

**CODIFIED ORDINANCES OF GENEVA-ON-THE-LAKE**

**PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE**

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**TITLE ONE - Street and Sidewalk Areas**

Chap. 901. Sidewalks, Curbing and Aprons.

Chap. 905. Cutting into Roadway, Sidewalks or Curb Cuts.

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**CHAPTER 901**  
**Sidewalks, Curbing and Aprons**

<b>901.01</b>	<b>Nuisances.</b>	<b>901.10</b>	<b>Aprons and driveways.</b>
<b>901.02</b>	<b>Inspections; notice to correct.</b>	<b>901.11</b>	<b>Notice to install sidewalks and curbs.</b>
<b>901.03</b>	<b>Extensions.</b>	<b>901.12</b>	<b>Application to install or replace.</b>
<b>901.04</b>	<b>Decorative blocks.</b>	<b>901.13</b>	<b>Appeals.</b>
<b>901.05</b>	<b>Specifications.</b>	<b>901.14</b>	<b>Fines.</b>
<b>901.06</b>	<b>Compliance required.</b>	<b>901.15</b>	<b>Repair by Village.</b>
<b>901.07</b>	<b>Access ramps.</b>		
<b>901.08</b>	<b>Faulty curbs defined.</b>		
<b>901.09</b>	<b>Curb replacement.</b>		

**CROSS REFERENCES**

Construction or repair at owner's expense - see Ohio R.C. 729.01 et seq.  
 Notice to construct or repair sidewalk - see Ohio R.C. 729.03 et seq.  
 Duty to keep sidewalk clean and in repair - see GEN. OFF. 521.06

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**901.01 NUISANCES.**

The following conditions are deemed unsightly or dangerous conditions for sidewalks in the Village, and constitute public nuisances:

- (a) Height differential between portions or cracks of sidewalks five eighths of an inch or more.

- (b) Multiple cracks in block creating the appearance of three or more distinct pieces. (Block is scored area, usually ranging from 2 to 5 square feet.)
- (c) Abrupt dip or raised area in walk being two and three quarters inches or more from a straight line grade within a ten foot distance.
- (d) Spalled or scaled surface over fifty percent or more of surface area.
- (e) Gaps or missing areas in walk exceeding one and one half inch wide crack.
- (f) Loose, rocking or missing sidewalk areas.
- (g) Blocks having reverse cross slopes sloping away from street or sloped reverse from intended slope and causing impounding of mud and water.
- (h) Too severe a slope, exceeding three-fourths inch vertical in a one foot horizontal area. Surface too smooth, surface slippery when wet and/or dry, such as a smooth steel plate, or smooth steel troweled concrete.
- (i) Obstructions in sidewalk area such as stumps, stones, private sign posts or any unauthorized obstruction in the sidewalk area.  
(Ord. 2006-64. Passed 9-18-06.)

#### **901.02 INSPECTIONS; NOTICE TO CORRECT.**

The Mayor or his/her designee shall periodically inspect the sidewalks and curbs within the Village and shall mark with a red "X" those sidewalk panels, aprons and curbs that do not comply with the standards set forth in this chapter. The Mayor, or his/her designee, shall then notify in writing the landowner abutting such sidewalk, apron or curb by certified mail, or by personal service, of the nature of the violation, and shall further notify them that they have forty-five days from the date of the letter to replace the sidewalk, curb or apron in accordance with village standards and those set forth in this chapter. Any landowner so notified after October 1st of any year shall have forty-five days from April 1st of the following year to so comply. In the event that the certified letter should be returned and personal service not obtained, service may be made by regular mail at the last known address of the landowner, or as a last resort by publication for two weeks in a newspaper of general distribution in Ashtabula County.  
(Ord. 2006-64. Passed 9-18-06.)

#### **901.03 EXTENSIONS.**

The Mayor, upon finding that the deadline set forth in Section 901.02 works a serious hardship on the landowner, may in his/her discretion, extend the time for compliance for one time only for a period up to four additional months. No further extensions shall be granted without the concurrence of the Mayor and a majority of Council.  
(Ord. 2006-64. Passed 9-18-06.)

#### **901.04 DECORATIVE BLOCKS.**

Nothing in this chapter shall be construed to prohibit or restrict the use of existing decorative sidewalk blocks or designs, but all future decorative sidewalks shall have the written approval of the Planning Commission prior to construction or installation.  
(Ord. 2006-64. Passed 9-18-06.)

#### **901.05 SPECIFICATIONS.**

All sidewalks within the public right of way in the Village shall be maintained, repaired or constructed to the following specifications:

- (a) All sidewalks within the Village right of way shall follow Ohio Department of Transportation, ODOT, specifications as found applicable resources to include the most recent publication of the ODOT Location & Design Manual and ODOT Construction & Material Specifications and Federal Highway Standards Pedestrians and Accessible Design, and Federal Pedestrian & Bicycle Safety or as approved and required by the Village Engineer.

- (1) All concrete used in sidewalks shall conform to Ohio Department of Transportation specifications for Class QC-1 concrete (six and one-half sacks of cement per cubic yard) or better as approved by the Village Engineer.
- (2) All sidewalks within the Village right of way shall meet ADA requirements and guidance found in ODOT specifications
- (b) Except as provided in this section, no sidewalk shall be less than five feet in width from the edge of the curb, or if no curb, from the edge of the roadway.
  - (1) Sidewalks on the south side of Lake Road (State Rte. 531 ), running from the east line of Jolly Drive to the western-most boundary of Yale Drive, shall begin eight feet from the curb and run a minimum of six feet wide to the curb, except that any existing sidewalk within or outside of said eight feet of the curb or edge of the road, and used for public passage, ingress or egress, shall be maintained in conformity with this chapter.
  - (2) Sidewalks on the north side of Lake Road (State Rte. 531), running from a line extending from the easternmost line of Jolly Drive east to the easternmost boundary of 5243 Lake Road, shall be a minimum of six feet wide and shall be placed within six feet of the curb or edge of the road, except that any existing sidewalk further than six feet from the curb or edge of the road, and used for public passage, ingress or egress, shall be maintained in conformity with this chapter.
  - (3) This section shall not be construed to require any landowner to expand the width of any existing sidewalk beyond four feet until such time as twenty-five percent (25%) of the sidewalk panels abutting said landowner's property fail to comply with the standards set forth in this chapter, at which time all of the sidewalk panels abutting said landowner shall be replaced and expanded in accordance with subsection (b)(2) or (b)(1) hereof.
  - (4) If sidewalks are less than sixty inches (five feet) wide, passing spaces must be constructed every 200 feet. These passing spaces (which could be a driveway or wider section of concrete) need to be at least sixty inches on all sides.
- (c) Sidewalks shall be four inches thick, except in driveways and aprons, where they shall be six inches thick. Driveways and aprons shall conform to the requirements set forth in subsection (a) above, excluding the requirements for slope.
- (d) For placing and finishing, the sub grade shall be moistened thoroughly, immediately prior to placing concrete. The concrete shall be deposited in a single layer. Sidewalks shall be scored and brush finished in squares equal to the width of the sidewalk. All outside edges and joints shall be edged with a one-quarter inch radius edging tool.
- (e) All concrete shall be poured upon being mixed and shall be six to nine percent of entrained air and a standard slump test of not more than four inches; only as much concrete shall be poured at one time as can be completely finished in one hour.
- (f) Expansion joints are put in place before the concrete is poured. Expansion joints are used to allow the slab to move and not put stress on whatever it abuts. Expansion joints shall be provided at intervals of not over sixty feet. Expansion joint filler one-fourth of an inch thick shall be installed between the walk and any fixed structure, extending the full depth of the walk.
- (g) The surface of the walk shall have a transverse of one-fourth of an inch per foot, with the low side adjacent to the roadway and above the lowest point of the roadway.

