager.

(2) A ten percent (10%) late fee penalty shall be added to all payments received after the net due date.

(c) Each charge levied pursuant to this chapter is made a lien upon the corresponding lot, land or premises served by a connection to the water system of the Municipality, and upon becoming delinquent, the water service may be shut off and the charges shall be certified to the County Auditor, who shall place the same on the tax duplicate of the county, along with the interest and penalties allowed by law. This charge, including interest and penalties, shall be collected as other taxes are collected.

(d) When service is shut off by reason of delinquency, it shall be restored when the off and on charge of ten dollars (\$10.00) has been paid to the City Manager, if the reconnection fee is paid during regular office hours from 8:30 a.m. to 4:00 p.m. All reconnects after 4:00 p.m. shall be charged twenty-five dollars (\$25.00).
(1987 Code 50.45(A) to (E))

(e) A returned check charge of twenty dollars (\$20.00) shall be in addition to the delinquent bill, if that payment by check has resulted in the check being returned to the City Manager.
(Ord. 7-91. Passed 6-3-91.)

921.21 JOINT COLLECTION OF SEWER, WATER AND REFUSE CHARGES.

The City Manager is directed to accept only the collection and payment of the entire joint statement for services rendered by City-owned and operated public utilities of water services and the services of the sanitary sewerage system and disposal plant, along with charges for garbage and trash collection, and not to accept collection of the charges for one of the services without collecting the charge for the other services.
(1987 Code 50.46)

921.22 RESPONSIBILITY FOR UNPAID RATES IF PREMISES HAVE BEEN SOLD.

(a) No person, agent, firm or corporation shall sell by deed, land contract or otherwise any interest in any premises within the City which is supplied with City water, sewer or refuse collection service without furnishing the buyer prior to such sale, a statement from the City setting forth the current status of the water account of the premises, and when an escrow has been established, depositing in escrow prior to delivery of possession or transfer of title a statement from the buyer acknowledging the receipt of this document and accepting responsibility for all future water bills in accordance with this section.

(b) No person, firm or corporation acting in the capacity of an escrow agent in any real estate transaction involving the sale of any premises situated in the City which is supplied with City water, sewer or refuse collection service shall disburse any funds unless the provisions of subsection (a) hereof have been met.

(c) Conviction under this section shall not be a bar to the rights of a buyer to recover by civil suit from either the previous owner (seller), real estate agent or escrow agent the amounts for water, sewer or refuse collection service supplied to the previous owner and paid by the buyer under the provisions of subsection (d) hereof.

(d) If any consumer refuses or neglects to pay any delinquent water, sewer or refuse collection bill, including the collection charge thereon, if any, the water sewer or refuse collection service shall be discontinued and shall not be turned on again until all charges due and payable have been paid. The provisions of this section shall apply whether or not there has been in the meantime a change of ownership or possession of the premises supplied, except in cases of bankruptcy or foreclosure proceedings.
(1987 Code 50.47)

921.23 PREVENTION PROCEDURES.

(a) When, in the judgment of the Director of Public Works or his/her designee, an approved backflow prevention device is necessary for the safety of the public water system, the Director of Public Works or designee shall give notice to the water user to install such an approved device. The water user shall, at his own expense, install such an approved device at a location and in a manner approved by the Director of Public Works or designee. The water user shall, at his own expense, have such inspections and tests made of such devices as are required by the Director of Public Works or designee.

(b) No person, partnership or corporation shall establish or permit to be established or maintain or permit to be maintained, any connection whereby a private, auxiliary, emergency, or other water supply other than the regular public water supply of the City may enter the supply or distribution system of said Municipality, unless such private, auxiliary, emergency or other water supply and the method of connection and use of such supply shall have been approved by the Director of Public Works.

(c) Temporary connections to the City water distribution system shall be protected against backflow by means of an air gap or other means approved by the Director of Public Works.

(d) It shall be the duty of the Director of Public Works to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be reported as often as the Director shall deem necessary.

(e) The Director or his duly designated representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply or distribution system of the City for the purpose of inspecting the piping system or systems thereof. On demand, the owner, lessee or occupants of any property so serviced shall furnish the Director with any information which is requested regarding the piping system or systems, or water use on such property. The refusal to provide such information, when demanded, may be deemed by the Director to be evidence of the presence of improper connection as provided in this section.

(f) The Director is hereby authorized and directed to discontinue, after at least seventy-two hours' notice, which notice is deemed to be reasonable notice, to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this section exists and immediately to take such other precautionary measures as may be deemed necessary to eliminate any danger of contamination of the public water supply. Water service which is disconnected pursuant to this section shall not be restored to such property until such connections shall have been eliminated or corrected in compliance with the provisions of this section. (Ord. 17-99. Passed 4-19-99.)

921.24 CITY'S RIGHT TO MAKE INSPECTIONS AND INVESTIGATIONS.

(a) Council is authorized to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as Council deems necessary.

(b) The Director of Public Service or his duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distributing system of the City for the purpose of inspecting the piping system or systems thereof. On demand, the owners, lessees or occupants of any property so served shall furnish to the Director any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded, shall, within the discretion of the Director, be deemed prima facie evidence of the presence of improper connections as provided in this subchapter. (1987 Code 50.56)

921.25 VIOLATIONS; DISCONTINUANCE OF SERVICE.

The Director of Public Service is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this subchapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this chapter. (1987 Code 50.57)

921.26 AUTHORITY OF COUNCIL.

(a) Council shall have complete charge of the operation of the waterworks, the maintenance, extension and improvement of the plant, furnishing of water and the establishment of rates. It shall be the duty of Council, and Council shall have the power, to make rules and regulations for the management and protection of the waterworks, the government of water users and others, in their relations to the City and the enforcement of tariff rates; to classify water services and establish, adjust and regulate the rates charged for the different classes of water services. The present rules and tariff of rates of the City shall be continued in force and effect until changed by Council. The rules, regulations and tariff of rates or charges therein which Council shall from time to time establish shall be in force and effect immediately upon being approved by Council, which approval shall be made by resolution.

(b) Council is authorized to establish rules and regulations governing terms and conditions upon which the owners of lots and lands within or without the corporate limits may connect to the City water system, which rules and regulations may be altered, amended or changed by Council from time to time. (1987 Code 50.60)

921.27 RIGHT OF ENTRY.

The City reserves the right, through its authorized agents, to enter at all hours, premises to which its service extends for the purpose of reading, repairing, installing, removing or inspecting meters, or for any other purposes which it may deem necessary in properly safeguarding the interests of the City and the consumer. When access is refused, the water shall be immediately turned off. Service shall not be restored until access to the premises is granted and the current service reconnect fee charge is paid by the consumer or owner of the property, this charge being a fixed fee also called an off and on charge. (1987 Code 50.61)

921.28 APPEAL PROCEDURE.

(a) If the water customer disagrees with a meter test or other procedures, he may appeal to Council in writing, stating the basis of his complaint.

(b) Appeals shall be submitted in writing, as set forth above, within ten days of the receipt of meter test results, or the receipt of the water bill, whichever is applicable to the bill. (1987 Code 50.75)

921.99 PENALTY.

Whoever violates any of the provisions of this chapter, where another penalty is not otherwise provided, shall be fined, for a first offense, not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or imprisoned not less than ten days nor more than 30 days, or both, and for a second or subsequent offense shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) or imprisoned not less than thirty days nor more than ninety days or both. (Ord. 3-97. Passed 1-21-97.)

CHAPTER 923
Sewer Regulations and Rates

923.01	Definitions.	923.10	Tap-ins and connections.
923.02	Manholes.	923.11	Installation of sewer lines; specifications.
923.03	Privies and cesspools.	923.12	Existing structures.
923.04	Unsanitary vaults; removal of contents.	923.13	Declaration of necessity for charges.
923.05	Resale of service prohibited.	923.14	Rates.
923.06	Sanitary Sewer Fund.	923.15	Payment of bills.
923.07	Authority of Council.	923.16	Delinquent charges; collection.
923.08	Construction, repairs and installation; plans, permit and bond required.	923.17	Responsibility for payment if premises have been sold.
923.09	Permit and entry fees.	923.99	Penalty.

CROSS REFERENCES

Power to construct sewerage system - see Ohio R.C. 715.40, 717.01
 Compulsory sewer connections - see Ohio R.C. 729.06
 Sewerage rates - see Ohio R.C. 729.49
 Management and control of sewerage system - see Ohio R.C. 729.50
 Regulations to control house sewers and connections - see Ohio R.C. 729.51
 Weekly deposit of sewer rentals collected - see Ohio R.C. 729.52
 Untreated sewage - see Ohio R.C. 3701.59
 Interference with sewage flow - see Ohio R.C. 4933.24
 Sewerage districts - see Ohio R.C. 727.44 et seq.
 Assessments - see Ohio R.C. Ch. 729
 Household sewage disposal systems - see OAC Ch. 3701-29

923.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Industrial wastes" means the liquid wastes resulting from any commercial, manufacturing or industrial operations or processes.
- (b) "Sanitary sewage" means the wastes from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, cellar floor drains, garage floor drains and drinking fountains.
(1987 Code 51.01)

923.02 MANHOLES.

All manholes shall be sealed inside and out with cast iron covers, the same to be installed at finished grade level, except manholes in a floodplain area, or other areas as determined by the City Engineer. The manhole covers in these areas shall be set at an elevation approved by the City Engineer.

(1987 Code 51.02)

923.03 PRIVIES AND CESSPOOLS.

No owner, agent, lessee, tenant or occupant of any land located within the City shall establish, construct, maintain or permit to remain a privy, cesspool or other receptacle for sewage or excreta, or a connection to a private sewer, ditch or other outlet, if the lot or land is accessible to a public sewer constructed and used for the purpose of conveying sewage, and if a public water main or other water supply satisfactory to permit use of plumbing is available. When the public sewer and water main or other water supply are available or are hereafter made available, a connection to the public sewer shall be established and used by such owner, agent, lessee, tenant or occupant.

(1987 Code 51.03)

923.04 UNSANITARY VAULTS; REMOVAL OF CONTENTS.

(a) No person, being the owner, lessor, occupant or person in charge of any premises upon which a privy vault, cesspool or septic tank is located, shall permit that vault, pool or tank, or any building fixture or device appurtenant thereto, to become foul, noisome, filthy or offensive to neighboring property owners.

(b) Whenever any part of the waste in any privy vault or cesspool extends to a point less than two feet below the surface of the ground adjacent thereto, or whenever use of any vault or cesspool is abandoned or where the use or maintenance is prohibited by ordinance or health order, the owner, lessor, occupant or person in charge of those premises shall cause the vault or cesspool to be emptied of its contents, thoroughly cleaned and disinfected and, if abandoned, to be filled with clean earth or mineral matter to the level of the adjacent ground.

(1987 Code 51.04)

923.05 RESALE OF SERVICE PROHIBITED.

Sanitary sewer service provided by the City shall not be resold or caused to be resold by any person.

(1987 Code 51.05)

923.06 SANITARY SEWER FUND.

The funds realized from the collection of the charges or rentals authorized by this chapter shall be accounted for and be known as the Sanitary Sewer Fund, and when appropriated by Council, shall be available for the payment of the cost and expenses of the management, maintenance and repair of the City sanitary sewerage system and the sewage pumping, treatment and disposal works. Any surplus in the Fund shall be used for the payment of the interest on bonds issued and outstanding or which may be issued to provide funds with which to pay the City portion of the cost of constructing the sanitary sewerage system or part thereof, and the sewage pumping, treatment and disposal works, and to retire those bonds when they mature, and for the enlargement or replacement of the sanitary sewerage system, pumping, treatment and disposal works.