- (h) In the repair of existing walks, there shall be no patching of partial block. When damaged or otherwise in need of replacement, a block shall be repaired in its entirety, unless part of a monolithic pour.
- (i) A block shall be considered the area between intervals when control joint cuts are in use or the area between expansion joints.
- (j) Joining new concrete to old or existing concrete pins may require to prevent movement, expansion, and cracking. Use of pins determined by size of repair. any repair minimum of four feet in length shall require pins. The pins will be a minimum of ½ rebar. Determination of use of pins will be made by Village Administrator, Village Engineer or designee.
- (k) Concrete control joint allows the slab to crack, during expansion and contraction, in a known location and in a straight line. Concrete control joints should be no less than ¼ of the total thickness of the slab (one inch deep for a four inch thick pour) and placed no less than two to three times (in feet) the thickness (in inches) of the slab (eight to twelve feet apart for a four inch thick pour). Control joints can be "created" while the concrete is being poured by using a tool to make the joint. These joints can also be cut into the slab once the slab has cured enough to prevent chipping during the cut.
- (l) A monolithic pour shall be the area between expansion joints and may have control joint cuts. A monolithic pour shall be replaced in its entirety when the integrity of the monolithic pour has been damaged or disturbed.
- (m) When excavations are made in sidewalks or hard-surfaced driveway aprons within the public right-of-way by a landowner, utility, or responsible party, for any other reason, the sidewalk block, monolithic pour, or driveway apron so excavated shall be replaced in its entirety; however, the designated project area shall be replaced in its entirety when twenty percent (20%) or more of the lineal feet of the designated project area has been damaged or disturbed in sidewalk or hard-surfaced driveway aprons within the right-of-way.
- (n) Sidewalk slopes shall be less than 1:20
- (o) Safety is the responsibility of the landowner, public utility, or contractor and shall include traffic control and industry standard work zone safety when working within the right of way.
- (p) Equipment must have proper protection of underground utilities and roadway pavement or concrete to include matting or plating during staging, construction, or loading and unloading.
- (q) When specification within this section conflicts with ODOT specification, the Village Engineer shall make a determination.  
(Ord. 2022-59. Passed 7-18-22.)

#### **901.06 COMPLIANCE REQUIRED.**

No person shall construct or repair a sidewalk in the Village that does not comply with the specification set forth above in Section 901.05.  
(Ord. 2006-64. Passed 9-18-06.)

#### **901.07 ACCESS RAMPS.**

Each landowner or tenant constructing or repairing sidewalks-curbs at any street corner shall provide access ramps on both sides of the corner so as to be accessible to wheelchairs. The ramps shall be constructed so the plane of the sidewalk blends smoothly and without interruption into the plane of the street. Such ramps shall be not less than 40 inches wide and shall conform to the specifications for curb ramps of the Ohio Department of Transportation or the Federal Department of Transportation.  
(Ord. 2006-64. Passed 9-18-06.)

**901.08 FAULTY CURBS DEFINED.**

Faulty curbs are defined as follows and shall be replaced:

- (a) Those curbs with visible cracks, missing pieces, rebar showing, loose pieces or otherwise unsafe.
- (b) Any curb less than one inch high from the edge of the road.  
(Ord. 2006-64. Passed 9-18-06.)

**901.09 CURB REPLACEMENT.**

(a) For faulty curbs, the Mayor or his/her designee shall mark such curb and notify the landowner adjacent to the curb in accordance with Section 901.02 and the landowner shall replace the curb in accordance with Sections 901.02 and 901.03. Whenever possible, sidewalks and curbs requiring replacement shall be poured at the same time.

(b) When so notified by the Mayor or his/her designee pursuant to subsection (a) hereof, the landowner shall remove the old curbing and replace it with a curb four inches high from the edge of the road, unless waived by the Mayor or his/her designee for any of the following reasons, provided that in no circumstance will the Mayor or designee allow a curb so low that it is likely storm water from the street will back up onto the sidewalk:

- (1) Drainage water is directed onto land of adjacent landowners.
- (2) The curb height, which dictates sidewalk height, could adversely affect access to any buildings on the premises, or could adversely affect the street, or otherwise create a hazard to the public or landowner.

(c) Replacement curbs must have the same width as the old curb, rounded at the top, keyed into the street at least two inches below the edge of the road, be perpendicular to the road, and be in general conformity to the adjacent curbing. The landowner, and his/her contractors, shall be liable for any damage to the roadway and or restoring the roadway and gutters, if any, to their condition prior to the replacement.  
(Ord. 2006-64. Passed 9-18-06.)

**901.10 APRONS AND DRIVEWAYS.**

(a) An apron is an entrance onto a public street for the purpose of providing access to a private street or a private driveway, and extends the minimum distance required for sidewalks from the edge of the roadway.

- (b) Faulty aprons are defined as those aprons which meet any of the following:
- (1) Aprons which are not constructed solely of asphalt or concrete.
  - (2) Aprons which extend into the roadway from the edge of the curb.
  - (3) Aprons which have holes or for which any part is crumbling or missing.
  - (4) Aprons which present any hazard to pedestrian or vehicular traffic.

(c) The Mayor shall mark and notify the landowner of any faulty apron in accordance with Section 901.02 and the landowner shall replace the ordinance pursuant to Sections 901.02 and 901.03. For those aprons serving private streets, repair of the apron shall be the responsibility of each landowner owning frontage on said private drive, and each shall be notified in accordance with Section 901.02.

- (d) All aprons shall meet the following conditions:
- (1) They shall be constructed from concrete or asphalt.
  - (2) They shall not extend into the roadway.

- (3) The surface shall be smooth and free of holes, dips.
- (4) They shall not present any hazard to pedestrian or vehicular traffic.  
(Ord. 2006-64. Passed 9-18-06.)

#### **901.11 NOTICE TO INSTALL SIDEWALKS AND CURBS.**

Council may, by ordinance, direct any landowner to install curbing or sidewalks where none currently exist. The provisions of Sections 901.02 and 901.03 shall govern the manner in which said landowners are notified and the manner in the timetable in which they are required to comply with the installation of the curbing or sidewalk.  
(Ord. 2006-64. Passed 9-18-06.)

#### **901.12 APPLICATION TO INSTALL OR REPLACE.**

Any landowner or public utility seeking to install or replace a sidewalk, curb or apron shall file an application with the Mayor or Mayor's designee, accompanied by an application fee set by Ordinance. Said application shall contain the name and address of the landowner or public utility seeking the permit, the address and location of the site where the work is to be done, and the name and address of the contractor, if any, performing the work. Thirty (30) days prior to commencement of the work, the landowner or public utility shall notify the Mayor or Mayor's designee of the commencement of the work and the Mayor, or designee, shall inspect the proposed work within this period and notify the landowner or public utility of any defect in the proposed work. If the work complies with this chapter, or if thirty (30) days pass and the Village has yet to inspect the work, the work shall be approved. The landowner, public utility, his heirs and assigns and successors in interest, bear the full responsibility of any defect in the work.  
(Ord. 2022-59. Passed 7-18-22.)

#### **901.13 APPEALS.**

Any landowner affected by the decision of the Mayor or his/her designee relating to the terms and conditions of this chapter, may appeal that decision to Council by filing a written notice with the Clerk within ten days of the notice for which they are appealing. Said appeal shall be scheduled for the next regular meeting of Council and notice shall be sent to the landowner appealing. The landowner may testify or present evidence to Council and Council may overturn the Mayor's decision by 2/3 majority vote of Council.  
(Ord. 2006-64. Passed 9-18-06.)

#### **901.14 FINES.**

Any landowner that fails to comply with this chapter shall be subject to a fine of fifty dollars (\$50.00) per day for every day after the day upon which notice of the violation is mailed or personally served.  
(Ord. 2006-64. Passed 9-18-06.)

#### **901.15 REPAIR BY VILLAGE.**

In addition to the penalty set forth in this chapter, the Village may by additional resolution condemn the sidewalk, curb or apron as a public nuisance, make the repairs itself to the sidewalk, curb or apron, and assess the costs and ten percent (10%) to the real estate taxes of the landowner.  
(Ord. 2006-64. Passed 9-18-06.)



**CHAPTER 905**  
**Cutting into Roadways, Sidewalks or Curb Cuts**

<p><b>905.01</b> Curb cutting, permit, fee and deposit.</p> <p><b>905.02</b> Street opening; excavation; permit required; application information.</p> <p><b>905.03</b> Hazardous openings prohibited.</p> <p><b>905.04</b> Restoration deposit, amount and refund.</p> <p><b>905.05</b> Performance bond.</p>	<p><b>905.06</b> Insurance.</p> <p><b>905.07</b> Plate covering, barricades and warning lights.</p> <p><b>905.08</b> Permanent or temporary filling.</p> <p><b>905.09</b> Permittee's damage liability.</p> <p><b>905.10</b> Permit duration, unreasonable work delay and partial restoration.</p> <p><b>905.99</b> Penalty.</p>
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**905.01 CURB CUTTING, PERMIT, FEE AND DEPOSIT.**

(a) No person other than a duly authorized employee or agent of the Village shall make any opening in or cut or remove any curb or curbing in any of the streets, alleys or other public roadways or thoroughfares or sidewalk within the Village without first obtaining a permit to do so.

(b) The permit shall be issued by the Mayor or his/her designee and shall be conditioned on the fact that the permittee agrees to restore the curb or sidewalk to its former condition in the event the driveway or other use for which the curb was cut is abandoned or discontinued. (Ord. 35-2005. Passed 6-6-05.)

(c) A permit is required for the cutting of any curb or sidewalk. A fee of one hundred dollars (\$100.00) shall also be required prior to the issuance of a curb cut permit. The work shall be completed to the satisfaction of the Mayor, Administrator, or their designee, without damage to the surrounding pavement, remaining curb or treelawn. (Ord. 2020-81. Passed 12-21-20.)

**905.02 STREET OPENING; EXCAVATION; PERMIT REQUIRED;  
APPLICATION INFORMATION.**

(a) No person other than a duly authorized employee or agent of the Village shall make, or cause to be made, any excavation, trench or other opening in any portion of any street, alley or other public right of way or thoroughfare, paved or unpaved, or tunnel under such roadway or thoroughfare from one side to another, within the Village without obtaining a permit from the Mayor/Administrator prior to the commencement of any work.

(b) An applicant for such permit shall file an application with the Mayor or Administrator, setting forth the type of pavement, location, purpose, kind, number and size (area and depth) of openings or excavations to be made, the estimated time such excavations are to remain open, and such other facts as may be required by the Mayor/Administrator.

(c) The Mayor/Administrator shall, upon the filing of an application as provided for herein, investigate the same and, if she deems it necessary, issue a permit to the applicant authorizing such person to tunnel or make the openings or excavations at the places and times and for the purpose set forth in the application.

(d) Prior to the issuance of any street excavation or tunneling permit, the applicant shall pay a fee of one hundred dollars (\$100.00) and shall further agree to conform to and abide by all provisions imposed by any Village ordinance or other law, and the rules, regulations and specifications as may be promulgated by the Mayor/Administrator.  
(Ord. 2011-40 Passed 5-16-11.)

**905.03 HAZARDOUS OPENINGS PROHIBITED.**

No street excavation permit shall be issued for any excavation, trench or other opening in any street or alley which by its nature will unreasonably impair or interfere with the use of such street or alley by the public, or create a serious traffic, safety or other like hazard.  
(Ord. 35-2005. Passed 6-6-05.)

**905.04 RESTORATION DEPOSIT, AMOUNT AND REFUND.**

(a) In addition to the required permit fee, an applicant for a street excavation or tunneling permit shall post a deposit with the Village in the amount or amounts indicated below, the same being deemed sufficient and necessary to cover repair expenses and other costs, as follows:

- |     |  |   |
|-----|--|---|
| (1) | Any opening within the paved portion of any roadway, up to thirty square feet        | \$500.00  |
| (2) | Any opening within the paved portion of any roadway, greater than thirty square feet | \$500.00 plus<br>\$ 30.00 per each<br>additional square<br>foot beyond thirty |
| (3) | Tunneling under a paved roadway  | \$1,000.00  |

(b) The Village shall specify in the permit the required steps the applicant must utilize in order to restore the road including, but not limited to: the timetable in which the roadway must be backfilled, paved and otherwise completed, the amount and type of backfill used to refill the road cut, the type of asphalt to be used for the repaving and any special instructions as to the manner in which the pavement is to be filled, sealed and blended into the roadway.

(c) If the work is completed satisfactorily and in compliance with the permit, the Village shall return the deposit to the applicant ninety days after completion.

(d) In the event that the work is not completed satisfactorily and in compliance with the permit, the Village may make such corrections itself and reimburse its costs from the deposit placed by the bond returning the unused balance to the applicant. Any costs in excess of the deposit shall be assessed against the applicant.  
(Ord. 2011-40. Passed 5-16-11.)

#### **905.05 PERFORMANCE BOND.**

(a) The Mayor/Administrator may, in their discretion accept in lieu of the deposits set forth in Section 905.04 a performance bond from a licensed insurance company for the amount of the deposit considering such factors as the Mayor/Administrator may deem appropriate, including but not limited to: excessive amounts required for a deposit associated with a large paving project, the risk to Village roads and private property, the reputation and experience of the applicant or its contractor.

(b) Performance bonds accepted by the Mayor/Administrator by authority of this section shall be in an amount not less than two thousand five hundred dollars (\$2,500.00).

(c) Performance bonds shall be filed with the Fiscal Officer and shall not expire less than 180 days from the date of the most recent permit issued to the applicant.  
(Ord. 2011-40. Passed 5-16-11.)

#### **905.06 INSURANCE.**

(a) In addition to the deposit or bond requirement of Sections 905.04 and 905.05, every applicant shall, as a condition of any permit being issued pursuant to this chapter, maintain contractor's comprehensive general and automobile liability insurance, or its equivalent, extended (or by means of a separate policy) to include liability for damage caused by explosion, collapse, underground work, independent contractors, products and completed operations, together with owner's protective liability, with not less than the following policies limits:

- (1) The policy or policies or insurance required by this section shall have a policy limit for bodily injury and property damage of not less than five hundred thousand dollars (\$500,000) for each occurrence.
- (2) Such policy or policies of insurance shall name the Village as an additional insured for all work performed within the Village limits.
- (3) Such policy or policies of insurance shall contain the following special provision: The company agrees that ten days prior to cancellation, material alteration or reduction of the insurance afforded by this policy with respect to the permit involved, written notice shall be sent by certified mail to the Village of Geneva-on-the-Lake.

(b) All insurance herein specified shall be with a company authorized to do business in the State and acceptable to the Mayor/Administrator.  
(Ord. 35-2005. Passed 6-6-05.)

#### **905.07 PLATE COVERING, BARRICADES AND WARNING LIGHTS.**

The Mayor/Administrator may require that all trenches or unfilled openings be covered by a metal plate sufficient to maintain uninterrupted vehicular or pedestrian traffic and may further specify the type and number of barricades, signs and warning lights as may be necessary to reasonably and adequately protect the public against injury to any person or property.  
(Ord. 35-2005. Passed 6-6-05.)

**905.08 PERMANENT OR TEMPORARY FILLING.**

(a) All temporary filling of any excavation, trench or other street opening shall be the primary responsibility of the permittee until the permanent restoration of the roadway pavement is completed.

(b) All permanent backfilling or temporary fills shall be of a quality and composition as may be required by the Mayor/Administrator.

(c) All dirt, gravel, sand, etc., used to fill any excavation, trench or other opening as aforesaid, shall be tamped in layers not exceeding six inches in thickness.

(d) Temporary fills shall be kept even with the existing road surface level at all times. (Ord. 35-2005. Passed 6-6-05.)

**905.09 PERMITTEE'S DAMAGE LIABILITY.**

The full primary responsibility for any excavation, trench or other street opening shall be that of the permittee who shall at all times agree to keep the same properly guarded and enclosed so that the safety of pedestrian and vehicular traffic shall be assured. This responsibility shall continue until permanent replacement of the roadway pavement to its original status is made, and shall include the defense, settlement and payment of any and all claims, actions and court judgments for all damages or injuries arising in any way out of the creation of maintenance of the excavation, trench or opening by the permittee.

(Ord. 35-2005. Passed 6-6-05.)

**905.10 PERMIT DURATION, UNREASONABLE WORK DELAY AND PARTIAL RESTORATION.**

(a) Unless otherwise extended by the Mayor/Administrator, all permits shall expire thirty days after issuance.

(b) All work shall be promptly commenced and shall be performed without any unnecessary or undue delay.