(1987 Code 51.06)

923.07 AUTHORITY OF COUNCIL.

(a) Council is authorized to establish rules and regulations governing terms and conditions upon which the owners of lots and lands within or without the corporate limits may connect to the City sewerage system, which rules and regulations may be altered, amended or changed by Council from time to time.

(b) Council shall make and enforce any bylaws, rules and regulations as may be determined necessary for the safe, economical and efficient management and protection of the City sewerage system and the sewage pumping, treatment and disposal works, for the construction and use of sewers and connections to the sewerage system, and the regulation, rebating and refunding of those charges or rentals.

(c) The rules and regulations of Council hereinbefore referred to shall be continued in force and effect until changed by Council. Any alterations, changes or amendments in the rules and regulations shall be in force and effect immediately upon being approved by Council, which approval shall be made informally upon motion and shall be entered upon the minutes of Council, but shall not be published.

(1987 Code 51.07)

923.08 CONSTRUCTION, REPAIRS AND INSTALLATION; PLANS, PERMIT AND BOND REQUIRED.

(a) All persons, before commencing or proceeding with the installation, construction, alteration, repair or addition to the sewerage system in any of the streets or alleys in the City, shall first obtain a permit from the Division of Utilities and shall post a separate bond in the sum of one hundred percent (100%) of the estimated cost of construction as approved by the Director of Public Service before a permit will be issued.

(b) Prior to commencing construction of any work on water lines, sewer mains, lift stations or appurtenances, the owner, whether individual, corporation, partnership or otherwise, shall furnish to the City Engineer two complete sets of plans of the proposed development or construction. Application for sewer service, accompanied by drawings showing points of entry to each system, shall be made upon the form authorized by the City. Applications shall be directed to the City Engineer.

(c) Any applicant, before making application to the City for sewer services, shall obtain approval by the City Engineer of the plans and specifications of any appropriate board or agency having jurisdiction thereof. The approval shall be evidenced by writing, signed by an authorized representative thereof. All sewer line construction and installation of service lines and taps are subject to the City of Dayton Sewer Ordinance 21248, effective June 10, 1964, as amended.

(d) All persons, before commencing or proceeding with the installation of any sewer service improvements, shall obtain all permits as applicable from the City of Trotwood, City of Dayton and Montgomery County.

(1987 Code 51.25)

923.09 PERMIT AND ENTRY FEES.

(a) Permit and entry fees shall be as follows:

<u>Type of Building</u>	<u>Tap Fees</u>
Average residence	\$ 200.00
Apartments, per unit	
(one bedroom)	59.26
(two bedrooms)	118.52
(three bedrooms)	177.78
Assembly halls, per seat	.70
Barber shops, per chair	100.00
Beauty shops, per sink	56.40
Bowling lanes, per lane	140.74
Churches	
(small) per seat	.26
(large with kitchen) per seat	.38
Country clubs, per member	10.66
Drive-ins, per space	2.14
Food service operations	
restaurant (AC) return, per seat	7.62
(AC) nonreturn, per seat	15.62
(AC) air, per seat	5.18
curb service, per space	79.72
tavern (AC) per seat	14.96
Grocery store, per square foot	.32
Hospital	
(nonresident), per bed	106.44
(resident), per bed	306.30
Industries	
(light) per employee	6.40
(heavy) per employee	42.96
Laundries (coin-operated) per unit	140.88
Medical buildings, per doctor	408.80
Nursing and rest homes, per bed	50.00
Office buildings, per square foot	.14
Schools	
(elementary) per student	5.86
(high) per student	6.66
Service station, per bay	78.52
Shopping center, per square foot	.16
This classification is applicable for retail merchandising uses in all instances not herein otherwise specified.	
Trailer park, per space	82.22
Veterinarians, per square foot	.74

(b) The fees set forth in subsection (a) hereof have been determined and established on the basis of engineering surveys of the history of the City, to provide a basis for main construction and extension, and have been established to promote the orderly and economic growth of the City.

- (1) The fees set forth in subsection (a) hereof have been computed on a single-family residence being established as the basic unit for permit and entry fees.

- (2) The minimum charge for any single permit and entry fee shall be that sum set forth in subsection (a) hereof for single-family residences, which amount is likewise hereby established as the minimum payment required to be made at the time of the actual tap. For all uses other than and including a single-family residence, the minimum fee shall be applicable. For any permit and entry fee costing in excess of the minimum, the applicant shall not be required to pay the fee in full at the time application is made.
- (3) The minimum payment may be made and, upon written request, the applicant may, by entering into a contract with the City, which will include any and all applicable current interest and administrative fees, pay that fee in excess of the minimum on an extended payment plan over a period of not more than five years. The extended payment plan shall be applicable as follows:

<u>Amount</u>	<u>Months</u>
\$ 325.01 through \$ 650.00	12
650.01 through 1,300	24
1,300.01 through 2,600	36
2,600.01 through 5, 200	48
Any amount in excess of \$5,200.01	60

(c) The City may, in addition to other remedies provided herein or permitted by law, discontinue the service to the property served by a connection or tap-in in the event of failure to pay. The contract referred to in subsection (b) hereof provides, among other things, that the permit and entry fees herein established shall constitute a lien upon the corresponding lot, land or premises served by the connection to the water or sanitary sewer system of the City, and in the event the owner shall become in default for payment, the charge shall be certified to the County Auditor wherein that real estate is situated, who shall place the same on the tax duplicate of the county with the interest and penalties allowed by law, to be collected as other taxes are collected. In lieu of those lien rights, the owner may post adequate and sufficient surety bond with the City to secure payment.
(1987 Code 51.26)

923.10 TAP-INS AND CONNECTIONS.

(a) No tap to the sewer service shall be made without at least twenty-four hours' notice to the Director of Public Service or his authorized agent, prior to the date on which the tap is to be made. The cost of entrance installation and furnishing of meters is set by contract with the City of Dayton, and governed by the rules and regulations of the City of Dayton Water Department, effective July 1, 1959, and as amended. These rules and regulations are incorporated herein by reference as fully as if herein specifically set forth. A copy of the rules and regulations are on file with the City. The permit and entrance fee for sewer service shall cover the cost of all inspection by authorized personnel of the City. Saddle and sealing material, in addition to all other material required, shall be furnished by the contractor.