(c) Openings or trenches shall not be allowed to remain in an open condition for any greater period than is reasonably necessary to expeditiously complete the work.

(d) In any extensive street excavation operation, the Mayor/Administrator may require such continuous or partial permanent restoration or temporary filling as she deems necessary to maintain a reasonable flow of vehicular or pedestrian traffic.

(Ord. 35-2005. Passed 6-6-05.)

**905.99 PENALTY.**

Any person found violating any provision of this chapter shall be subject to a mandatory fine of one hundred dollars (\$100.00) per day for each day that each violation continues to exist. (Ord. 2011-40. Passed 5-16-11.)

**TITLE THREE - Utilities**

- Chap. 920. Placement of Underground Utilities.
  - Chap. 921. Sewers.
  - Chap. 929. Water.
  - Chap. 937. Storm Water Drains, Ditches and Culverts.
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**CHAPTER 920  
Placement of Underground Utilities**

- 920.01 Underground utilities required.**
  - 920.02 Exceptions to requirement of underground utility facilities.**
  - 920.03 Waiver.**
  - 920.04 Maintenance.**
  - 920.99 Penalty.**
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**920.01 UNDERGROUND UTILITIES REQUIRED.**

(a) All utility facilities to be located, other than on existing above-ground utility facilities, or utility facilities to be relocated within the Village, including without limitation utility facilities located or relocated as part of a public improvement project, shall be placed underground within dedicated utility easements or streets, alleys, properties and rights-of-way of the Village. As used herein, public improvement project is defined as all improvements that will be dedicated to the Village for public use, prior to or upon completion, regardless of funding source.

(b) As used herein "utility facility" means all lines, poles, conduits, pipes, posts, tanks, vaults, wires, equipment and appurtenances above or below ground in streets, alleys, utility easements, properties, and rights-of-way of the Village, used or useful in supplying electric, communication, television signal services, gas, sanitary, storm or any other public or private utility. (Ord. 2022-68. Passed 10-24-22.)

**920.02 EXCEPTIONS TO REQUIREMENT OF UNDERGROUND UTILITY FACILITIES.**

The following aboveground utility facilities are permitted:

- (a) Poles used exclusively for police and fire alarm boxes, traffic control facilities or any similar municipal equipment installed under the supervision and to the satisfaction of the Village Administrator or designee.
- (b) Street lighting systems and lighting units comprised of poles, standards, luminaries, conductors and appurtenant equipment for street lighting systems and for area lighting.
- (c) Radio antennas and associated equipment, including supporting structures. This exception does not include facilities extending to and from such equipment.
- (d) Temporary utility facilities used for supplying services to new construction, or for maintaining services during periods of restoration or replacement.
- (e) Electric and telephone service terminals and splices in pedestals; enclosed pad mounted distribution transformers; pad mounted distribution equipment; riser facilities for connecting approved distribution lines to existing distribution lines.
- (f) Service equipment and connections mounted against walls of buildings served, including gas and electric risers and meters and communication or television risers and terminals.
- (g) Those utility facilities that require connection with existing above ground utility facilities that are located adjacent to the Village's municipal boundaries, and due to such required connection, cannot be structurally placed underground.  
(Ord. 2022-68. Passed 10-24-22.)

**920.03 WAIVER.**

A waiver from the application of this chapter may be granted by Geneva-on-the-Lake Village Council upon application that compliance with the provisions herein is impracticable. As a condition for granting a waiver, Village Council may require the utility facilities to be screened to minimize their visual impact.

(Ord. 2022-68. Passed 10-24-22.)

**920.04 MAINTENANCE.**

(a) All utility facilities shall be installed and maintained in accordance with this chapter and the National Electrical Safety Code, DOT Pipeline Safety Code and the National Fuel Gas Code.

(b) Village Engineer and Village Administrator is authorized and directed to promulgate rules and standards for the construction of underground utility facilities and that are not in conflict with this chapter.

(Ord. 2022-68. Passed 10-24-22.)

**920.99 PENALTY.**

(a) No subdivision, preliminary or final plat approval shall be granted unless such subdivision, preliminary or final plat complies with the terms of this chapter.

(b) Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the first degree and punished as provided in Section 501.99 of the Codified Ordinances. Each day, or portion thereof, during which the violation is committed, continued or permitted to continue shall constitute a separate offense and shall be punishable as such. In addition, the Village shall have the light to institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the illegally located or installed utility. (Ord. 2022-68. Passed 10-24-22.)

**CHAPTER 921**  
**Sewers**

<b>921.01</b>	<b>Levy of direct charges.</b>	<b>921.08</b>	<b>Enforcement.</b>
<b>921.02</b>	<b>Payment; lien.</b>	<b>921.09</b>	<b>Sewer credit for swimming pools.</b>
<b>921.03</b>	<b>Tap-in fees.</b>	<b>921.10</b>	<b>Capital Improvement Fund charge.</b>
<b>921.04</b>	<b>Sanitary sewer lateral permit; inspection; fees.</b>	<b>921.11</b>	<b>Septage treatment and disposal.</b>
<b>921.05</b>	<b>Connection permit.</b>	<b>921.12</b>	<b>Septage enterprise fund.</b>
<b>921.06</b>	<b>Prohibited discharges.</b>	<b>921.99</b>	<b>Penalty.</b>
<b>921.07</b>	<b>Construction specifications.</b>		

**CROSS REFERENCES**

Power to license sewer tappers and vault cleaners - see Ohio R.C. 715.27  
 Power to regulate water closets and privies - see Ohio R.C. 715.40  
 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 (By Council)  
 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

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**921.01 LEVY OF DIRECT CHARGES.**

To pay for the cost and expense of maintaining, siting and improving the Wastewater Collection System and Treatment Plant of the Village of Geneva on the Lake, there shall be and is hereby levied upon each lot and premises on which is located any building which has installed thereon any connection with the Wastewater Collection system a direct lien as follows:

- (a) Premises located within the corporate limits of the Village of Geneva on the Lake.

For premises within the corporate limits discharging wastewater or industrial wastes, either directly or indirectly into the Wastewater system, there shall be a minimum monthly charge and a charge based on cubic feet of water consumption per month:

Effective January 1, 2023

First 50 cubic feet	\$21.85
Each 100 cubic feet thereafter	5.47
CIF Debt Retirement charge	2.65

The minimum monthly charge shall be as indicated per month or part thereof.

- (b) Premises located outside the corporate limits of the Village of Geneva on the Lake.

For premises outside the corporate limits discharging wastewater or industrial wastes, either directly or indirectly into the Wastewater system, there shall be a minimum monthly charge and a charge based on cubic feet of water consumption per month:

Effective January 1, 2023

First 50 cubic feet	\$43.75
Each 100 cubic feet thereafter	11.11
CIF Debt Retirement charge	5.31

The minimum monthly charge shall be as indicated per month or part thereof.

- (c) The fiscal officer is directed to collect the monthly CIF surcharge and deposit it in a separate account designated to pay sewer indebtedness.
- (d) In case of discontinuance of actual occupancy and use of the building or premises for any period of time during the monthly billing period, the final bill shall be based on the measured service, except that in no case shall the final bill be less than the minimum monthly rate.
- (e) In case of a building or premises discharging either wastewater or industrial waste, or both, either directly or indirectly into the Wastewater System, and said user is not a user of city water, and is not in possession of a water meter, then in such case the amount of water consumption on such premises shall be otherwise measured or determined by the mayor and such user shall be charged based on the determined water rate consumption per month in accordance with the rates set forth in this section. (Ord. 2022-76. Passed 9-19-22.)



**921.02 PAYMENT; LIEN.**

(a) The sewer charge hereby levied by this chapter shall be paid monthly to the Village at its collection office or at the Office of the Consumers Ohio Water Company or its financial collection agencies on or before the 15th day of the monthly collection period (due date). In the event said sewer charge is not paid on or before the 15th day of the monthly collection period (due date), said account shall be charged an additional fifteen percent (15%) of the gross amount each month until said delinquent sewer account is paid in full.

(b) The sewer rates including the minimum monthly charge set forth in this chapter are net rates and apply only with respect to bills paid within fifteen days of their due date. The gross rates, which are the rates set forth above in Section 921.01 plus an additional fifteen percent (15%) apply to all bills that are not paid within fifteen days of their due date.