(b) All connections to sewer service shall be in accordance with the requirements set forth in the rules and regulations adopted by the City.
(1987 Code 51.27)

923.11 INSTALLATION OF SEWER LINES; SPECIFICATIONS.

(a) During construction, all sewer lines, including new lines, shall be kept tightly sealed at the inlet to prevent surface water from entering the line during the construction period, and shall remain so sealed until the building is under roof and all filling and grading is completed.

(b) No surface water shall be permitted to enter the sanitary sewer system at any time. Surface water, rain water from roofs, drainage from building foundations, cistern overflow, water from condensers, wastewater from water motors, air conditioners, elevators and any other clean and unobjectionable wastewater shall in no case be discharged into a sanitary sewer.

(c) Any installation shall be inspected and approved by an inspector designated by the City Engineer and shall be tested in accordance with the standards and specifications heretofore adopted by the City before covering up any work and prior to turning on the service or allowing any effluent to enter the sewer main. All excavations made on public thoroughfares shall have the dirt taken out, removed from the site and the trenches filled with gravel, as approved by the Director of Public Service. All expenses therefor shall be the obligation of the owner of the premises.

(d) No tap to the sewer service shall be made without at least twenty-four hours' notice to the City or its authorized agents, prior to the date on which the tap is to be made. The permit and entrance fee for sewer permits shall cover the costs of all inspections by authorized personnel of the City. The cost of entrance installation and furnishing of meters is set by contract with the City of Dayton, and governed by the rules and regulations of the City of Dayton Water Department, effective July 1, 1959, and as amended. These rules and regulations are incorporated herein by reference as fully as if herein specifically set forth. A copy of the rules and regulations is on file with the City. The permit and entrance fee for sewer service shall cover the cost of all inspection by authorized personnel of the City. Saddle and sealing material, in addition to all other material required, shall be furnished by the contractor.
(1978 Code 51.28)

923.12 EXISTING STRUCTURES.

(a) This subchapter and its provisions relating to charges for entry to the sewer system of the City shall also apply to reconstruction, alteration or conversion of any existing structure in the City, wherein the use of an existing sewer service is altered by the reconstruction, alteration or conversion.

(b) The additional tap-in charge shall be based upon the fee schedule set forth in Section 923.09(a), subject to terms and conditions of Section 923.09(b) and (c). A credit based upon the schedule of fees in Section 923.09(a) for the existing service as previously paid prior to reconstruction, alteration or conversion shall be allowed; however, the credit shall not exceed the actual tap-in charge due to the reconstruction, alteration or conversion thereof.

(c) This section shall apply whether or not reconstruction, alteration or conversion involves a new sewer service.
(1987 Code 51.29)

923.13 DECLARATION OF NECESSITY FOR CHARGES.

It is hereby determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the residents of the City, to levy and collect charges or rentals upon all lots, lands and premises served by having connections with the sanitary sewerage system and by the sewage pumping, treatment and disposal works of the City, the proceeds of those charges and rentals so derived to be for the use of the sanitary sewerage system and the pumping, treatment and disposal works of the City as hereinafter provided.
(1987 Code 51.40)

923.14 RATES.

For the purposes provided in Section 923.13, there is levied and assessed upon each lot, parcel of land, building or premises having any sewer connection with the sanitary sewerage system or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly into the City sanitary sewerage system, a sewerage service charge or rental payable as hereinafter provided, and in an amount determinable as follows:

- (a) For any lot, parcel of land, building or premises situated within the corporate limits and having any connection with the municipal sanitary sewerage system or otherwise discharging sanitary sewage, industrial waste, water or other liquids, either directly or indirectly, into the municipal sanitary sewerage system, a charge or rental shall be based upon the quantity of water used thereon or therein as the same is measured by the municipal water meter therein used, the charge therefore to be made quarterly or otherwise, at the discretion of Council. The schedule of rates to be charged quarterly to all consumers using the sewer provided by the Division of Utilities of the Municipality, shall be set forth in Exhibit "A" attached to original Ordinance 49-01, and incorporated by reference herein as if fully rewritten herein.
(Ord. 49-01. Passed 9-17-01.)

- (b) (1) For any lot, parcel of land, building or premises situated outside the corporate limits and having connection with the City sanitary sewerage system or otherwise discharging sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the City sanitary sewerage system, unless such usage of the City sanitary sewerage system is covered by a separate specific agreement specifying rates, terms and conditions of usage measured on a bulk or large quantity basis, the charge shall be based upon the quantity of water used thereon or therein as the same is measured by the water meter therein used, which meter shall be to the approval of Council, and the charge shall be made quarterly or otherwise, at the discretion of Council.
- (2) The rates to be charged quarterly shall be as authorized in subsection (a) hereof, plus twenty-five percent (25%) for billing purposes.
- (c) In the event of a lot, parcel of land, building or premises discharging sanitary sewage, industrial wastes, water or other liquids into the City sanitary sewerage system, either directly or indirectly, is not a user of water supplied by the City and the water used thereon or therein is not measured by a City water meter or by a meter acceptable to Council, then in each case the amount of water so used shall be otherwise measured or determined by Council in order to determine the sewer service charge or rental provided in this chapter, or the owner or other interested party, at his expense, may install and maintain a meter acceptable to Council for such purposes.
- (d) In the event a lot, parcel of land, building or premises discharges industrial wastes, whether directly or indirectly into the City sanitary sewerage system, and Council finds that it is not practical to attempt to measure the wastes by meter, Council shall measure those wastes in a manner and by any method as it may find practicable in the light of the conditions and attendant circumstances of the case, in order to determine the sewer service charge or rental, according to the corresponding rates provided in this chapter.

- (e) In any case not clearly defined or capable of being classified in the above schedule of rates, the same shall be subject to rates established by Council.
- (f) Future rates shall be automatically adjusted to coincide with the amount of increase and effective dates established from time to time by the City of Dayton, Ohio, the supplier of water service to the City of Trotwood.
(1987 Code 51.41)

923.15 PAYMENT OF BILLS.

The charges or rentals levied pursuant to this chapter shall be collected by the City Manager and shall be payable at any place officially designated by Council, and all checks, money orders and the like, shall be made payable to the City.
(1987 Code 51.42)

923.16 DELINQUENT CHARGES; COLLECTION.

(a) The charge levied by or pursuant to this chapter shall be billed quarterly and shall be payable at any place officially designated by Council, and all checks, money orders and so forth, shall be payable to the City. Delinquent bills shall be those bills not paid within twenty-five days after the date of billing.

- (1) A final notice shall be sent to those residents, users or property owners whose bills are delinquent notifying the residents, users or property owners that their sewerage service shall be discontinued if the final bill is not paid within ten days after the mailing date. Those residents, users or property owners whose accounts remain delinquent after this ten-day period shall have their sewerage service discontinued, this service not being restored until the delinquent account has been remitted to the City Manager and Finance Director.
- (2) A ten percent (10%) late fee penalty shall be added to all payments received after the next due date.

(b) Each charge levied pursuant to this chapter is made a lien upon the corresponding lot, land or premises served by a connection to the sewerage system of the City, and upon becoming delinquent, the sewerage service may be shut off and the charges shall be certified to the County Auditor, who shall place the same on the tax duplicate of the county, along with the interest and penalties allowed by law. This charge, including interest and penalties, shall be collected as other taxes are collected.

(c) When service is shut off by reason of delinquency, it shall be restored when the current off and on charge has been paid, if the reconnection fee is paid during regular office hours from 8:30 a.m. through 4:00 p.m. All reconnects after 4:00 p.m. shall be charged the current higher "off times" charge.
(1987 Code 51.43(A) to (C))

923.17 RESPONSIBILITY FOR PAYMENT IF PREMISES HAVE BEEN SOLD.

For provisions governing this situation, see Section 921.22.
(1987 Code 51.44)

923.99 PENALTY.

(a) Whoever violates any of the provisions of this chapter, where another penalty is not otherwise provided, shall be fined, for the first offense, not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or imprisoned not less than ten days nor more than 30 days, or both, and for a second or subsequent offense shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) or imprisoned not less than thirty days nor more than ninety days or both.
(Ord. 4-97. Passed 1-21-97.)

(b) Whoever violates Section 923.11 is guilty of a minor misdemeanor for each offense. Each day's violation shall constitute a separate offense after a period of thirty days following the original conviction.

(c) Whoever violates any provision of Section 923.04 is guilty of a misdemeanor of the third degree, for each offense. Each day a privy vault or cesspool or other repository is maintained in violation of those provisions shall be deemed a separate offense.

CHAPTER 927
Garbage and Rubbish Disposal

<p>927.01 Definitions.</p> <p>927.02 Unlawful deposits.</p> <p>927.03 Receptacles required.</p> <p>927.04 Placement of receptacles.</p> <p>927.05 Removal of empty receptacles.</p> <p>927.06 Bundling trash.</p> <p>927.07 Collection failures to be reported.</p>	<p>927.08 Authorized agents only to collect.</p> <p>927.09 Transporting garbage.</p> <p>927.10 Charges and collection; delinquent bills.</p> <p>927.11 Removal of grass, leaves, and other yard waste; fees.</p> <p>927.99 Penalty.</p>
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CROSS REFERENCES

Contracts with county garbage and rubbish disposal districts - see Ohio R.C. 343.08

Collection and disposal of garbage - see Ohio R.C. 715.43, 717.01

Employment of scavengers - see Ohio R.C. 3707.39

Disposal and transportation upon public ways - see Ohio R.C. 3767.20 et seq.

Vehicle loads dropping, sifting, leaking - see TRAF. 339.08

Littering - see GEN. OFF. 521.08

927.01 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Discarded household goods" means:
- (1) Furniture, springs and mattresses, stoves, ranges, refrigerators, dishwashers, dryers, water heaters, wood not over thirty-six inches in length, toys, porcelain, carpeting (bundled and tied not to exceed three square feet per bundle), leather, rubber products (excluding tires), tree trimmings (bundled and tied not to exceed three square feet per bundle), trees and tree limbs under thirty-six inches in length, whole Christmas trees and excessive fruit from trees on residential property and other similar items.
 - (2) Excluded items from "discarded household goods" means garbage, dirt, stones, fruits from farms or orchards, broken concrete and other refuse from repairs, alterations and new construction of buildings and sidewalks, tree limbs over thirty-six inches in length, tree trunks, stumps and debris from commercial or industrial establishments.

- (b) "Household garbage" means putrescible waste and includes every refuse accumulation of animal, fruit and vegetable matter used or intended for food for man or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables. This meaning excludes excess fruit from trees.
- (c) "Household rubbish" means combustible and incombustible rubbish and debris ordinarily produced in households, including, but not limited to rags, glass, crockery, bottles, tin cans, paper, grass cuttings, leaves, hedge cuttings, household refuse, newspapers, magazines, cardboard (broken down and bundled) and other similar items; exclusive of discarded household goods, ashes from heating plants and coal stoves, refuse and repairs, alterations and new construction of buildings and sidewalks.
(1987 Code 52.15)

927.02 UNLAWFUL DEPOSITS.

No person shall deposit any garbage, trash, rubbish, junk or other refuse into or upon any drain, gutter, waterway, alley, sidewalk, street or vacant lot within the City limits.
(1987 Code 52.16)

927.03 RECEPTACLES REQUIRED.

(a) Every owner, occupant, tenant or lessee using or occupying any building, structure or dwelling unit for residential, church, school, commercial, industrial or institutional purposes, shall provide and maintain garbage and rubbish cans or receptacles of sufficient number and type as hereinafter specified, to contain the garbage and rubbish that will normally accumulate on the premises.