(c) Each assessment, sewer charge levied by or pursuant to this chapter is hereby made a lien upon the corresponding building or premises serviced by such connection, and, if not paid within thirty days, after written notice to the property owner requesting payment of the delinquent amount, then the delinquent amount due together with an additional delinquent assessment charge of one hundred dollars (\$100.00) for each certified delinquent account shall be levied and certified to the Ashtabula County Auditor and collected in the same manner as other Village taxes. (Ord. 1220. Passed 6-21-04.)

**921.03 TAP-IN FEES.**

The charge for new tap-ins to the wastewater system of the Village effective June 1, 2004 shall be as follows:

	Within Village	Outside Village
(a) Single Family Home	\$2,500.00	\$5,000.00
(b) Multi-Family Housing plus each additional unit	\$2,500.00 \$ 350.00	\$5,000.00 \$ 700.00
(c) Condominiums, Hotel, Motel, Trailer Park, Campgrounds and other similar facilities	\$3,500.00 plus \$ 450.00 per unit	\$7,000.00 \$ 900.00

The unit is defined as apartment, motel/hotel room, trailer space, or campground unit.

(d) Tap-in fees shall be paid to the Village Clerk at least five days prior to starting work on said sewer project. (Ord. 1220. Passed 6-21-04.)

**921.04 SANITARY SEWER LATERAL PERMIT; INSPECTION; FEES.**

(a) Prior to beginning any installation or repairs or improvements on a privately owned sewer lateral or line, including tap-ins, connections or reconnections into a public sewer, the landowner or his designee shall apply for and obtain a permit from the Village, which application shall:

- (1) Provide the name, address, phone number and email address of the landowner.
- (2) Provide the name, address, phone number and email address of the contractor, including a copy of the contractor's liability insurance which shall be a minimum of \$500,000.00.
- (3) Describe the work to be done, including a drawing showing property lines and rights of way and the location of the work to be done.

- (4) And shall be accompanied by a Sanitary Sewer permit fee in the amount of two hundred dollars (\$200.00).  
(Ord. 2020-81. Passed 12-21-20.)

(b) Prior to covering any lateral or sewer line work, the landowner or his designee shall have such work inspected by the Village to determine compliance with federal, state and local guidelines. The inspector shall certify compliance by signifying the same on the permit issued by the Village. No person shall cover, or otherwise impede a visual inspection of any lateral or sewer line work without obtaining the inspector's signature that the work complies with federal, state and local regulations. (Ord. 2016-13. Passed 3-7-16.)

(c) The Village shall charge as an inspection fee an hourly rate of twenty-five dollars (\$25.00), but in no event less than \$50.00 for inspection services lasting more than one hour. The landowner shall be responsible for any fees. (Ord. 2020-81. Passed 12-21-20.)

(d) Any person who violates any provision of this section shall be fined five hundred dollars (\$500.00). (Ord. 2016-13. Passed 3-7-16.)

#### **921.05 CONNECTION PERMIT.**

(a) No unauthorized person shall uncover, make any connections with, or opening into, use, alter or disturb any public sewer or appurtenance thereof with the Village without first obtaining a written permit issued by the Superintendent of the Waste Water Treatment Plant and Sewer Collection System and the Ashtabula County Health Department if their regulations require it.

(b) Before the issuance of said permit, an application for said permit shall be signed by the owner, agent or lessee of the property for which a connection is to be made, and by the persons, firm or corporation employed to perform the work and must describe the property, size of line, materials to be used and fixtures to be connected, together with a tap-in fee as set forth in Section 921.03 which shall not be returnable.

(c) No person, firm or corporation employed to perform said work shall construct or connect or make any connections to a public sewer system of the Village of Geneva-on-the-Lake, unless they have been authorized to do so by the Superintendent of the Waste Water Treatment Plant and Sewer Collection System, the Village Administrator or the Village Council.

(d) The written permission to construct a sewer or to make a connection to a public sewer shall specify the permissible use of such sewer and connection and such specifications shall be governed by the following requirements.  
(Ord. 1220. Passed 6-21-04.)

#### **921.06 PROHIBITED DISCHARGES.**

(a) Sewage, meaning sanitary waste from household use, as well as a business use, such as sinks, urinals, lavatories, bath tubs, floor drains, or any other objectionable waste shall be discharged into a sanitary sewer and in no case discharged into a storm water sewer.

(b) Industrial waste, may be discharged into a sanitary sewer if the waste is of such character as not to be detrimental to the sewer system or to the sewage treatment works. Where such waste is detrimental to the sewer system or the sewage treatment works, it shall be otherwise disposed of in a satisfactory manner or so improved in character as not to be detrimental to the sewer system or the sewage treatment plant.

(c) Surface water, rain water from roofs, sub soil drainage, building foundations drainage, street drainage, or any other unobjectionable waste water shall be discharged into the storm water sewer system and in no case discharged into the sanitary sewer system.

(d) Connections with cesspools, privy vaults, holding tanks, or dumping stations shall not be made into a sanitary sewer or any other sewer without a special permit issued by the Superintendent of Waste Water Treatment Plant and Sewer Collection System, the Village Administrator and Council.

(e) A trap for the interception of grease and oil shall be provided on a connection from a hotel, restaurant, club or institution. Such traps shall be maintained to the satisfaction of the Superintendent of the Waste Water Treatment Plant and Sewer Collection System.

(f) It shall be unlawful for any person to discharge or tap into the Village sanitary sewer system for the purpose of discharging into it any waste or drainage water prohibited by law and contrary to the provisions of this section. Any existing connections in violation of the provisions of this section shall be abandoned and immediately removed.

(Ord. 1220. Passed 6-21-04.)

#### **921.07 CONSTRUCTION SPECIFICATIONS.**

(a) All sewers and connections to the Village Sanitary Waste Water System shall be constructed in the manner and in accordance with the specifications and regulations established and promulgated by the Village and its authorized official.

(b) After the sewer line is laid and before it is backfilled, the sewer line must be inspected by the Superintendent of the Waste Water Treatment Plant and Sewer Collection System, or his authorized agent.

(c) The backfilling of the sewer lines shall be done in accordance with the specifications and regulations established and promulgated by the Village and its authorized agent.

(d) In the event that it is necessary to excavate or dig in the street for the laying of or repair a sewer line, a street opening permit must be obtained from the Mayor of the Village of Geneva-on-the-Lake, together with the appropriate deposit to insure proper workmanship and backfill. (Ord. 1220. Passed 6-21-04.)

#### **921.08 ENFORCEMENT.**

The Superintendent of the Waste Water Treatment Plant and Sewer Collection System is authorized and directed to enforce specifications and regulations of this chapter for the purpose of providing control of the installation of sewer connections and inspection thereof. The Superintendent of the Waste Water Treatment Plant and Sewer Collection System shall maintain accurate and complete records of all permits issued for and inspections made of the construction of house sewers and connections to the public sewers. He shall also require the abandonment and removal of connections to the public sewers which violate the provisions of this chapter, when he deems it proper and is so authorized by the Village Administrator.

(Ord. 1220. Passed 6-21-04.)

#### **921.09 SEWER CREDIT FOR SWIMMING POOLS.**

(a) The Village hereby establishes a sewer credit for all persons filling swimming pools within the Village in order that they not be charged additional sewer charges for such water consumption, provided the owners:

- (1) Make written application to the Mayor for such credit.

- (2) Provide the Mayor with verified and documented water consumption for the sole purpose of filling such pool.
- (3) Provide the Mayor with satisfactory proof that draining the pool does not involve the Village sanitary sewer in any manner.

(b) Upon submission of such an application, and satisfactory evidence of the amount of water used and that no water is drained into the sanitary system, the Mayor shall send notice to the County Environmental Services notifying them that the landowner is entitled to a full credit for water used in the swimming pool.

(c) The Fiscal Officer is directed to forward a copy of this section to Ashtabula County Environmental Services and to those business owners within the Village with swimming pools. (Ord. 2008-61. Passed 7-21-08.)