(b) All household garbage and rubbish except tree and brush trimmings properly bundled shall be placed in containers as provided in Section 1345.04 of the Property Maintenance Code.

(c) All grass and leaves set out by residential household users shall be placed in plastic bags as heretofore authorized.

(d) All nonresidential garbage and rubbish shall be placed in containers of a size and construction that may be required by a private contract hauler, subject to the approval of the Director of Public Service.

(e) The use of tubs, buckets, baskets of all kinds, boxes, crates and barrels as containers is prohibited.
(1987 Code 52.17)

927.04 PLACEMENT OF RECEPTACLES.

Containers for all residential garbage and rubbish shall be placed at the alley line or street curb on the day of collection. Where there is no alley or street curb, the containers shall be placed for collection so that the collector is not required to go more than ten feet beyond the edge of the street pavement for collection purposes. In the event that it is not practicable to place containers for collection as specified above, the Director of Public Service shall determine the location of the containers and the additional cost that will be charged by the collector for this service.
(1987 Code 52.18)

927.05 REMOVAL OF EMPTY RECEPTACLES.

Empty containers shall be removed from the curb line or from the edge of the pavement by the owner or occupant of the premises and returned to the original storage place behind the building setback line within twenty-four hours after the contents have been removed.
(1987 Code 52.19)

927.06 BUNDLING TRASH.

If rubbish and debris is of such a nature that it cannot be put in the regulation containers, it shall be placed in bundles not to exceed fifty pounds in weight nor three feet in length.
(1987 Code 52.20)

927.07 COLLECTION FAILURES TO BE REPORTED.

Every owner, occupant, tenant or lessee is required to maintain surveillance over the garbage and trash storage, handling and collection on his premises. If regular collection is not provided for a period of over seven days, he shall notify the Director of Public Service in writing of this fact within five days.
(1987 Code 52.21)

927.08 AUTHORIZED AGENTS ONLY TO COLLECT.

No person other than the duly authorized agents of the City, shall convey or transport on the streets, alleys or public thoroughfares of the City, garbage or trash from residential premises.
(1987 Code 52.22)

927.09 TRANSPORTING GARBAGE.

No garbage shall be removed or hauled over any of the streets or alleys of the City, except in vehicles with steel bodies and with watertight compartments with lids or covers tightly covering the same, and all vehicles shall meet these specifications and comply with those regulations and requirements as the County Department of Health may designate.
(1987 Code 52.23)

927.10 CHARGES AND COLLECTION; DELINQUENT BILLS.

(a) For the purpose of this chapter, "dwelling unit" means a building or portion thereof providing living facilities for one family or housekeeping unit. In the case of two-family or multiple family dwellings, each unit therein shall be charged the charge mentioned below for those services.
(1987 Code 52.24(A))

(b) Collection and removal of garbage, rubbish and debris from dwelling units and buildings used for residential purposes shall be made at least once each week. Each dwelling unit within the Municipality shall be charged nine dollars and forty-five cents (\$9.45) per calendar month for such residential service payable in advance to the Municipality. Such charge shall be collected in the same manner as water and sewer charges are collected. Delinquent bills shall be those bills not paid within twenty-five days after the date of billing. A ten percent (10%) late fee

penalty shall be added to all payments received after the net due date. Each charge levied pursuant to this chapter is made a lien upon the corresponding lot, land or premises provided with refuse collection services. Unpaid charges shall be certified to the Auditor of Montgomery County who shall place the same on the tax duplicate of the county along with the interest and penalties allowed by law. Such charges, interest and penalties shall be collected as other taxes are collected.

Residential units in an apartment complex of four or more residential units or where a residential unit is located in an urban area that cannot be serviced by alley or street curb collection provided by the Municipality may, with the approval of the Director of Public Service, provide for their own garbage, rubbish and debris collection through a private contract hauler other than the one provided by the Municipality, paying the charges for such services directly to the private contract hauler.

For the purpose of this chapter, "dwelling unit" means a building or portion thereof providing living facilities for one family or housekeeping unit. In the case of two-family or multiple family dwellings, each unit therein shall be charged the aforementioned charge for such services. (Ord. 13-02. Passed 5-20-02.)

927.11 REMOVAL OF GRASS, LEAVES AND OTHER YARD WASTE; FEES.

The collection and removal of grass, leaves and other yard waste from dwelling units and buildings used for residential purposes shall be made separate and apart from other garbage and rubbish collection and disposal service.

All yard waste must be placed in specially marked yard waste bags as approved by the City. Said yard waste bags may be obtained at the Trotwood Government Center, 35 North Olive Road, during normal business hours. An additional fee of one dollar and twenty-five cents (\$1.25) will be charged for each yard waste bag which is necessary and reasonable to cover administrative costs and any additional charges for the disposal of such yard waste. In the event yard waste is placed in an unapproved trash bag, the trash hauler is not required to remove the bag for disposal. (Ord. 6-99. Passed 2-1-99.)

927.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. (Ord. 6-99. Passed 2-1-99.)

TITLE FIVE - Other Public Services
Chap. 951. Parks and Recreation.