**921.10 CAPITAL IMPROVEMENT FUND CHARGE.**

To pay for the cost and expense of maintaining, siting and improving the Wastewater Collection System and Treatment Plant of the Village of Geneva on the Lake, there shall be and is hereby levied upon each lot and premises on which is located any building which has installed thereon any connection with the Wastewater Collection system a direct lien as follows:

- (a) Premises located within the corporate limits of the Village of Geneva on the Lake.

For premises within the corporate limits discharging wastewater or industrial wastes, either directly or indirectly into the Wastewater system, there shall be a minimum monthly charge and a charge based on cubic feet of water consumption per month:

Effective January 1, 2023

First 50 cubic feet	\$21.85
Each 100 cubic feet thereafter	5.47
CIF Debt Retirement charge	2.65

- (b) The minimum monthly charge shall be as indicated per month or part thereof. Premises located outside the corporate limits of the Village of Geneva on the Lake.

For premises outside the corporate limits discharging wastewater or industrial wastes, either directly or indirectly into the Wastewater system, there shall be a minimum monthly charge and a charge based on cubic feet of water consumption per month:

Effective January 1, 2023

First 50 cubic feet	\$43.75
Each 100 cubic feet thereafter	11.11
CIF Debt Retirement charge	5.31

The minimum monthly charge shall be as indicated per month or part thereof.

- (c) The fiscal officer is directed to collect the monthly CIF surcharge and deposit it in a separate account designated to pay sewer indebtedness.

- (d) In case of discontinuance of actual occupancy and use of the building or premises for any period of time during the monthly billing period, the final bill shall be based on the measured service, except that in no case shall the final bill be less than the minimum monthly rate.
- (e) In case of a building or premises discharging either wastewater or industrial waste, or both, either directly or indirectly into the Wastewater System, and said user is not a user of city water, and is not in possession of a water meter, then in such case the amount of water consumption on such premises shall be otherwise measured or determined by the mayor and such user shall be charged based on the determined water rate consumption per month in accordance with the rates set forth in this section. (Ord. 2022-76. Passed 9-19-22.)

### **921.11 SEPTAGE TREATMENT AND DISPOSAL.**

(a) For purposes of this section, septage is defined as septic tank waste or waste from privately owned and operated package sewage treatment plants.

(b) No person or business entity shall dispose of septage at the Village Wastewater Treatment Plant without complying with all the provisions of this section.

(c) No person shall dispose of any of the following substances into the Village wastewater treatment system:

- (1) Any industrial wastes.
- (2) Arsenic, barium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver and zinc and any other “heavy metals”.
- (3) Any waste from any medical or dental facility.
- (4) Grease, gasoline or oil or any other petroleum product or byproduct.

(d) A person or business entity wishing to dispose of septage at the Village Wastewater Treatment Plant shall apply each year for a septage license to the Mayor of the Village and shall pay a license fee each year in the amount of two hundred dollars (\$200.00). The Mayor shall maintain a list of all such haulers. Such application shall provide as follows:

- (1) The name, address and phone number of the hauler.
- (2) A description of each vehicle the applicant shall use to haul septage, including the year and make of the vehicle, its license number and the capacity of the vehicle in gallons to hold septage.
- (3) Proof of liability insurance in the amount of at least one million dollars (\$1,000,000) and proof that the hauler is fully licensed with the appropriate state and local authorities. (Ord. 2009-40. Passed 5-4-09.)

(e) Any person disposing of septage at the Village Wastewater Treatment Plant shall be charged a minimum charge of \$25.00 per load plus \$.07 per gallon for any load exceeding 300 gallons.

(f) For the purposes of measuring gallons in subsection (e) above, gallons of septage shall be measured by one of the following three methods:

- (1) By the capacity of the tank to be emptied, or
- (2) The difference in pounds between the loaded and unloaded tanker vehicle divided by 8.34. The hauler must present properly dated and documented evidence from the weight scales at the truck stop located on the southwest corner of I-90 and Rte. 534, or
- (3) By mechanical means provided by the Village on site.  
(Ord. 2022-77. Passed 9-19-22.)

- (g) The Village may refuse or terminate septage receipts for any of the following reasons:
- (1) In the opinion of the Wastewater Treatment Plant Superintendent, the acceptance of additional septage risks damaging or jeopardizing the operation of the plant or violating the Village's NPDES permit.
  - (2) The hauler has violated any term or condition of this section, or the rules and regulations of the Village, the State of Ohio or the United States.
  - (3) The hauler of the septage has failed to pay in full any outstanding balance owed the Village for a period of thirty days or more.
  - (4) The hauler has misrepresented the nature and source of the wastewater.
- (h) No person shall dispose of any septage without first having a permit from the Mayor.
- (i) No person shall dispose of septage unless an employee of the Village Sewer Department is on site to obtain a sample of the septage to be disposed. At the discretion of the Wastewater Treatment Superintendent, the Sewer Superintendent may waive the rule requiring the presence of an employee provided that the hauler takes his own sample and leaves it at a designated place in the plant. At the end of the month, the Superintendent shall provide the Fiscal Officer with the name of each hauler who disposed of waste at the plant during the month, including the address of the hauler, the dates of each disposal, the amount of septage for each date, and the amount due for each disposal. The Fiscal Officer shall provide a bill to the hauler within 10 days after receipt which shall require payment within thirty days.  
(Ord. 2009-40. Passed 5-4-09.)

#### **921.12 SEPTAGE ENTERPRISE FUND.**

- (a) A septage enterprise fund is hereby created with the following account numbers:
- (1) Fund Number 5202 Sewer Enterprise/Septage Fund.
  - (2) Receipt of revenue: 5202-590-6050 Charges for Services-Septage Fund.
  - (3) Expenditures: 5202-800-590-0000 Capital Outlay.
- (b) Only income from the operation of septage shall be deposited in revenue fund 5202.
- (c) From account 5202-800-590-0000 only the following expenses shall be paid:
- (1) Costs and expenses for the handling of septage.
  - (2) Costs and expenses for rehabilitation/restoration/improvements of the wastewater treatment plant collection system and appurtenances, including matches to local, state and federal grants.
- (d) Under no circumstances will this fund be used to pay costs for operations, payroll, maintenance or repair. (Ord. 2008-69. Passed 9-15-08.)

#### **921.99 PENALTY.**

Any person, firm or corporation violating or failing to perform any condition or regulation set forth in any permit issued pursuant to this chapter, or continue to use or occupy the premises in violation of this chapter, or knowingly suffer or permit a violation of this chapter to occur or exist on such premises shall be guilty of a minor misdemeanor by each such action or omission, and upon conviction thereof, shall be fined not more than one hundred fifty dollars (\$150.00). Each day during which such act, violation or omission shall be done, committed, omitted or continued shall constitute a separate offense.  
(Ord. 1220. Passed 6-21-04.)

## **CHAPTER 929**

### **Water**

EDITOR'S NOTE: Pursuant to Ordinance 863, passed February 4, 1985, the Village has entered into an agreement with the Ohio Water Service Company concerning water rates and other terms of service and improvements. The company's rules and regulations governing its service to the Village shall be the company's Master Tariff P.U.C.O. No. 1 on file with the Public Utilities Commission of Ohio.