CHAPTER 951
Parks and Recreation

<p>MUNICIPAL PARK LANDS AND FACILITIES</p> <p>951.01 Compliance.</p> <p>951.02 Prohibited activities.</p> <p>951.03 Posting of rules and regulations.</p> <p>TROTWOOD COMMUNITY CENTER AND PARK PAVILION</p> <p>951.04 Community Center.</p> <p>951.05 Park Pavilion.</p> <p>951.06 Reservations.</p>	<p>951.07 Requests for use.</p> <p>MUNICIPAL POOL</p> <p>951.08 Definitions.</p> <p>951.09 Fees.</p> <p>951.10 Hours.</p> <p>951.11 Closing pool.</p> <p>951.12 Use of pool.</p> <p>951.99 Penalty.</p>
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CROSS REFERENCES

Land appropriation for parks - see Ohio R.C. 715.21, 719.01
 Playgrounds - see Ohio R.C. 755.12 et seq.
 Park and Recreation Board - see CHTR. 7-1, 7-7
 Vandalism - see GEN. OFF. 541.04

MUNICIPAL PARK LANDS AND FACILITIES

951.01 COMPLIANCE.

Any and all lands owned by the City shall be considered for the purposes of this chapter as municipal park lands and facilities and subject to the rules and regulations set forth in this chapter. (1987 Code 96.01)

951.02 PROHIBITED ACTIVITIES.

The following activities are prohibited in municipal park lands and facilities, as set forth and described more particularly in this section.

- (a) Vehicles; Bicycles; Horses. All vehicles, including any type of motorized vehicle, minibikes, trail bikes, mopeds, motorcycles and the like are prohibited in municipal park lands.

- (1) Bicycles shall be permitted in municipal park lands, when operated on authorized bicycle paths.
- (2) All horses, ponies and the like, as well as any type of equestrian activity of any nature, are prohibited in municipal park lands.
- (b) Pets to be Kept on Leash. All pets within the Municipal park lands shall be kept on a leash.
- (c) Trash and Litter to be Placed in Designated Containers. No person shall throw any trash or litter in municipal park lands or facilities, except in designated containers for the purpose of holding such trash or litter. Park dumpsters and trash containers may not be used in any manner as a disposal site for trash, rubbish or discarded items, which trash or rubbish was created outside the park land area and/or is private garbage. In particular, such items as mattresses, clothes, discarded furniture and the like are not to be disposed of at any trash and rubbish container in any park area.
(1987 Code 96.02)
- (d) Use of Alcoholic Beverages. No person shall use or permit the use of any alcoholic beverage within the municipal park lands or facilities except at City sponsored events, the City Community Center and the Community Park pavilion, and then only upon compliance with all ordinances and statutes, and the approval of the Parks and Recreation Director upon application made for such purpose. The decision of the Parks and Recreation Director shall be final.
(Ord. 17-00. Passed 9-5-00.)
- (e) Possession of Firearms Prohibited. No person shall possess, carry or use any firearms, air guns or missiles within the municipal park lands or facilities.
- (f) Gambling. No person shall gamble or use any gambling device, or permit gambling or the use of gambling devices on any municipal park land property or facility. This prohibition shall not extend to gambling conducted for charitable purposes when so conducted in compliance with all applicable City regulations and state statutes (see Chapter 517 of the General Offenses Code).
- (g) Fires. No person shall set any fire, except in duly designed cooking pits. All fires shall be completely extinguished by users of municipal park lands or facilities, prior to leaving those fires unattended.
- (h) Camping. No person shall camp or permit the camping of others within the municipal park lands or facilities.
- (i) Solicitation Prohibited. No person shall solicit for any business, cause or organization, or solicit any person using the municipal park lands or facilities.
- (j) Swimming. Swimming in the municipal pool shall be permitted in accordance with the rules and regulations of the pool. Swimming within Sycamore Woods Lake is specifically prohibited and is further prohibited in any and all bodies of water which cross or traverse municipal park land or facilities.
- (k) Boats and Rafts.
 - (1) Canoeing, and sailboats not longer than fourteen feet in length, shall be permitted in Sycamore Woods Lake.
 - (2) Motor boats and rafts, including rubber rafts of any type, are specifically prohibited in Sycamore Woods Lake.
- (l) Scuba Diving. Scuba diving shall be specifically prohibited in Sycamore Woods Lake except as a part of a police, firefighter or rescue service organization and with permission from the Parks and Recreation Director.
- (m) Fishing. Fishing in Sycamore Woods Lake shall be permitted in accordance with state law, including possession of a valid license.

- (n) Ice Skating. Ice skating is specifically prohibited within the municipal park lands or facilities unless specifically sponsored and monitored by the City Parks and Recreation Department.
(1987 Code 96.02)

951.03 POSTING OF RULES AND REGULATIONS.

The rules and regulations set forth in Section 951.02 shall be posted for public viewing in at least two locations in each area of each municipal park land or facility in abbreviated form.
(1987 Code 96.03)

TROTWOOD COMMUNITY CENTER AND PARK PAVILION

951.04 COMMUNITY CENTER.

(a) First Priority Use. The City hereby establishes a first priority use for the Community Center that City-sponsored or co-sponsored functions, Trotwood-Madison School District sponsored or co-sponsored functions and other federal, state and local government sponsored or co-sponsored functions utilizing the Community Center shall represent a first priority. In such cases of first priority no fee charge shall be assessed.

(b) Second Priority Use. The City hereby establishes as second priority the use by all private and/or general social functions utilizing the Community Center in accordance with the following rate schedule:

- (1) Ballroom use. All residents and nonresidents of the City shall be charged the rate as established by Council from time to time. A deposit fee for the use of the ballroom shall be as established by Council from time to time for residents and nonresidents.
- (2) Meeting room. The meeting room at the Community Center shall be rented to residents and nonresidents of the City at a rate as established by Council from time to time. A deposit fee for the use of the meeting room shall be as established by Council from time to time for residents and nonresidents.
- (3) Kitchen. The kitchen at the Community Center shall be rented to residents and nonresidents of the City at a rate as established by Council from time to time.

(c) Third Priority Use. The third priority use for the Community Center shall be as follows:

Any service organization with its principal place of organization located within the City, and whose active membership consists of more than fifty percent (50%) City residents, shall not be charged for the use of the Community Center for regularly scheduled business meetings, if such regularly scheduled business meetings are submitted to the City Manager and Program Co-Ordinator in advance with thirty days' written notice, and such business meetings are conducted at such times, dates and intervals when the Community Center is not in use under the first and/or second priority use above. All such use by City service organizations shall be within the regularly scheduled business hours of 12:00 noon to 9:00 p.m., Monday through Thursday.
(Ord. 19-98. Passed 9-21-98.)

(d) There is hereby established a committee consisting of the City Manager, Law Director and a member of Council selected by a majority vote of Council. The committee, by majority vote of its members, shall have the authority to grant waivers of the fees established for use of the Community Center. Such waivers shall be granted only to service and other organizations with their principal place of organization located within the City and who meet the following criteria:

- (1) The organization shall have as its principal purpose the promotion of the health, welfare, safety, education, recreation or general well being of a significant portion of the citizens of the City;
- (2) The organization shall have been in existence for at least five years;
- (3) The organization must establish that a financial hardship exists which justifies the waiver.

The decision of the committee regarding the granting of waivers shall be final and not subject to appeal to the Council. (Ord. 16-99. Passed 4-5-99.)

(e) Any person or organization providing false information regarding the residing of an individual or the residing of members of an organization to City officials in order to obtain use of the Community Center at a lower fee or no fee shall be prohibited from using the Community Center for any purpose for a period of one year. (Ord. 19-98. Passed 9-21-98.)

951.05 PARK PAVILION.

The City establishes the following policies and fee schedules for the rental of the Park Pavilion:

- (a) Alcohol consumption shall be permitted at the Park Pavilion during the period of November 1 through March 31 of each calendar year.
- (b) The consumption of alcohol shall be limited to the confines of the Pavilion building, and further limited to the time periods of:
 - (1) 7:00 p.m. to 1:00 a.m. on Monday through Thursday.
 - (2) 1:00 p.m. to 1:00 a.m. on Friday through Sunday.
- (c) During the period of April 1 through October 31, alcohol consumption shall not be permitted, unless otherwise specified and permitted by the City Manager and Program Co-Ordinator.
- (d) Rates for the rental of the Park Pavilion shall be in the amount as established by Council from time to time.
- (e) Any usage of the Community Center and/or the Park Pavilion over the allotted time limit shall be at the per hour rate for each building as established by Council from time to time.
- (f) The rental period for the Community Center and the Park Pavilion shall terminate no later than 1:00 a.m. on the date following rental, at which time the structure and grounds shall be completely vacated by the applicant and guests. (1987 Code 96.21)

951.06 RESERVATIONS.

Reservations for the use of the Community Center and the Park Pavilion shall be by completion of a facility use agreement form approved by the City Manager and Program Co-Ordinator. All such forms shall be signed by the individuals accepting responsibility for the reservation and shall contain, in addition, a deposit for such facility as specified in this subchapter for the specified use to be given at the time of the reservation. (1987 Code 96.22)

951.07 REQUESTS FOR USE.

All requests for the use of the Community Center and the Park Pavilion shall be scheduled and approved through the office of the City Manager and the Program Co-Ordinator, with copies furnished to each individual officer. (1987 Code 96.23)

MUNICIPAL POOL**951.08 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Family" means a father and/or mother and all children living in the household. "Family" shall not include married children living with parents, nor dependent children (full-time student or otherwise) over eighteen years of age.

(1987 code 96.35)

951.09 FEES.

(a) Season Pass. The rates for season passes for individuals, families and couples shall be in the amount established by Council from time to time.

(b) Daily Admission. The fee schedule for daily admission shall be in the amount as established by Council from time to time.

- (1) Guest fees shall be in the amount per day (those who are nonmembers accompanied by a pool member) as established by Council from time to time.
- (2) Walk-ins shall be in the amount per day (those who are not accompanied by a pool member) as established by Council from time to time.
- (3) Children under the age of five years may be admitted free when accompanied by a parent.

(c) Pool Rental.

- (1) The municipal pool shall be available Monday through Saturday from 8:00 p.m. until 12:00 a.m., with the exception of scheduled special events, for rental purposes. Rates shall be in the amount as established by Council from time to time.
- (2) A deposit fee, payable in advance, shall be required to reserve the date. The deposit shall be held until an inspection is made by the Pool Manager and/or his designee. Until such time as the municipal pool is inspected for damage and/or litter, the City may retain any or all of the security deposit to cover costs of restoring the pool and grounds to their original condition. The City reserves the right to take any action deemed necessary to recover the costs of damages in excess of the full deposit.
(1987 Code 96.36)

951.10 HOURS.

(a) Municipal pool hours are hereby designated as follows:

- (1) 12:00 noon to 7:00 p.m., Monday through Saturday.
- (2) 12:00 noon to 6:00 p.m., Sundays.

(b) Sundays are reserved for the exclusive use of pool members. No walk-ins shall be admitted, unless otherwise specified and permitted by the Program Co-Ordinator and/or his designee or the Pool Manager.

(1987 Code 96.37)

951.11 CLOSING POOL.

The City or its designee reserves the right to close the pool on days when the temperature is consistently below sixty degrees Fahrenheit and/or inclement weather persists.
(1987 Code 96.38)

951.12 USE OF POOL.

The Parks and Recreation Department and/or its designee shall provide written rules and regulations for the use of the pool, in addition to the above schedule of fees and hours. Such rules shall be posted in a conspicuous location for inspection by pool users as well as the general public.
(1987 Code 96.39)

951.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the third degree punishable by imprisonment for not more than sixty days, or a fine of not more than five hundred dollars (\$500.00), or both. Each day such violation continues after conviction for a violation shall be a separate offense.
(1987 Code 96.99)