#### **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  
Water Works mortgage revenue bonds - see Ohio R.C. 715.09 et seq.  
Compulsory water connections - see Ohio R.C. 729.06, 743.23  
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  
Fluoridation - see Ohio R.C. 6111.13  
Water pollution control - see Ohio R.C. Ch. 6111  
Water supply - see OAC Ch. 4101:2-51-37  
Backflow - see OAC Ch. 4101:2-51-38





**CHAPTER 937**  
**Storm Water Drains, Ditches and Culverts**

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| <p><b>937.01</b> Definitions.</p> <p><b>937.02</b> Inspections.</p> <p><b>937.03</b> Notice to correct defects.</p> <p><b>937.04</b> Material to be used.</p> <p><b>937.05</b> Installation of new pipe;</p> <p><b>937.06</b> City may install and certify costs if owner fails to comply.</p> <p><b>937.07</b> Positive surface water drainage required.</p> | <p><b>937.08</b> Draining adjacent premises.</p> <p><b>937.09</b> Installation of pipe in ditch line.</p> <p><b>937.10</b> Installation of pipe in ditch at owner's expense.</p> <p><b>937.11</b> Property owner responsible for maintenance of pipe installed in ditch line.</p> <p><b>937.99</b> Penalty.</p> |
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**937.01 DEFINITIONS.**

As used in this chapter, the following terms are defined as follows:

- (a) "Drainage ditch" means those ditches draining storm and surface water which run in a direction generally parallel to public or private roads. Such drainage ditches are the responsibility of the Village except as stated herein.
- (b) "Culverts" mean pipes running under private driveways or those running along a landowner's property line in a direction generally parallel to public or private roads.
- (c) "Drainage ditch defects" include those ditches deeper than 3 feet below the plane of the adjacent road or those ditches without a proper slope to drain water or that present a hazard to public or private roads or a hazard to the general health, safety and welfare of those utilizing such roads.
- (d) "Culvert defects" include those culverts which are clogged or broken such as to impede the flow of water through the culverts, or those culverts which are so undersized that they cannot handle the water flow without backing up and flooding private or public property, or those culverts with an insufficient slope to drain water. (Ord. 2006-53. Passed 4-2-07.)

**937.02 INSPECTIONS.**

The Mayor or his/her designee is hereby directed to make periodic surveys and examinations of the position and condition of all culverts and drainage ditches to determine the existence of any drainage ditch defects or culvert defects.  
(Ord. 2006-53. Passed 4-2-07.)

**937.03 NOTICE TO CORRECT DEFECTS.**

If the Mayor or his/her designee determines a drainage ditch or culvert to be defective as described in Section 937.01 above, the Mayor or his/her designee shall inform the owner of the property on which the defective or drainage ditch or culvert is found of the unsatisfactory condition and to make recommendations for replacement, resetting or cleaning the defective drain or culvert, in writing, as the Mayor or his/her designee may deem necessary. The Mayor or his/her designee shall provide for a reasonable period of time for the owner or occupant of land to correct the defect. The time limitation shall be included in the written notice. In the event that the owner or occupant of land fails to correct the defect within the time period specified, then the Mayor or his/her designee shall proceed under the provisions of this chapter.  
(Ord. 2006-53. Passed 4-2-07.)

**937.04 MATERIAL TO BE USED.**

In all new construction of culverts and in all cases requiring replacement of existing culverts, the culverts shall be of corrugated metal or reinforced concrete pipe or approved corrugated plastic pipe and shall be of a size appropriate to handle the water flow without backing up and flooding private or public land, but in no instance shall be less than twelve inches in diameter. (Ord. 2006-53. Passed 4-2-07.)

**937.05 INSTALLATION OF NEW PIPE; FEE.**

(a) In the event that the Mayor or his/her designee determines that a drainage ditch or culvert is defective as described in Section 937.01, the owner of such property shall make repairs to the drainage ditch, install new culverts or repair existing culverts at his own cost and expense as directed by the Mayor or his/her designee. In the event the owner of the property wishes to hire a contractor to perform the work, or wishes to perform the work on his own, he shall first obtain a permit signed by Mayor or his/her designee prior to the commencement of the work. The applicant shall furnish plans indicating the proposed location of the culvert or drainpipe and any other information deemed necessary by the Mayor or his/her designee. A permit fee of fifty dollars (\$50.00) shall be paid to the Mayor or his/her designee at the time the application is filed.

(b) In the event of new construction involving the installation of culverts or construction of drainage ditches, the landowner shall first obtain a permit signed by Mayor or his/her designee prior to the commencement of the work. The applicant shall furnish plans indicating the proposed location of the culvert or drainpipe and any other information deemed necessary by the Mayor or his/her designee. A permit fee of fifty dollars (\$50.00) shall be paid to the Mayor or his/her designee at the time the application is filed.

(c) The landowner shall not cover any culvert without first having the same inspected.

(d) In the event the landowner fails to correct the defect by the deadline established by the Mayor or his/her designee, then the Mayor or his/her designee shall cause the work same to be installed in a proper manner of fifteen dollars (\$15.00)/linear foot of culvert and shall charge the same to the landowner. (Ord. 2006-53. Passed 4-2-07.)

**937.06 CITY MAY INSTALL AND CERTIFY COSTS IF OWNER FAILS TO COMPLY.**

In the event the owner or occupant of premises described in Section 937.05 fails to provide the required drain pipe as required in Section 937.05 within the time period prescribed by the Mayor or his/her designee in his written notice to the property owner under Section 937.02, and the same remains unpaid for a period of sixty days, the Fiscal Officer is directed to certify the costs of fifteen dollars (\$15.00)/linear foot plus ten percent (10%) interest to the County Auditor for collection on behalf of the Village in the same manner and form as the collection of all other taxes and assessments of the Village.

(Ord. 2006-53. Passed 4-2-07.)

**937.07 POSITIVE SURFACE WATER DRAINAGE REQUIRED.**

Whenever the surface of a lot or plot of land, or portion thereof, is filled, graded or resurfaced with impervious materials, positive drainage shall be provided for storm water draining from such surface so that a nuisance shall not occur. A catch basin properly connected by a pipe to a public storm sewer available to the property or section of the lot or plot shall be installed and maintained. Where no public sewer is available, other approved provisions, such as an underground drain, shall be made where water normally pockets, so as to prevent the accumulation of surface water. (Ord. 2006-53. Passed 4-2-07.)

**937.08 DRAINING ADJACENT PREMISES.**

Surface water shall not be drained by any land owner or person in possession on or to the adjacent premises not of the same ownership without written permission of the owner of the adjacent property. (Ord. 2006-53. Passed 4-2-07.)

**937.09 INSTALLATION OF PIPE IN DITCH LINE.**

In the event that the owner or occupant of a premises wishes to install culvert pipe in the ditch line along the length of his property, he shall first obtain a permit signed by the Mayor or his/her designee. The applicant shall furnish plans indicating the proposed location of the pipe and any other information deemed necessary by the Mayor or his/her designee. A permit fee of twenty-five dollars (\$25.00) shall be paid to the Village at the time the application is filed.

(Ord. 2006-53. Passed 4-2-07.)

**937.10 INSTALLATION OF PIPE IN DITCH AT OWNER'S EXPENSE.**

The owner or occupant shall purchase and install the pipe and fill material at his own expense. The Mayor or his/her designee shall assist with trenching of the property and determining the correct grade of the ditch line. Material to be used shall be perforated drain pipe the same size as the driveway culvert. Connection to abutting culverts shall be completed with a collar. Complete installation specifications may be obtained from the Village.

(Ord. 2006-53. Passed 4-2-07.)

**937.11 PROPERTY OWNER RESPONSIBLE FOR MAINTENANCE OF PIPE INSTALLED IN DITCH LINE.**

(a) Installation of pipe to replace a ditch is done at the property owner's risk. If it is determined that broken pipe, tile or material placed in the ditch line by the property owner is creating an obstruction causing water backup, the Mayor or his/her designee shall notify the owner or occupant in writing to remove the broken pipe, tile or material or clear the obstruction. If the pipe or obstruction is not removed within ten days of receipt of notice from the Mayor or his/her designee, the Mayor or his/her designee shall cause the pipe to be removed.

(b) The area of the ditch piped in by the owner or occupant may not be used for driveway or parking purposes.  
(Ord. 2006-53. Passed 4-2-07.)

**937.99 PENALTY.**

Whoever obstructs, hinders or interferes with the flow of water in any street side ditch in any manner or whoever violates any provision of this chapter is guilty of a minor misdemeanor.  
(Ord. 2006-53. Passed 4-2-07.)

**TITLE FIVE - Other Public Services**  
Chap. 951. Garbage and Refuse.

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**CHAPTER 951**  
**Garbage and Refuse**

<p><b>951.01</b> Definitions.</p> <p><b>951.02</b> Garbage collection.</p> <p><b>951.03</b> Nuisance and accumulation of garbage and refuse.</p> <p><b>951.04</b> Container regulations.</p> <p><b>951.05</b> License required to haul commercial waste.</p>	<p><b>951.06</b> Exclusive license for residential waste.</p> <p><b>951.07</b> Garbage collection accounts.</p> <p><b>951.08</b> Residential trash rates.</p> <p><b>951.99</b> 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

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**951.01 DEFINITIONS.**

As used in this chapter:

- (a) "Commercial waste" means all rubbish, trash, refuse, and garbage of any kind generated in any business or commercial setting, including wholesale and retail establishments, all service establishments, construction sites, condominiums, and multi-family residences/apartment complexes which rent to two or more families. Commercial waste shall include waste generated from more than one family residential unit on the same parcel.
- (b) "Residential waste" means all rubbish, trash, refuse and garbage of any kind generated from residential single family homes.

- (c) "Collection of waste" means the physical act of picking up or taking actual physical custody of waste materials and placing such materials in an approved mode of transportation with the purpose of removing the waste from its location.
- (d) "Garbage" means every waste or refuse, animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storage of meat, fish, fowl, fruit or vegetables, all putrescible waste except sewage and body waste.
- (e) "Refuse" means bottles, broken glass, tin cans (not exceeding one gallon), cardboard, paper, newspaper and magazines, clothing and small hand appliances. Refuse does not include wood, ashes, paint cans or containers larger than one gallon, old furniture, major appliances (stoves, refrigerators, dryers and washers, etc.), auto parts or remnant building materials or other substances which may result from building demolition or remodeling projects.
- (f) "Toter" means any container designed to hold garbage between forty-one and ninety-six gallons. (Ord. 2009-06. Passed 2-2-09.)

#### **951.02 GARBAGE COLLECTION.**

(a) Every residential unit or commercial unit shall arrange for garbage pickup at least once per week except that multi-family units such as condominiums, duplexes and apartment buildings shall be treated as one and shall be arranged through the owner/operator of the multi-family unit. Multi-family units shall include individual cottages or residential units if located on the same parcel and owned by the same person.

(b) The landowner shall be responsible for providing garbage or trash collection for any parcel, or part thereof, that he occupies whether residential or commercial.

(c) The landowner shall be responsible for providing garbage or trash collection for any parcel with more than one residential or commercial unit upon it, or in those structures housing multiple residential or commercial units. For purposes of transition only, the Mayor may allow a landlord to require his tenants to contract for garbage collection with a commercial hauler until December 31, 2009, provided, such landlord can demonstrate that an annual lease was in effect with such tenant prior to January 1, 2009, requiring the tenant to contract for their own garbage collection.

(d) The landowner and the occupant/tenant shall be jointly responsible for providing garbage or trash collection for any parcel containing one residential unit or one commercial unit. (Ord. 2009-06. Passed 2-2-09.)

#### **951.03 NUISANCE AND ACCUMULATION OF GARBAGE AND REFUSE.**

No person or commercial entity shall allow garbage or rubbish to accumulate in such a manner that it generates odors, encourages rodents or other pests, becomes unsightly or otherwise becomes a nuisance risking public health and safety. The Village shall provide a person or commercial entity found violating this section, and the owner of such property, with a written notice to remove such garbage within twenty-four hours. If such person/owner fails to remove such garbage within such twenty-four hours, the Village may proceed to remove such garbage at cost to the owner. The Village may assess the costs to the owner of such property if the owner fails to pay the costs of removal within thirty days after receiving written notice. (Ord. 2009-06. Passed 2-2-09.)

**951.04 CONTAINER REGULATIONS.**

(a) No person or commercial entity shall place garbage or refuse in any container that is not a metal or plastic can or bag, and that is not secured from wild animals.

- (1) Residential users shall not exceed a forty-gallon container.
- (2) Commercial users may use bags, cans or containers or approved dumpsters in accordance with their commercial contract, except that any commercial user shall use an approved dumpster if they generate more than four totes per pick-up, not to exceed two pickups per week.
- (3) Those occupants over the age of sixty-two may utilize plastic bags for their own use provided by the exclusive hauler, provided that no more than two bags per week may be used.
- (4) Those commercial entities using an approved dumpster supplied by a licensed hauler.

(b) All garbage placed in cans, containers or bags shall be drained free of water.

(c) Residential users shall place all garbage containers at the curb or roadside except that no person or commercial entity not using an approved dumpster shall place garbage containers for pickup or within twenty feet of any public or private right of way before sunset, the night before the scheduled pickup.

(Ord. 2009-06. Passed 2-2-09.)

**951.05 LICENSE REQUIRED TO HAUL COMMERCIAL WASTE.**

(a) No person or commercial entity shall engage in the business of collection of commercial waste unless such person or entity is a present holder of a valid refuse collector license issued by the Mayor which specifically authorizes the holder of such license to collect commercial waste within the Village limits.

(b) The annual fee for a refuse collector license shall be one thousand two hundred dollars (\$1,200) per year. If the application for a license is made after the beginning of the year, the Mayor shall charge a pro-rata fee of one hundred dollars (\$100.00) per month for each month or part thereof remaining in the calendar year. Each license shall expire on December 31 of the year sought. The fee shall not apply in the following circumstances:

- (1) The commercial hauler does not engage in the actual handling of waste but subcontracts it out (each sub must obtain a license and pay the fee).
- (2) The annual spring clean-up.

(c) A person seeking a refuse collector license shall submit a written application to the Mayor which shall include:

- (1) Payment in full for the current year.
  - (2) Verification of insurance licensed in the State of Ohio in the amount of five hundred thousand dollars (\$500,00) for bodily injury or death, one million dollars (\$1,000,000) per incident, and fifty thousand dollars (\$50,000) for property damage.
  - (3) Verification of compliance with the Ohio Workers' Compensation laws.
  - (4) Copies of such other permits and licenses as may be required by law.
- (Ord. 2009-06. Passed 2-2-09.)

**951.06 EXCLUSIVE LICENSE FOR RESIDENTIAL WASTE.**

(a) No person or commercial entity shall engage in the commercial business of collecting or hauling residential waste within the Village without first obtaining an exclusive franchise from the Village Mayor. The Mayor shall not issue more than one franchise per year, and then only through a competitive bidding procedure as authorized by Village Council.

(b) No person shall contract or employ a person or commercial entity not selected by the Village Mayor as the exclusive franchisee to collect his or her residential waste, unless the commercial entity possessing the exclusive franchise is unable or unwilling to collect the trash due to unusual size or shape in a timely manner.

(c) Haulers of residential waste shall satisfy the same requirements as set forth in Section 951.05(c)(1) to (4) for haulers of commercial waste.  
(Ord. 2009-06. Passed 2-2-09.)

**951.07 GARBAGE COLLECTION ACCOUNTS.**

Except as otherwise provided herein, every commercial establishment or residential unit generating trash or garbage shall have its own account for garbage collection unless:

(a) More than one business or residential unit is owned by the same person or entity, and

(b) Such additional businesses or residential units are located on the same parcel or a parcel immediately adjacent to each other.

(Ord. 2009-06. Passed 2-2-09.)

**951.08 RESIDENTIAL TRASH RATES.**

(a) Rates for residential trash pickup are established by Council from time to time.

(b) All persons eligible for residential trash service shall register with the Village for residential trash pickup.

(1) Those persons wishing to register for annual pickup from January 1<sup>st</sup> to December 31<sup>st</sup>, and those persons wishing to register for at least six months of pickup shall have two options for payment:

A. One annual payment.

B. Quarterly payments of January 1, April 1, July 1 and October 1. A convenience fee of five dollars (\$5.00) shall be added to each quarter payment. All quarterly payments shall be received not later than January 1, April 10, July 10 and October 10. Those persons paying later than such date shall have their trash service terminated and shall pay a twenty-five dollar (\$25.00) late fee and the full quarter payment before their trash service is reinstated.

(2) Those persons wishing to register with the Village for a period of less than six months shall be required to post the entire amount due for their requested service and shall pay a convenience fee of five dollars (\$5.00) per quarter of service in addition to their lump sum payment.

(3) Under no circumstances shall any residential user pay less than a full calendar month of service. There shall be no prorations for monthly service. (Ord. 2009-77. Passed 9-21-09.)



**951.99 PENALTY.**

Any person, company, corporation or other commercial entity found violating this chapter shall be fined not in excess of one hundred dollars (\$100.00) per day for each day the violation continues. (Ord. 2009-06. Passed 2-2-09.)